



Sen. John M. Sullivan

Filed: 3/30/2007

09500SB1090sam001

LRB095 05979 RCE 34821 a

1 AMENDMENT TO SENATE BILL 1090

2 AMENDMENT NO. _____. Amend Senate Bill 1090 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by changing
5 Section 8.3 as follows:

6 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

7 Sec. 8.3. Money in the Road Fund shall, if and when the
8 State of Illinois incurs any bonded indebtedness for the
9 construction of permanent highways, be set aside and used for
10 the purpose of paying and discharging annually the principal
11 and interest on that bonded indebtedness then due and payable,
12 and for no other purpose. The surplus, if any, in the Road Fund
13 after the payment of principal and interest on that bonded
14 indebtedness then annually due shall be used as follows:

15 first -- to pay the cost of administration of Chapters
16 2 through 10 of the Illinois Vehicle Code, except the cost

1 of administration of Articles I and II of Chapter 3 of that
2 Code; and

3 secondly -- for expenses of the Department of
4 Transportation for construction, reconstruction,
5 improvement, repair, maintenance, operation, and
6 administration of highways in accordance with the
7 provisions of laws relating thereto, or for any purpose
8 related or incident to and connected therewith, including
9 the separation of grades of those highways with railroads
10 and with highways and including the payment of awards made
11 by the Illinois Workers' Compensation Commission under the
12 terms of the Workers' Compensation Act or Workers'
13 Occupational Diseases Act for injury or death of an
14 employee of the Division of Highways in the Department of
15 Transportation; or for the acquisition of land and the
16 erection of buildings for highway purposes, including the
17 acquisition of highway right-of-way or for investigations
18 to determine the reasonably anticipated future highway
19 needs; or for making of surveys, plans, specifications and
20 estimates for and in the construction and maintenance of
21 flight strips and of highways necessary to provide access
22 to military and naval reservations, to defense industries
23 and defense-industry sites, and to the sources of raw
24 materials and for replacing existing highways and highway
25 connections shut off from general public use at military
26 and naval reservations and defense-industry sites, or for

1 the purchase of right-of-way, except that the State shall
2 be reimbursed in full for any expense incurred in building
3 the flight strips; or for the operating and maintaining of
4 highway garages; or for patrolling and policing the public
5 highways and conserving the peace; or for the operating
6 expenses of the Department relating to the administration
7 of public transportation programs; or for any of those
8 purposes or any other purpose that may be provided by law.

9 Appropriations for any of those purposes are payable from
10 the Road Fund. Appropriations may also be made from the Road
11 Fund for the administrative expenses of any State agency that
12 are related to motor vehicles or arise from the use of motor
13 vehicles.

14 Beginning with fiscal year 1980 and thereafter, no Road
15 Fund monies shall be appropriated to the following Departments
16 or agencies of State government for administration, grants, or
17 operations; but this limitation is not a restriction upon
18 appropriating for those purposes any Road Fund monies that are
19 eligible for federal reimbursement;

20 1. Department of Public Health;

21 2. Department of Transportation, only with respect to
22 subsidies for one-half fare Student Transportation and
23 Reduced Fare for Elderly;

24 3. Department of Central Management Services, except
25 for expenditures incurred for group insurance premiums of
26 appropriate personnel;

1 4. Judicial Systems and Agencies.

2 Beginning with fiscal year 1981 and thereafter, no Road
3 Fund monies shall be appropriated to the following Departments
4 or agencies of State government for administration, grants, or
5 operations; but this limitation is not a restriction upon
6 appropriating for those purposes any Road Fund monies that are
7 eligible for federal reimbursement:

8 1. Department of State Police, except for expenditures
9 with respect to the Division of Operations;

10 2. Department of Transportation, only with respect to
11 Intercity Rail Subsidies and Rail Freight Services.

12 Beginning with fiscal year 1982 and thereafter, no Road
13 Fund monies shall be appropriated to the following Departments
14 or agencies of State government for administration, grants, or
15 operations; but this limitation is not a restriction upon
16 appropriating for those purposes any Road Fund monies that are
17 eligible for federal reimbursement: Department of Central
18 Management Services, except for awards made by the Illinois
19 Workers' Compensation Commission under the terms of the
20 Workers' Compensation Act or Workers' Occupational Diseases
21 Act for injury or death of an employee of the Division of
22 Highways in the Department of Transportation.

23 Beginning with fiscal year 1984 and thereafter, no Road
24 Fund monies shall be appropriated to the following Departments
25 or agencies of State government for administration, grants, or
26 operations; but this limitation is not a restriction upon

1 appropriating for those purposes any Road Fund monies that are
2 eligible for federal reimbursement:

3 1. Department of State Police, except not more than 40%
4 of the funds appropriated for the Division of Operations;

5 2. State Officers.

6 Beginning with fiscal year 1984 and thereafter, no Road
7 Fund monies shall be appropriated to any Department or agency
8 of State government for administration, grants, or operations
9 except as provided hereafter; but this limitation is not a
10 restriction upon appropriating for those purposes any Road Fund
11 monies that are eligible for federal reimbursement. It shall
12 not be lawful to circumvent the above appropriation limitations
13 by governmental reorganization or other methods.
14 Appropriations shall be made from the Road Fund only in
15 accordance with the provisions of this Section.

16 Money in the Road Fund shall, if and when the State of
17 Illinois incurs any bonded indebtedness for the construction of
18 permanent highways, be set aside and used for the purpose of
19 paying and discharging during each fiscal year the principal
20 and interest on that bonded indebtedness as it becomes due and
21 payable as provided in the Transportation Bond Act, and for no
22 other purpose. The surplus, if any, in the Road Fund after the
23 payment of principal and interest on that bonded indebtedness
24 then annually due shall be used as follows:

25 first -- to pay the cost of administration of Chapters
26 2 through 10 of the Illinois Vehicle Code; and

1 secondly -- no Road Fund monies derived from fees,
2 excises, or license taxes relating to registration,
3 operation and use of vehicles on public highways or to
4 fuels used for the propulsion of those vehicles, shall be
5 appropriated or expended other than for costs of
6 administering the laws imposing those fees, excises, and
7 license taxes, statutory refunds and adjustments allowed
8 thereunder, administrative costs of the Department of
9 Transportation, including, but not limited to, the
10 operating expenses of the Department relating to the
11 administration of public transportation programs, payment
12 of debts and liabilities incurred in construction and
13 reconstruction of public highways and bridges, acquisition
14 of rights-of-way for and the cost of construction,
15 reconstruction, maintenance, repair, and operation of
16 public highways and bridges under the direction and
17 supervision of the State, political subdivision, or
18 municipality collecting those monies, and the costs for
19 patrolling and policing the public highways (by State,
20 political subdivision, or municipality collecting that
21 money) for enforcement of traffic laws. The separation of
22 grades of such highways with railroads and costs associated
23 with protection of at-grade highway and railroad crossing
24 shall also be permissible.

25 Appropriations for any of such purposes are payable from
26 the Road Fund or the Grade Crossing Protection Fund as provided

1 in Section 8 of the Motor Fuel Tax Law.

2 Except as provided in this paragraph, beginning with fiscal
3 year 1991 and thereafter, no Road Fund monies shall be
4 appropriated to the Department of State Police for the purposes
5 of this Section in excess of its total fiscal year 1990 Road
6 Fund appropriations for those purposes unless otherwise
7 provided in Section 5g of this Act. For fiscal years 2003,
8 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be
9 appropriated to the Department of State Police for the purposes
10 of this Section in excess of \$97,310,000. For fiscal year 2008
11 and thereafter, no Road Fund moneys may be appropriated to the
12 Department of State Police for the purposes of this Section. It
13 shall not be lawful to circumvent this limitation on
14 appropriations by governmental reorganization or other methods
15 unless otherwise provided in Section 5g of this Act.

16 In fiscal year 1994, no Road Fund monies shall be
17 appropriated to the Secretary of State for the purposes of this
18 Section in excess of the total fiscal year 1991 Road Fund
19 appropriations to the Secretary of State for those purposes,
20 plus \$9,800,000. It shall not be lawful to circumvent this
21 limitation on appropriations by governmental reorganization or
22 other method.

23 Beginning with fiscal year 1995 and thereafter, no Road
24 Fund monies shall be appropriated to the Secretary of State for
25 the purposes of this Section in excess of the total fiscal year
26 1994 Road Fund appropriations to the Secretary of State for

1 those purposes. It shall not be lawful to circumvent this
2 limitation on appropriations by governmental reorganization or
3 other methods.

4 Beginning with fiscal year 2000, total Road Fund
5 appropriations to the Secretary of State for the purposes of
6 this Section shall not exceed the amounts specified for the
7 following fiscal years:

8	Fiscal Year 2000	\$80,500,000;
9	Fiscal Year 2001	\$80,500,000;
10	Fiscal Year 2002	\$80,500,000;
11	Fiscal Year 2003	\$130,500,000;
12	Fiscal Year 2004	\$130,500,000;
13	Fiscal Year 2005	\$130,500,000;
14	Fiscal Year 2006	\$130,500,000;
15	Fiscal Year 2007	\$130,500,000;
16	Fiscal Year 2008 and	
17	each year thereafter	<u>\$0</u> \$30,500,000.

18 It shall not be lawful to circumvent this limitation on
19 appropriations by governmental reorganization or other
20 methods.

21 No new program may be initiated in fiscal year 1991 and
22 thereafter that is not consistent with the limitations imposed
23 by this Section for fiscal year 1984 and thereafter, insofar as
24 appropriation of Road Fund monies is concerned.

25 Nothing in this Section prohibits transfers from the Road
26 Fund to the State Construction Account Fund under Section 5e of

1 this Act; nor to the General Revenue Fund, as authorized by
2 this amendatory Act of the 93rd General Assembly.

3 The additional amounts authorized for expenditure in this
4 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
5 shall be repaid to the Road Fund from the General Revenue Fund
6 in the next succeeding fiscal year that the General Revenue
7 Fund has a positive budgetary balance, as determined by
8 generally accepted accounting principles applicable to
9 government.

10 The additional amounts authorized for expenditure by the
11 Secretary of State and the Department of State Police in this
12 Section by this amendatory Act of the 94th General Assembly
13 shall be repaid to the Road Fund from the General Revenue Fund
14 in the next succeeding fiscal year that the General Revenue
15 Fund has a positive budgetary balance, as determined by
16 generally accepted accounting principles applicable to
17 government.

18 (Source: P.A. 93-25, eff. 6-20-03; 93-721, eff. 1-1-05; 93-839,
19 eff. 7-30-04; 94-91, eff. 7-1-05; 94-839, eff. 6-6-06.)

20 Section 99. Effective date. This Act takes effect July 1,
21 2007."