

HB3833



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3833

Introduced 2/25/2009, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

30 ILCS 105/8.3

from Ch. 127, par. 144.3

Amends the State Finance Act. For 2010 and thereafter, limits amounts appropriated from the Road Fund to the Department of State Police to \$97,310,000. Effective immediately.

LRB096 10371 RCE 20541 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
17 of administration of Articles I and II of Chapter 3 of that
18 Code; and

19 secondly -- for expenses of the Department of
20 Transportation for construction, reconstruction,
21 improvement, repair, maintenance, operation, and
22 administration of highways in accordance with the
23 provisions of laws relating thereto, or for any purpose

1 related or incident to and connected therewith, including
2 the separation of grades of those highways with railroads
3 and with highways and including the payment of awards made
4 by the Illinois Workers' Compensation Commission under the
5 terms of the Workers' Compensation Act or Workers'
6 Occupational Diseases Act for injury or death of an
7 employee of the Division of Highways in the Department of
8 Transportation; or for the acquisition of land and the
9 erection of buildings for highway purposes, including the
10 acquisition of highway right-of-way or for investigations
11 to determine the reasonably anticipated future highway
12 needs; or for making of surveys, plans, specifications and
13 estimates for and in the construction and maintenance of
14 flight strips and of highways necessary to provide access
15 to military and naval reservations, to defense industries
16 and defense-industry sites, and to the sources of raw
17 materials and for replacing existing highways and highway
18 connections shut off from general public use at military
19 and naval reservations and defense-industry sites, or for
20 the purchase of right-of-way, except that the State shall
21 be reimbursed in full for any expense incurred in building
22 the flight strips; or for the operating and maintaining of
23 highway garages; or for patrolling and policing the public
24 highways and conserving the peace; or for the operating
25 expenses of the Department relating to the administration
26 of public transportation programs; or for any of those

1 purposes or any other purpose that may be provided by law.

2 Appropriations for any of those purposes are payable from
3 the Road Fund. Appropriations may also be made from the Road
4 Fund for the administrative expenses of any State agency that
5 are related to motor vehicles or arise from the use of motor
6 vehicles.

7 Beginning with fiscal year 1980 and thereafter, no Road
8 Fund monies shall be appropriated to the following Departments
9 or agencies of State government for administration, grants, or
10 operations; but this limitation is not a restriction upon
11 appropriating for those purposes any Road Fund monies that are
12 eligible for federal reimbursement;

13 1. Department of Public Health;

14 2. Department of Transportation, only with respect to
15 subsidies for one-half fare Student Transportation and
16 Reduced Fare for Elderly;

17 3. Department of Central Management Services, except
18 for expenditures incurred for group insurance premiums of
19 appropriate personnel;

20 4. Judicial Systems and Agencies.

21 Beginning with fiscal year 1981 and thereafter, no Road
22 Fund monies shall be appropriated to the following Departments
23 or agencies of State government for administration, grants, or
24 operations; but this limitation is not a restriction upon
25 appropriating for those purposes any Road Fund monies that are
26 eligible for federal reimbursement:

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

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

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

16 Beginning with fiscal year 1984 and thereafter, no Road
17 Fund monies shall be appropriated to the following Departments
18 or agencies of State government for administration, grants, or
19 operations; but this limitation is not a restriction upon
20 appropriating for those purposes any Road Fund monies that are
21 eligible for federal reimbursement:

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

24 2. State Officers.

25 Beginning with fiscal year 1984 and thereafter, no Road
26 Fund monies shall be appropriated to any Department or agency

1 of State government for administration, grants, or operations
2 except as provided hereafter; but this limitation is not a
3 restriction upon appropriating for those purposes any Road Fund
4 monies that are eligible for federal reimbursement. It shall
5 not be lawful to circumvent the above appropriation limitations
6 by governmental reorganization or other methods.
7 Appropriations shall be made from the Road Fund only in
8 accordance with the provisions of this Section.

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

18 first -- to pay the cost of administration of Chapters
19 2 through 10 of the Illinois Vehicle Code; and

20 secondly -- no Road Fund monies derived from fees,
21 excises, or license taxes relating to registration,
22 operation and use of vehicles on public highways or to
23 fuels used for the propulsion of those vehicles, shall be
24 appropriated or expended other than for costs of
25 administering the laws imposing those fees, excises, and
26 license taxes, statutory refunds and adjustments allowed

1 thereunder, administrative costs of the Department of
2 Transportation, including, but not limited to, the
3 operating expenses of the Department relating to the
4 administration of public transportation programs, payment
5 of debts and liabilities incurred in construction and
6 reconstruction of public highways and bridges, acquisition
7 of rights-of-way for and the cost of construction,
8 reconstruction, maintenance, repair, and operation of
9 public highways and bridges under the direction and
10 supervision of the State, political subdivision, or
11 municipality collecting those monies, and the costs for
12 patrolling and policing the public highways (by State,
13 political subdivision, or municipality collecting that
14 money) for enforcement of traffic laws. The separation of
15 grades of such highways with railroads and costs associated
16 with protection of at-grade highway and railroad crossing
17 shall also be permissible.

18 Appropriations for any of such purposes are payable from
19 the Road Fund or the Grade Crossing Protection Fund as provided
20 in Section 8 of the Motor Fuel Tax Law.

21 Except as provided in this paragraph, beginning with fiscal
22 year 1991 and thereafter, no Road Fund monies shall be
23 appropriated to the Department of State Police for the purposes
24 of this Section in excess of its total fiscal year 1990 Road
25 Fund appropriations for those purposes unless otherwise
26 provided in Section 5g of this Act. For fiscal years 2003,

1 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be
2 appropriated to the Department of State Police for the purposes
3 of this Section in excess of \$97,310,000. For fiscal year 2008
4 only, no Road Fund monies shall be appropriated to the
5 Department of State Police for the purposes of this Section in
6 excess of \$106,100,000. For fiscal year 2009 only, no Road Fund
7 monies shall be appropriated to the Department of State Police
8 for the purposes of this Section in excess of \$114,700,000. For
9 fiscal years 2010 and thereafter, no Road Fund moneys shall be
10 appropriated to the Department of State Police for the purposes
11 of this Section in excess of \$97,310,000. It shall not be
12 lawful to circumvent this limitation on appropriations by
13 governmental reorganization or other methods unless otherwise
14 provided in Section 5g of this Act.

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

22 Beginning with fiscal year 1995 and thereafter, no Road
23 Fund monies shall be appropriated to the Secretary of State for
24 the purposes of this Section in excess of the total fiscal year
25 1994 Road Fund appropriations to the Secretary of State for
26 those purposes. It shall not be lawful to circumvent this

1 limitation on appropriations by governmental reorganization or
2 other methods.

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

7	Fiscal Year 2000	\$80,500,000;
8	Fiscal Year 2001	\$80,500,000;
9	Fiscal Year 2002	\$80,500,000;
10	Fiscal Year 2003	\$130,500,000;
11	Fiscal Year 2004	\$130,500,000;
12	Fiscal Year 2005	\$130,500,000;
13	Fiscal Year 2006	\$130,500,000;
14	Fiscal Year 2007	\$130,500,000;
15	Fiscal Year 2008	\$130,500,000;
16	Fiscal Year 2009	\$130,500,000;
17	Fiscal Year 2010 and each year thereafter	\$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. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707,
19 eff. 1-11-08; 95-744, eff. 7-18-08.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.