



**98TH GENERAL ASSEMBLY**

**State of Illinois**

**2013 and 2014**

**SENATE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**SC0016**

Introduced 2/14/2013, by Sen. Gary Forby

**SYNOPSIS AS INTRODUCED:**

ILCON Art. XIII, Sec. 9 new  
ILCON Art. XIII, Sec. 10 new  
ILCON Art. XIII, Sec. 11 new

Proposes to amend the General Provisions Article of the Illinois Constitution. Provides that certain taxes and fees levied for the Road Fund are private funds held in trust by the legislature, and are protected from fund sweeps. Effective upon being declared adopted.

LRB098 09801 JWD 39952 e

1                                   SENATE JOINT RESOLUTION  
2                                   CONSTITUTIONAL AMENDMENT

3           RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL  
4 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES  
5 CONCURRING HEREIN, that there shall be submitted to the  
6 electors of the State for adoption or rejection at the general  
7 election next occurring at least 6 months after the adoption of  
8 this resolution a proposition to amend Article XIII of the  
9 Illinois Constitution by adding Sections 9, 10, and 11 as  
10 follows:

11                                   ARTICLE XIII  
12                                   GENERAL PROVISIONS

13           (ILCON Art. XIII, Sec. 9 new)

14   SECTION 9. ROAD FUND

15           All funds collected by the State from any taxes or fees  
16 levied or imposed for the payment of bonded indebtedness for  
17 the construction of permanent highways, and for expenses of the  
18 Department of Transportation for construction, reconstruction,  
19 improvement, repair, maintenance, operation, and  
20 administration of highways shall be deposited only into the  
21 Road Fund, its successor Fund, or with a trustee for the  
22 benefit of the Road Fund.

23           Notwithstanding any other provision of this Constitution

1 to the contrary, any deposits into the Road Fund are not public  
2 monies, but are self-generated, private monies to be held in  
3 trust by the legislature in accordance with the provisions of  
4 law relating thereto. Such funds shall not be defined as State  
5 general funds or dedicated funds required for deposit in the  
6 State treasury.

7 No bill that has the effect, directly or indirectly, of  
8 diverting money from the Road Fund by way of sweeps,  
9 administrative charges or charge backs, or any other fiscal or  
10 budgetary maneuver that would transfer any amount from this  
11 Fund into any other Fund of the State, unless specifically  
12 authorized by law prior to the effective date of this  
13 Constitutional Amendment, shall become law.

14 (ILCON Art. XIII, Sec. 10 new)

15 SECTION 10. STATE CONSTRUCTION ACCOUNT FUND

16 All funds collected by the State from any taxes or fees  
17 levied or imposed for the payment of construction,  
18 reconstruction and maintenance of the State maintained highway  
19 system shall be deposited only into the State Construction  
20 Account Fund, its successor Fund, or with a trustee for the  
21 benefit of the State Construction Account Fund.

22 Notwithstanding any other provision of this Constitution  
23 to the contrary, any deposits into the State Construction  
24 Account Fund are not public monies, but are self-generated,  
25 private monies to be held in trust by the legislature for the

1 payment of construction, reconstruction and maintenance of the  
2 State maintained highway system. Such funds shall not be  
3 defined as State general funds or dedicated funds required for  
4 deposit in the State treasury.

5 No bill that has the effect, directly or indirectly, of  
6 diverting money from the State Construction Account Fund by way  
7 of sweeps, administrative charges or charge backs, or any other  
8 fiscal or budgetary maneuver that would transfer any amount  
9 from this Fund into any other Fund of the State, unless  
10 specifically authorized by law prior to the effective date of  
11 this Constitutional Amendment, shall become law.

12 (ILCON Art. XIII, Sec. 11 new)

13 SECTION 11. MOTOR FUEL TAX FUND

14 All funds collected by the State from any taxes or fees  
15 levied or imposed for the payment of transfers to the State  
16 Construction Fund, the State Boating Act Fund, the Grade  
17 Crossing Protection Fund, and any amount remaining from the  
18 Motor Fuel Tax Fund to be allocated as authorized by the  
19 legislature shall be deposited only into the Motor Fuel Tax  
20 Fund, its successor Fund, or with a trustee for the benefit of  
21 the Motor Fuel Tax Fund.

22 Notwithstanding any other provision of this Constitution  
23 to the contrary, any deposits into the Motor Fuel Tax Fund are  
24 not public monies, but are self-generated, private monies to be  
25 held in trust by the legislature. Such funds shall not be

1 defined as State general funds or dedicated funds required for  
2 deposit in the State treasury.

3 No bill that has the effect, directly or indirectly, of  
4 diverting money from the Motor Fuel Tax Fund by way of sweeps,  
5 administrative charges or charge backs, or any other fiscal or  
6 budgetary maneuver that would transfer any amount from this  
7 Fund into any other Fund of the State, unless specifically  
8 authorized by law prior to the effective date of this  
9 Constitutional Amendment, shall become law.

10 SCHEDULE

11 This Constitutional Amendment takes effect upon being  
12 declared adopted in accordance with Section 7 of the Illinois  
13 Constitutional Amendment Act.