



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0019

Introduced , by Rep. Frank J. Mautino

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 09806 JWD 39957 e

1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
4 NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
5 SENATE 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.

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SCHEDULE

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