HJRCA 36 – Transportation Spending Lock Box

Analysis

House Joint Resolution Constitutional Amendment (HJRCA) 36 proposes to amend the Illinois Constitution by providing that money derived from transportation-related services such as the purchase of gasoline, vehicle registration fees and title transfers may only be expended for transportation purposes. Those purposes include the costs for construction, reconstruction, maintenance, repair and betterment of public highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, airports or other forms of transportation, and other statutory highway purposes.

Transportation funds may also be expended to match federal aid highway funds and railroad grade crossing safety expenses. With respect to local governments, transportation funds may be used for any transportation purposes as authorized by law. This would include statutory and regulatory authorizations found in Illinois Department of Transportation (IDOT) rules and the IDOT Local Roads Manual.

Legislative Intent

Language in the amendment appears ambiguous, especially regarding local government funds. Both sponsors (Representative Phelps and Senator Haine) answered prepared questions to establish legislative intent. With municipalities being authorized to impose local taxes and fees related to transportation and motor vehicles, the legislative intent provided some clarity regarding any restrictions imposed on spending those funds due to the lockbox provision proposed in the constitutional amendment.

Below is a table that shows whether locally-imposed taxes or fees would be subject to the restrictions imposed in the constitutional amendment based upon the legislative intent established on the House and Senate floors.

Locally-Imposed Restricted Spending Unrestricted spending

Tax or Fee HJRCA36Restricted under HJRCA36

Local Sales Tax on Motor Fuel x

Local Motor Fuel Tax x

Vehicle Registration Fees x

Charitable Organization License Plates x

Constitutional Amendment Process

Having been approved by a three-fifths vote of the House and Senate, HJRCA 36 will be considered by voters during the November 8, 2016, election. The proposed constitutional amendment would be adopted if approved by either three-fifths of those voting on the amendment or a majority of those voting in the election.

Form of Ballot

Proposed Amendment to the 1970 Illinois Constitution

Explanation of Amendment

The proposed amendment adds a new section to the Revenue Article of the Illinois Constitution. The proposed amendment provides that no moneys derived from taxes, fees, excises, or license taxes, relating to registration, titles, operation, or use of vehicles or public highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, or airports, or motor fuels, including bond proceeds, shall be expended for other than costs of administering laws related to vehicles and transportation, costs for construction, reconstruction, maintenance, repair, and betterment of public highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, airports, or other forms of transportation, and other statutory highway purposes, including the State or local share to match federal aid highway funds. You are asked to decide whether the proposed amendment should become part of the Illinois Constitution.

For the proposed addition of Section 11 to Article IX of the Illinois Constitution

YES

NO