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## Constitutional tinkering a bad idea, particularly this idea

At the Nov. 8 general election, Illinois voters will be asked whether they approve adding a section to the Illinois Constitution's revenue article. The section attempts to guarantee funding for transportation building projects in Illinois by requiring that all taxes and fees collected from transportation, including the gasoline tax, be spent only for specified transportation purposes.

I think this is a very bad idea.

The delegates at the 1970 Constitutional Convention thought so, too. There was an attempt to include a similar, albeit shorter, provision in the constitution. However, the delegates realized that this is unsound financial policy and opens a Pandora's box of "sequestering" other funds for a multitude of other purposes. The delegates rejected the idea.

These sequestrations, commonly called lockboxes, ensure a steady supply of money for a specific purpose. Does anyone doubt that the state, which is almost insolvent, will spend every penny raised for transportation, whether necessary or not and whether there are other needs more pressing?

Give a government the money for a specific purpose, and you can be sure that it will find ways

to spend that money.

The section is incredibly long, detailed and completely out of sync with the rest of the language in the constitution. It reads like a statute drafted by someone unfamiliar with constitutional draftsmanship. It follows the kitchen sink approach of listing many sources of revenue and then listing all the ways the revenue can be spent.

Workers' compensation claims for the state's transportation agency, presumably the Illinois Department of Transportation, are a proper use of revenue. Payment of pension contributions apparently is not a proper use.

Think how a court could apply canons of construction like *expressio unius exclusio alterius est* and *ejusdem generis* to the lists of revenue sources and expenditures. We shouldn't have this type of drafting in a statute, let alone a constitution.

I understand that the principal proponents of the amendment are the construction industry and construction workers. They want to build; they want jobs. They say they want to modernize the infrastructure of Illinois. Fine, but there are other important calls upon the state's purse.

It is generally agreed that Illinois needs to get its financial house in order. We don't have a budget. We have a cash flow

### LAW AND PUBLIC ISSUES



**ANN M. LOUSIN**

*Ann M. Lousin has been a professor at The John Marshall Law School since 1975. Before then, she was a research assistant at the 1969-1970 Illinois constitutional convention and parliamentarian of the Illinois House of Representatives. Her treatise "The Illinois State Constitution: A Reference Guide" was published in December 2009. She can be contacted at [7lousin@jmls.edu](mailto:7lousin@jmls.edu).*

problem and a pension deficit that may soon turn into a crisis. Our bond rating is in the cellar.

Yet, the voters are being asked to approve an amendment to improve infrastructure over meeting other needs.

The schoolchildren may go without education; the neediest Illinoisans may go hungry; and retirees may have to apply for assistance. But, if the amendment garners the three-fifths vote necessary, they may drive on decent roads and ride on modern buses. I am voting NO!