



Illinois Supreme Court Upholds Bill Funding \$3 Billion for School Construction Projects

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By **Maria E. Mazza**

The Illinois Supreme Court recently upheld the constitutionality of legislation involving a \$3 billion state construction program funded in part by the legalization of video poker, which would be permitted in bars and restaurants across the state. The legislation was designed to revitalize the state's economy and would purportedly create more than 400,000 jobs. The dollars generated will also be utilized for school construction projects.

Chicago Blackhawks owner Rocky Wirtz filed suit to challenge the legislation in order to block higher state taxes resulting from the legislation that would impact his family liquor distributorship.

Wirtz argued that the legislation was unconstitutional because the legislation was not limited to a single subject. The single subject clause of the Illinois Constitution provides that bills shall be confined to one subject. The test is whether the provisions in the act have a natural and logical connection to the single subject. Therefore, legislation violates the single subject rule when it contains unrelated provisions that have any legitimate relation to the single subject.

When the legislation at issue passed, it was described as involving revenue. The legislation allows certain licensed establishments to conduct video gaming and imposes a tax of 30% on all net income from video terminals. Of the taxes collected, five-sixths will be deposited into the Capital Projects Fund and one-sixth will be deposited into the Local Governmental Video Gaming Distributive Fund.

Wirtz argued that the legislation violated the single subject rule because the legislation encompassed subjects that did not have any relationship to the generation of revenue.

While an Illinois Appellate Court agreed with Wirtz in an earlier decision, on appeal, the Supreme Court noted that although the legislation was described as involving revenue, it was more properly characterized as involving capital projects. The Supreme Court concluded that the provisions of the bill all related to capital projects. Therefore, the legislation did not violate the single subject rule.

The Supreme Court, thus, upheld the constitutionality of legislation which will provide significant funding for a variety of construction projects, including important school construction projects.

More Information

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