



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0052

Introduced , by Rep. Thomas Bennett

SYNOPSIS AS INTRODUCED:

ILCON Art. IV, Sec. 5
ILCON Art. IV, Sec. 6
ILCON Art. VIII, Sec. 2
ILCON Art. VIII, Sec. 3

Proposes to amend the Legislature and Finance Articles of the Illinois Constitution. Amends the Finance Article to provide that if a balanced budget has not been passed by June 30th of each year, the offices of Speaker of the House of Representatives and President of the Senate become vacant, and shall continue to become vacant every 90 days after the vacancies are filled until the General Assembly passes a balanced budget. Provides that within 30 days of the enactment of the law or laws comprising the State budget for a fiscal year, the Office of the Auditor General must certify whether the enacted budget will be balanced with expenses not exceeding funds estimated by the General Assembly to be available during that year. Provides that if the Office of the Auditor General certifies that the budget is not balanced, then the offices of Speaker of the House of Representatives and President of the Senate shall become vacant upon filing notice of such certification with the Secretary of State. Amends the Legislative Article to provide that within 5 days after the vacancy of the offices of Speaker of the House of Representatives and President of the Senate, the Secretary of State shall convene the House of Representatives to elect from its membership a Speaker of the House of Representatives as presiding officer, and the Governor shall convene the Senate to elect from its membership a President of the Senate as presiding officer. Provides that only members who have not previously served as the Speaker of the House of Representatives or the President of the Senate shall be eligible for election. Makes conforming changes. Effective upon being declared adopted.

LRB099 20436 RJF 44936 e

1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
4 NINETY-NINTH 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 the Illinois
9 Constitution by changing Sections 5 and 6 of Article IV, and
10 Sections 2 and 3 of Article VIII as follows:

11 ARTICLE IV
12 THE LEGISLATURE

13 (ILCON Art. IV, Sec. 5)

14 SECTION 5. SESSIONS

15 (a) The General Assembly shall convene each year on the
16 second Wednesday of January. The General Assembly shall be a
17 continuous body during the term for which members of the House
18 of Representatives are elected.

19 (b) The Governor may convene the General Assembly or the
20 Senate alone in special session by a proclamation stating the
21 purpose of the session; and only business encompassed by such
22 purpose, together with any impeachments or confirmation of
23 appointments shall be transacted. Special sessions of the

1 General Assembly may also be convened by joint proclamation of
2 the presiding officers of both houses, issued as provided by
3 law or as provided in subsection (b-5) of Section 6 of this
4 Article.

5 (c) Sessions of each house of the General Assembly and
6 meetings of committees, joint committees and legislative
7 commissions shall be open to the public. Sessions and committee
8 meetings of a house may be closed to the public if two-thirds
9 of the members elected to that house determine that the public
10 interest so requires; and meetings of joint committees and
11 legislative commissions may be so closed if two-thirds of the
12 members elected to each house so determine.

13 (Source: Illinois Constitution.)

14 (ILCON Art. IV, Sec. 6)

15 SECTION 6. ORGANIZATION

16 (a) A majority of the members elected to each house
17 constitutes a quorum.

18 (b) On the first day of the January session of the General
19 Assembly in odd-numbered years, the Secretary of State shall
20 convene the House of Representatives to elect from its
21 membership a Speaker of the House of Representatives as
22 presiding officer, and the Governor shall convene the Senate to
23 elect from its membership a President of the Senate as
24 presiding officer.

25 (b-5) Within 5 days after the vacancy of the offices of

1 Speaker of the House of Representatives and President of the
2 Senate under subsection (a-5) of Section 2 of Article VIII, the
3 Secretary of State shall convene the House of Representatives
4 to elect from its membership a Speaker of the House of
5 Representatives as presiding officer, and the Governor shall
6 convene the Senate to elect from its membership a President of
7 the Senate as presiding officer. Only members who have not
8 previously served as the Speaker of the House of
9 Representatives or the President of the Senate shall be
10 eligible for election.

11 (c) For purposes of powers of appointment conferred by this
12 Constitution, the Minority Leader of either house is a member
13 of the numerically strongest political party other than the
14 party to which the Speaker or the President belongs, as the
15 case may be.

16 (d) Each house shall determine the rules of its
17 proceedings, judge the elections, returns and qualifications
18 of its members and choose its officers. No member shall be
19 expelled by either house, except by a vote of two-thirds of the
20 members elected to that house. A member may be expelled only
21 once for the same offense. Each house may punish by
22 imprisonment any person, not a member, guilty of disrespect to
23 the house by disorderly or contemptuous behavior in its
24 presence. Imprisonment shall not extend beyond twenty-four
25 hours at one time unless the person persists in disorderly or
26 contemptuous behavior.

1 (Source: Illinois Constitution.)

2 ARTICLE VIII

3 FINANCE

4 (ILCON Art. VIII, Sec. 2)

5 SECTION 2. STATE FINANCE

6 (a) The Governor shall prepare and submit to the General
7 Assembly, at a time prescribed by law, a State budget for the
8 ensuing fiscal year. The budget shall set forth the estimated
9 balance of funds available for appropriation at the beginning
10 of the fiscal year, the estimated receipts, and a plan for
11 expenditures and obligations during the fiscal year of every
12 department, authority, public corporation and quasi-public
13 corporation of the State, every State college and university,
14 and every other public agency created by the State, but not of
15 units of local government or school districts. The budget shall
16 also set forth the indebtedness and contingent liabilities of
17 the State and such other information as may be required by law.
18 Proposed expenditures shall not exceed funds estimated to be
19 available for the fiscal year as shown in the budget.

20 (a-5) If a balanced budget has not been passed by June 30th
21 of each year, the offices of Speaker of the House of
22 Representatives and President of the Senate become vacant, as
23 provided in subsection (c) of Section 3 of this Article, and
24 shall continue to become vacant every 90 days after the

1 vacancies are filled until the General Assembly passes a
2 balanced budget. Elections to fill the vacancies shall be held
3 as provided in subsection (b-5) of Section 6 of Article IV.

4 (b) The General Assembly by law shall make appropriations
5 for all expenditures of public funds by the State.
6 Appropriations for a fiscal year shall not exceed funds
7 estimated by the General Assembly to be available during that
8 year.

9 (Source: Illinois Constitution.)

10 (ILCON Art. VIII, Sec. 3)

11 SECTION 3. STATE AUDIT AND AUDITOR GENERAL

12 (a) The General Assembly shall provide by law for the audit
13 of the obligation, receipt and use of public funds of the
14 State. The General Assembly, by a vote of three-fifths of the
15 members elected to each house, shall appoint an Auditor General
16 and may remove him for cause by a similar vote. The Auditor
17 General shall serve for a term of ten years. His compensation
18 shall be established by law and shall not be diminished, but
19 may be increased, to take effect during his term.

20 (b) The Auditor General shall conduct the audit of public
21 funds of the State. He shall make additional reports and
22 investigations as directed by the General Assembly. He shall
23 report his findings and recommendations to the General Assembly
24 and to the Governor.

25 (c) Within 30 days of the enactment of the law or laws

1 comprising the State budget for a fiscal year, the Office of
2 the Auditor General must certify whether the enacted budget
3 will be balanced with expenses not exceeding funds estimated by
4 the General Assembly to be available during that year pursuant
5 to subsection (b) of Section 2 of this Article. If the Office
6 of the Auditor General certifies that the budget is not
7 balanced, then the offices of Speaker of the House of
8 Representatives and President of the Senate shall become vacant
9 upon filing notice of such certification with the Secretary of
10 State.

11 (Source: Illinois Constitution.)

12 SCHEDULE

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