



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0049

Introduced , by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

ILCON Art. XIII, Sec. 5.1 new

Proposes to amend the General Provisions Article of the Illinois Constitution. Provides that no bill, except a bill for appropriations, that provides a benefit increase under any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof, shall become law without the concurrence of three-fifths of the members elected to each house of the General Assembly. Provides requirements for passage if the Governor vetoes a bill or returns a bill with specific recommendations for change. Provides that no ordinance, resolution, rule, or other action of the governing body, or an appointee or employee of the governing body, of any unit of local government or school district that provides an emolument increase to an official or employee that has the effect of increasing the amount of the pension or annuity that an official or employee could receive as a member of a pension or retirement system shall be valid without the concurrence of three-fifths of the members of that governing body. Provides that no action of the governing body, or an appointee or employee of the governing body, of any pension or retirement system created or maintained for the benefit of officers or employees of the State, any unit of local government or school district, or any agency or instrumentality thereof that results in a beneficial determination shall be valid without the concurrence of three-fifths of the members of that governing body. Defines terms. Effective January 9, 2013.

LRB097 21008 AMC 68312 e

1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
4 NINETY-SEVENTH 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 Section 5.1 as follows:

10 ARTICLE XIII
11 GENERAL PROVISIONS

12 (ILCON Art. XIII, Sec. 5.1 new)

13 SECTION 5.1. PENSION AND RETIREMENT BENEFIT INCREASES

14 (a) No bill, except a bill for appropriations, that
15 provides a benefit increase under any pension or retirement
16 system of the State, any unit of local government or school
17 district, or any agency or instrumentality thereof, shall
18 become law without the concurrence of three-fifths of the
19 members elected to each house of the General Assembly. If the
20 Governor vetoes such a bill by returning it with objections to
21 the house in which it originated, the provisions of Article IV,
22 Section 9 shall govern the passage of that bill except that
23 such bill shall not become law unless, upon its return, it is

1 passed by a record vote of two-thirds of the members elected to
2 each house of the General Assembly. If the Governor returns
3 such a bill with specific recommendations for change to the
4 house in which it originated, the provisions of Article IV,
5 Section 9 shall govern the acceptance of those specific
6 recommendations except that such recommendations may be
7 accepted only by a record vote of two-thirds of the members
8 elected to each house of the General Assembly, regardless of
9 the bill's date of passage or effective date.

10 For purposes of this subsection, the term "benefit
11 increase" means a change to any pension or other law that
12 results in a member of a pension or retirement system receiving
13 a new benefit or an enhancement to a benefit, including, but
14 not limited to, any changes that (i) increase the amount of the
15 pension or annuity that a member could receive upon retirement,
16 or (ii) reduce or eliminate the eligibility requirements or
17 other terms or conditions a member must meet to receive a
18 pension or annuity upon retirement. The term "benefit increase"
19 also means a change to any pension or other law that expands
20 the class of persons who may become a member of any pension or
21 retirement system or who may receive a pension or annuity from
22 a pension or retirement system. An increase in salary or wage
23 level, by itself, shall not constitute a "benefit increase"
24 unless that increase exceeds limitations provided by law.

25 (b) No ordinance, resolution, rule, or other action of the
26 governing body, or an appointee or employee of the governing

1 body, of any unit of local government or school district that
2 provides an emolument increase to an official or employee that
3 has the effect of increasing the amount of the pension or
4 annuity that an official or employee could receive as a member
5 of a pension or retirement system shall be valid without the
6 concurrence of three-fifths of the members of that governing
7 body. For purposes of this subsection, the term "emolument
8 increase" means the creation of a new or enhancement of an
9 existing advantage, profit or gain that an official or employee
10 receives by virtue of holding office or employment, including,
11 but not limited to, compensated time off, bonuses, incentives,
12 or other forms of compensation. An increase in salary or wage
13 level, by itself, shall not constitute an "emolument increase"
14 unless that increase exceeds limitations provided by law.

15 (c) No action of the governing body, or an appointee or
16 employee of the governing body, of any pension or retirement
17 system created or maintained for the benefit of officers or
18 employees of the State, any unit of local government or school
19 district, or any agency or instrumentality thereof that results
20 in a beneficial determination shall be valid without the
21 concurrence of three-fifths of the members of that governing
22 body. For the purposes of this subsection, the term "beneficial
23 determination" means an interpretation or application of
24 pension or other law by the governing body, or an appointee or
25 employee of the governing body, that reverses or supersedes a
26 previous interpretation or application and either (i) results

1 in an increase in the amount of the pension or annuity received
2 by a member of the pension or retirement system or (ii) results
3 in a person becoming eligible to receive a pension or annuity
4 from the pension or retirement system. The term "beneficial
5 determination" shall not include a beneficial determination
6 mandated by a final decision of a court of competent
7 jurisdiction.

8 (d) Nothing in this Section shall prevent the passage or
9 adoption of any law, ordinance, resolution, rule, policy, or
10 practice that further restricts the ability to provide a
11 "benefit increase", "emolument increase", or "beneficial
12 determination" as those terms are used under this Section.

13 SCHEDULE

14 This Constitutional Amendment takes effect on January 9,
15 2013.