



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0032

Introduced , by Rep. Bill Mitchell - Ed Sullivan, Jr. - Tom Demmer - John M. Cabello - Pam Roth, et al.

SYNOPSIS AS INTRODUCED:

- ILCON Art. IV, Sec. 5
- ILCON Art. IV, Sec. 11
- ILCON Art. V, Sec. 21
- ILCON Art. VIII, Sec. 2

Proposes to amend the Legislature, Executive, and Finance Articles of the Illinois Constitution. Amends the Finance Article to provide that within 30 days of the enactment of the State budget for a fiscal year, 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 the Comptroller may find at any time during the fiscal year that the State budget has become unbalanced and so report to the Auditor General, which shall have 10 days to respond to this report. Provides that, if the Auditor General certifies that the budget is not balanced or agrees with the Comptroller's finding that the State budget has become unbalanced, then (i) the Comptroller shall stop all payments (other than payments affecting the public safety of the State, payments mandated by a court of law, and payments mandated by the federal government) and stop all payments for the salaries of General Assembly members and the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer and (ii) a special session of the General Assembly shall be convened within 10 days to enact a new State budget. Provides that, upon certification that the new budget will be balanced, the Comptroller will be allowed to resume payments. Makes conforming amendments to the Legislature and Executive Articles. Effective upon being declared adopted.

1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
4 NINETY-EIGHTH 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 Sections 5 and 11 of
9 Article IV, Section 21 of Article V, and Section 2 of Article
10 VIII of the Illinois Constitution 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 (c) of Section 2 of Article
4 VIII.

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. 11)

15 SECTION 11. COMPENSATION AND ALLOWANCES

16 Except as otherwise provided in subsection (c) of Section 2
17 of Article VIII, a ~~A~~ member shall receive a salary and
18 allowances as provided by law, but changes in the salary of a
19 member shall not take effect during the term for which he has
20 been elected.

21 (Source: Illinois Constitution.)

22 ARTICLE V

23 THE EXECUTIVE

1 (ILCON Art. V, Sec. 21)

2 SECTION 21. COMPENSATION

3 Except as otherwise provided in subsection (c) of Section 2
4 of Article VIII, officers ~~Officers~~ of the Executive Branch
5 shall be paid salaries established by law and shall receive no
6 other compensation for their services. Changes in the salaries
7 of these officers elected or appointed for stated terms shall
8 not take effect during the stated terms.

9 (Source: Illinois Constitution.)

10 ARTICLE VIII

11 FINANCE

12 (ILCON Art. VIII, Sec. 2)

13 SECTION 2. STATE FINANCE

14 (a) The Governor shall prepare and submit to the General
15 Assembly, at a time prescribed by law, a State budget for the
16 ensuing fiscal year. The budget shall set forth the estimated
17 balance of funds available for appropriation at the beginning
18 of the fiscal year, the estimated receipts, and a plan for
19 expenditures and obligations during the fiscal year of every
20 department, authority, public corporation and quasi-public
21 corporation of the State, every State college and university,
22 and every other public agency created by the State, but not of
23 units of local government or school districts. The budget shall
24 also set forth the indebtedness and contingent liabilities of

1 the State and such other information as may be required by law.
2 Proposed expenditures shall not exceed funds estimated to be
3 available for the fiscal year as shown in the budget.

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 (c)(1) Within 30 days of the enactment of the law or laws
10 comprising the State budget for a fiscal year, the Office of
11 the Auditor General must certify whether the enacted budget
12 will be balanced with expenses not exceeding funds estimated by
13 the General Assembly to be available during that year pursuant
14 to subsection (b). If the Office of the Auditor General
15 certifies that the budget is not balanced, then the Comptroller
16 shall:

17 (A) stop all payments other than: (i) payments
18 affecting the public safety of the State; (ii) payments
19 that are mandated by a court of law; and (iii) payments
20 that are mandated by the federal government; and

21 (B) stop all payments for the salaries of General
22 Assembly members and the officers specified in Section 1 of
23 Article V.

24 (2) Within 10 days after the certification by the Office of
25 the Auditor General that the budget is not balanced, the
26 General Assembly must convene to address the State budget and

1 enact a new State budget. If a special session is not convened
2 by the Governor or the General Assembly by proclamation by the
3 tenth day, the declaration by the Office of the Auditor General
4 under this paragraph (2) shall operate to convene the General
5 Assembly in special session on the tenth day. Upon the
6 enactment of the law or laws comprising the new State budget,
7 the Office of the Auditor General must certify whether the new
8 State budget will be balanced with expenses not exceeding
9 expected revenue. Only when the Office of the Auditor General
10 certifies that the new State budget will be balanced will the
11 Comptroller be allowed to resume payments under subparagraphs
12 (A) and (B) of paragraph (1).

13 (3) If the Comptroller finds at any time during the fiscal
14 year that the State budget has become unbalanced, the
15 Comptroller shall so report to the Office of the Auditor
16 General. The Office of the Auditor General shall have 10 days
17 to respond to this report and, if the Office of the Auditor
18 General agrees with the finding of the Comptroller that the
19 State budget has become unbalanced, the Comptroller must stop
20 payments as specified in paragraph (1) and the procedure in
21 paragraph (2) must be followed to create a balanced budget for
22 the remainder of the fiscal year.

23 (Source: Illinois Constitution.)

24 SCHEDULE

25 This Constitutional Amendment takes effect upon being

1 declared adopted in accordance with Section 7 of the Illinois
2 Constitutional Amendment Act.