



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0037**

Introduced , by Rep. Keith Farnham

**SYNOPSIS AS INTRODUCED:**

ILCON Art. VIII, Sec. 2.1 new

Proposes to amend the Finance Article of the Illinois Constitution. Limits aggregate appropriations and transfers from the State's general funds in a fiscal year to the aggregate appropriations and transfers in the previous fiscal year, as adjusted by the 5-year average annual change in per capita personal income. Allows the Governor to declare a fiscal emergency and the General Assembly, by a three-fifths vote, to exceed the limitation. Requires excess revenues to be deposited into budget stabilization funds, and allows certain excess funds to be refunded. Effective upon being declared adopted.

LRB096 14612 RCE 29451 e

1 HOUSE JOINT RESOLUTION  
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
4 NINETY-SIXTH 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 add Section 2.1 to Article  
9 VIII of the Illinois Constitution as follows:

10 ARTICLE VIII

11 FINANCE

12 (ILCON Art. VIII, Sec. 2.1 new)

13 SECTION 2.1. LIMITATIONS ON APPROPRIATIONS AND TRANSFERS

14 (a) For the fiscal year ending in 2012 and each fiscal year  
15 thereafter, aggregate appropriations and transfers from the  
16 general funds are limited as provided in this Section. "General  
17 funds" include the general revenue fund and any other funds  
18 designated by the General Assembly by law making specific  
19 reference to this Section. "Appropriations and transfers" do  
20 not include (i) reappropriations from a previous fiscal year,  
21 (ii) those made for debt service payments, and (iii) those made  
22 to a budget stabilization fund.

23 (b) Aggregate fiscal year appropriations and transfers

1 from the general funds may not exceed the limitation amount.  
2 The limitation amount is the aggregate amount of appropriations  
3 and transfers from the general funds in the previous fiscal  
4 year, including increased amounts under subsection (c), as  
5 adjusted. The adjustment is the average annual percentage  
6 change in the average per capita personal income for Illinois  
7 for the five most recent calendar years for which data is  
8 available, as defined and reported by the United States  
9 Department of Commerce, or its successor.

10 (c) The Governor may declare a fiscal emergency by filing a  
11 declaration with the Secretary of State and copies with the  
12 Senate and House of Representatives. The declaration must be  
13 limited to only one State fiscal year, set forth compelling  
14 reasons for declaring a fiscal emergency, and request that the  
15 limitation amount for that fiscal year be increased by a  
16 specific dollar amount. The Supreme Court has original and  
17 exclusive jurisdiction over actions to determine the validity  
18 and sufficiency of a declaration, which shall be initiated in  
19 the name of the People of the State by the Attorney General. By  
20 joint resolution adopted by a record vote of three-fifths of  
21 the members elected in each house, the General Assembly may  
22 authorize increased appropriations and transfers in a specific  
23 dollar amount that is no more than the increased amount  
24 requested by the Governor in the declaration.

25 (d) If the general funds revenues for a fiscal year exceed  
26 the limitation amount for that fiscal year, then those excess

1 revenues must be deposited into one or more budget  
2 stabilization funds. A budget stabilization fund must be  
3 designated by law making specific reference to this Section or,  
4 in the absence of law, by the Comptroller. If the aggregate  
5 unexpended and unobligated amount in the budget stabilization  
6 funds at the end of a fiscal year exceeds an amount equal to  
7 ten percent of the limitation amount for that fiscal year, then  
8 that excess shall be refunded in a manner and in amounts  
9 determined by the General Assembly by law.

10

## SCHEDULE

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