



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

SC0009

Introduced 2/9/2011, by Sen. Matt Murphy

SYNOPSIS AS INTRODUCED:

ILCON Art. IV, Sec. 8
ILCON Art. IV, Sec. 9
ILCON Art. IV, Sec. 10
ILCON Art. VII, Sec. 6
ILCON Art. IX, Sec. 9

Proposes to amend the Legislature, Local Government, and Revenue Articles of the Illinois Constitution. Provides that on the date of a general election through the term of the then-current General Assembly, no bill shall become law without the concurrence of at least two-thirds of the members elected to each house. Effective upon being declared adopted.

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1 SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL
4 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
5 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 change Sections 8, 9, and 10
9 of Article IV, Section 6 of Article VII, and Section 9 of
10 Article IX as follows:

11 ARTICLE IV
12 THE LEGISLATURE

13 (ILCON Art. IV, Sec. 8)

14 SECTION 8. PASSAGE OF BILLS

15 (a) The enacting clause of the laws of this State shall be:
16 "Be it enacted by the People of the State of Illinois,
17 represented in the General Assembly."

18 (b) The General Assembly shall enact laws only by bill.
19 Bills may originate in either house, but may be amended or
20 rejected by the other.

21 (c) No bill shall become a law without the concurrence of a
22 majority of the members elected to each house; except that on
23 the date of a general election through the term of the

1 then-current General Assembly, no bill shall become law without
2 the concurrence of at least two-thirds of the members elected
3 to each house. Final passage of a bill shall be by record vote.
4 In the Senate at the request of two members, and in the House
5 at the request of five members, a record vote may be taken on
6 any other occasion. A record vote is a vote by yeas and nays
7 entered on the journal.

8 (d) A bill shall be read by title on three different days
9 in each house. A bill and each amendment thereto shall be
10 reproduced and placed on the desk of each member before final
11 passage.

12 Bills, except bills for appropriations and for the
13 codification, revision or rearrangement of laws, shall be
14 confined to one subject. Appropriation bills shall be limited
15 to the subject of appropriations.

16 A bill expressly amending a law shall set forth completely
17 the sections amended.

18 The Speaker of the House of Representatives and the
19 President of the Senate shall sign each bill that passes both
20 houses to certify that the procedural requirements for passage
21 have been met.

22 (Source: Illinois Constitution.)

23 (ILCON Art. IV, Sec. 9)

24 SECTION 9. VETO PROCEDURE

25 (a) Every bill passed by the General Assembly shall be

1 presented to the Governor within 30 calendar days after its
2 passage. The foregoing requirement shall be judicially
3 enforceable. If the Governor approves the bill, he shall sign
4 it and it shall become law.

5 (b) If the Governor does not approve the bill, he shall
6 veto it by returning it with his objections to the house in
7 which it originated. Any bill not so returned by the Governor
8 within 60 calendar days after it is presented to him shall
9 become law. If recess or adjournment of the General Assembly
10 prevents the return of a bill, the bill and the Governor's
11 objections shall be filed with the Secretary of State within
12 such 60 calendar days. The Secretary of State shall return the
13 bill and objections to the originating house promptly upon the
14 next meeting of the same General Assembly at which the bill can
15 be considered.

16 (c) The house to which a bill is returned shall immediately
17 enter the Governor's objections upon its journal. If within 15
18 calendar days after such entry that house by a record vote of
19 three-fifths (at least two-thirds on the date of a general
20 election through the term of the then-current General Assembly)
21 of the members elected passes the bill, it shall be delivered
22 immediately to the second house. If within 15 calendar days
23 after such delivery the second house by a record vote of
24 three-fifths (at least two-thirds on the date of a general
25 election through the term of the then-current General Assembly)
26 of the members elected passes the bill, it shall become law.

1 (d) The Governor may reduce or veto any item of
2 appropriations in a bill presented to him. Portions of a bill
3 not reduced or vetoed shall become law. An item vetoed shall be
4 returned to the house in which it originated and may become law
5 in the same manner as a vetoed bill. An item reduced in amount
6 shall be returned to the house in which it originated and may
7 be restored to its original amount in the same manner as a
8 vetoed bill except that the required record vote shall be a
9 majority (at least two-thirds on the date of a general election
10 through the term of the then-current General Assembly) of the
11 members elected to each house. If a reduced item is not so
12 restored, it shall become law in the reduced amount.

13 (e) The Governor may return a bill together with specific
14 recommendations for change to the house in which it originated.
15 The bill shall be considered in the same manner as a vetoed
16 bill but the specific recommendations may be accepted by a
17 record vote of a majority (at least two-thirds on the date of a
18 general election through the term of the then-current General
19 Assembly) of the members elected to each house. Such bill shall
20 be presented again to the Governor and if he certifies that
21 such acceptance conforms to his specific recommendations, the
22 bill shall become law. If he does not so certify, he shall
23 return it as a vetoed bill to the house in which it originated.

24 (Source: Illinois Constitution.)

25 (ILCON Art. IV, Sec. 10)

1 SECTION 10. EFFECTIVE DATE OF LAWS

2 The General Assembly shall provide by law for a uniform
3 effective date for laws passed prior to June 1 of a calendar
4 year. The General Assembly may provide for a different
5 effective date in any law passed prior to June 1. A bill passed
6 after May 31 shall not become effective prior to June 1 of the
7 next calendar year unless the General Assembly by the vote of
8 three-fifths (at least two-thirds on the date of a general
9 election through the term of the then-current General Assembly)
10 of the members elected to each house provides for an earlier
11 effective date.

12 (Source: Amendment adopted at general election November 8,
13 1994.)

14 ARTICLE VII

15 LOCAL GOVERNMENT

16 (ILCON Art. VII, Sec. 6)

17 SECTION 6. POWERS OF HOME RULE UNITS

18 (a) A County which has a chief executive officer elected by
19 the electors of the county and any municipality which has a
20 population of more than 25,000 are home rule units. Other
21 municipalities may elect by referendum to become home rule
22 units. Except as limited by this Section, a home rule unit may
23 exercise any power and perform any function pertaining to its
24 government and affairs including, but not limited to, the power

1 to regulate for the protection of the public health, safety,
2 morals and welfare; to license; to tax; and to incur debt.

3 (b) A home rule unit by referendum may elect not to be a
4 home rule unit.

5 (c) If a home rule county ordinance conflicts with an
6 ordinance of a municipality, the municipal ordinance shall
7 prevail within its jurisdiction.

8 (d) A home rule unit does not have the power (1) to incur
9 debt payable from ad valorem property tax receipts maturing
10 more than 40 years from the time it is incurred or (2) to
11 define and provide for the punishment of a felony.

12 (e) A home rule unit shall have only the power that the
13 General Assembly may provide by law (1) to punish by
14 imprisonment for more than six months or (2) to license for
15 revenue or impose taxes upon or measured by income or earnings
16 or upon occupations.

17 (f) A home rule unit shall have the power subject to
18 approval by referendum to adopt, alter or repeal a form of
19 government provided by law, except that the form of government
20 of Cook County shall be subject to the provisions of Section 3
21 of this Article. A home rule municipality shall have the power
22 to provide for its officers, their manner of selection and
23 terms of office only as approved by referendum or as otherwise
24 authorized by law. A home rule county shall have the power to
25 provide for its officers, their manner of selection and terms
26 of office in the manner set forth in Section 4 of this Article.

1 (g) The General Assembly by a law approved by the vote of
2 three-fifths (at least two-thirds on the date of a general
3 election through the term of the then-current General Assembly)
4 of the members elected to each house may deny or limit the
5 power to tax and any other power or function of a home rule
6 unit not exercised or performed by the State other than a power
7 or function specified in subsection (l) of this section.

8 (h) The General Assembly may provide specifically by law
9 for the exclusive exercise by the State of any power or
10 function of a home rule unit other than a taxing power or a
11 power or function specified in subsection (l) of this Section.

12 (i) Home rule units may exercise and perform concurrently
13 with the State any power or function of a home rule unit to the
14 extent that the General Assembly by law does not specifically
15 limit the concurrent exercise or specifically declare the
16 State's exercise to be exclusive.

17 (j) The General Assembly may limit by law the amount of
18 debt which home rule counties may incur and may limit by law
19 approved by three-fifths (at least two-thirds on the date of a
20 general election through the term of the then-current General
21 Assembly) of the members elected to each house the amount of
22 debt, other than debt payable from ad valorem property tax
23 receipts, which home rule municipalities may incur.

24 (k) The General Assembly may limit by law the amount and
25 require referendum approval of debt to be incurred by home rule
26 municipalities, payable from ad valorem property tax receipts,

1 only in excess of the following percentages of the assessed
2 value of its taxable property: (1) if its population is 500,000
3 or more, an aggregate of three percent; (2) if its population
4 is more than 25,000 and less than 500,000, an aggregate of one
5 percent; and (3) if its population is 25,000 or less, an
6 aggregate of one-half percent. Indebtedness which is
7 outstanding on the effective date of this Constitution or which
8 is thereafter approved by referendum or assumed from another
9 unit of local government shall not be included in the foregoing
10 percentage amounts.

11 (1) The General Assembly may not deny or limit the power of
12 home rule units (1) to make local improvements by special
13 assessment and to exercise this power jointly with other
14 counties and municipalities, and other classes of units of
15 local government having that power on the effective date of
16 this Constitution unless that power is subsequently denied by
17 law to any such other units of local government or (2) to levy
18 or impose additional taxes upon areas within their boundaries
19 in the manner provided by law for the provision of special
20 services to those areas and for the payment of debt incurred in
21 order to provide those special services.

22 (m) Powers and functions of home rule units shall be
23 construed liberally.

24 (Source: Illinois Constitution.)

1 REVENUE

2 (ILCON Art. IX, Sec. 9)

3 SECTION 9. STATE DEBT

4 (a) No State debt shall be incurred except as provided in
5 this Section. For the purpose of this Section, "State debt"
6 means bonds or other evidences of indebtedness which are
7 secured by the full faith and credit of the State or are
8 required to be repaid, directly or indirectly, from tax revenue
9 and which are incurred by the State, any department, authority,
10 public corporation or quasi-public corporation of the State,
11 any State college or university, or any other public agency
12 created by the State, but not by units of local government, or
13 school districts.

14 (b) State debt for specific purposes may be incurred or the
15 payment of State or other debt guaranteed in such amounts as
16 may be provided either in a law passed by the vote of
17 three-fifths (at least two-thirds on the date of a general
18 election through the term of the then-current General Assembly)
19 of the members elected to each house of the General Assembly or
20 in a law approved by a majority of the electors voting on the
21 question at the next general election following passage. Any
22 law providing for the incurring or guaranteeing of debt shall
23 set forth the specific purposes and the manner of repayment.

24 (c) State debt in anticipation of revenues to be collected
25 in a fiscal year may be incurred by law in an amount not

1 exceeding 5% of the State's appropriations for that fiscal
2 year. Such debt shall be retired from the revenues realized in
3 that fiscal year.

4 (d) State debt may be incurred by law in an amount not
5 exceeding 15% of the State's appropriations for that fiscal
6 year to meet deficits caused by emergencies or failures of
7 revenue. Such law shall provide that the debt be repaid within
8 one year of the date it is incurred.

9 (e) State debt may be incurred by law to refund outstanding
10 State debt if the refunding debt matures within the term of the
11 outstanding State debt.

12 (f) The State, departments, authorities, public
13 corporations and quasi-public corporations of the State, the
14 State colleges and universities and other public agencies
15 created by the State, may issue bonds or other evidences of
16 indebtedness which are not secured by the full faith and credit
17 or tax revenue of the State nor required to be repaid, directly
18 or indirectly, from tax revenue, for such purposes and in such
19 amounts as may be authorized by law.

20 (Source: Illinois Constitution.)

21 SCHEDULE

22 This Constitutional Amendment takes effect upon being
23 declared adopted in accordance with Section 7 of the Illinois
24 Constitutional Amendment Act.