



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0048

Introduced 2/14/2014, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

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

Proposes to amend the Legislature and Finance Articles of the Illinois Constitution. Amends the Finance Article to provide that the State budget shall be based on estimated revenue (now funds); defines "revenue". Provides that appropriations are expendable only during the fiscal year for which they were appropriated. Provides that no budget shall become law without the Comptroller's independent certification that the planned expenditures are less than or equal to the revenue estimates for the ensuing fiscal year. Provides that appropriations for the current fiscal may not exceed the average annual revenue collected for the 3 prior years, adjusted in proportion to changes in population and inflation. Provides that within 30 days of the enactment of the State budget for a fiscal year, the Comptroller 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 General Assembly. Provides that a special session of the General Assembly shall be convened within 10 days of receiving a report from the Comptroller to enact a new State budget. Makes a conforming amendment to the Legislature Article. Effective upon being declared adopted.

LRB098 20127 JWD 55427 e

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 Section 5 of Article IV
9 and Section 2 of Article VIII of the Illinois Constitution as
10 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 ARTICLE VIII

15 FINANCE

16 (ILCON Art. VIII, Sec. 2)

17 SECTION 2. STATE FINANCE

18 (a) The Governor shall prepare and submit to the General
19 Assembly, at a time prescribed by law, a State budget for the
20 ensuing fiscal year. The budget shall set forth the estimated
21 balance of revenue funds ~~funds~~ available for appropriation at the
22 beginning of the fiscal year, the estimated receipts, and a
23 plan for expenditures and obligations during the fiscal year of
24 every department, authority, public corporation and

1 quasi-public corporation of the State, every State college and
2 university, and every other public agency created by the State,
3 but not of units of local government or school districts. The
4 budget shall also set forth the indebtedness and contingent
5 liabilities of the State and such other information as may be
6 required by law. Proposed expenditures shall not exceed funds
7 estimated to be available for the fiscal year as shown in the
8 budget. Deficits shall not be carried forward from one fiscal
9 year into the following fiscal year. In the event, after
10 enactment of the State budget, revised estimates of expected
11 revenues or expenditures, or both, show that expenditures will
12 exceed estimated revenues, adjustments shall be made as
13 necessary to revenues or expenditures, or both, to ensure that
14 actual expenditures do not exceed actual revenues for that
15 fiscal year. "Revenue" means receipts from taxes and fees;
16 "revenue" does not include incurring debt, refinancing
17 existing debt, or fund sweeps. No budget shall take effect
18 unless: (i) the budget adheres to the spending limit set forth
19 in this Section; and (ii) the Comptroller independently
20 certifies that the planned expenditures in the budget are less
21 than or equal to the balance of revenue estimated to be
22 available by the General Assembly. Programmatic appropriations
23 shall not be less than the amount required by State or federal
24 law.

25 (b) The General Assembly by law shall make appropriations
26 for all expenditures of public funds by the State.

1 Appropriations for a fiscal year shall not exceed the average
2 annual revenue collected for the 3 prior years, adjusted in
3 proportion to changes in population and inflation. All
4 appropriations are expendable only during the fiscal year for
5 which they were appropriated. Any lapse period spending shall
6 not exceed the previous end-of-year budget balance. Current
7 revenues shall not be used to pay for previous fiscal year
8 lapse period spending. ~~funds estimated by the General Assembly~~
9 ~~to be available during that year.~~

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

15 (2) Within 10 days after the certification by the
16 Comptroller that the budget is not balanced, the General
17 Assembly must convene to address the State budget and enact
18 a new State budget. If a special session is not convened by
19 the Governor or the General Assembly by proclamation by the
20 tenth day, the declaration by the Comptroller under this
21 paragraph (2) shall operate to convene the General Assembly
22 in special session on the tenth day. Upon the enactment of
23 the law or laws comprising the new State budget, the
24 Comptroller must certify whether the new State budget will
25 be balanced with expenses not exceeding expected revenue.

26 (3) If the Comptroller finds at any time during the

1 fiscal year that the State budget has become unbalanced,
2 the procedure in paragraph (2) must be followed to create a
3 balanced budget for the remainder of the fiscal year.

4 (Source: Illinois Constitution.)

5 SCHEDULE

6 This Constitutional Amendment takes effect upon being
7 declared adopted in accordance with Section 7 of the Illinois
8 Constitutional Amendment Act.