



**100TH GENERAL ASSEMBLY**

**State of Illinois**

**2017 and 2018**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0035**

Introduced , by Rep. Thomas M. Bennett

**SYNOPSIS AS INTRODUCED:**

ILCON Art. IV, Sec. 5  
ILCON Art. IV, Sec. 6  
ILCON Art. VIII, Sec. 2  
ILCON Art. VIII, Sec. 3

Proposes to amend the Legislature and Finance Articles of the Illinois Constitution. Amends the Finance Article to provide that if a balanced budget has not been passed by June 30th of each year, the offices of Speaker of the House of Representatives and President of the Senate become vacant, and shall continue to become vacant every 90 days after the vacancies are filled until the General Assembly passes a balanced budget. Provides that within 30 days of the enactment of the law or laws comprising the State budget for a fiscal year, the Office of 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 if the Office of the Auditor General certifies that the budget is not balanced, then the offices of Speaker of the House of Representatives and President of the Senate shall become vacant upon filing notice of such certification with the Secretary of State. Amends the Legislative Article to provide that within 5 days after the vacancy of the offices of Speaker of the House of Representatives and President of the Senate, the Secretary of State shall convene the House of Representatives to elect from its membership a Speaker of the House of Representatives as presiding officer, and the Governor shall convene the Senate to elect from its membership a President of the Senate as presiding officer. Provides that only members who have not previously served as the Speaker of the House of Representatives or the President of the Senate shall be eligible for election. Makes conforming changes. Effective upon being declared adopted.

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1                                   HOUSE JOINT RESOLUTION  
2                                   CONSTITUTIONAL AMENDMENT

3           RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE  
4 HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE  
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 amend the Illinois  
9 Constitution by changing Sections 5 and 6 of Article IV, and  
10 Sections 2 and 3 of Article VIII 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 (b-5) of Section 6 of this  
4 Article.

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. 6)

15 SECTION 6. ORGANIZATION

16 (a) A majority of the members elected to each house  
17 constitutes a quorum.

18 (b) On the first day of the January session of the General  
19 Assembly in odd-numbered years, the Secretary of State shall  
20 convene the House of Representatives to elect from its  
21 membership a Speaker of the House of Representatives as  
22 presiding officer, and the Governor shall convene the Senate to  
23 elect from its membership a President of the Senate as  
24 presiding officer.

25 (b-5) Within 5 days after the vacancy of the offices of

1 Speaker of the House of Representatives and President of the  
2 Senate under subsection (a-5) of Section 2 of Article VIII, the  
3 Secretary of State shall convene the House of Representatives  
4 to elect from its membership a Speaker of the House of  
5 Representatives as presiding officer, and the Governor shall  
6 convene the Senate to elect from its membership a President of  
7 the Senate as presiding officer. Only members who have not  
8 previously served as the Speaker of the House of  
9 Representatives or the President of the Senate shall be  
10 eligible for election.

11 (c) For purposes of powers of appointment conferred by this  
12 Constitution, the Minority Leader of either house is a member  
13 of the numerically strongest political party other than the  
14 party to which the Speaker or the President belongs, as the  
15 case may be.

16 (d) Each house shall determine the rules of its  
17 proceedings, judge the elections, returns and qualifications  
18 of its members and choose its officers. No member shall be  
19 expelled by either house, except by a vote of two-thirds of the  
20 members elected to that house. A member may be expelled only  
21 once for the same offense. Each house may punish by  
22 imprisonment any person, not a member, guilty of disrespect to  
23 the house by disorderly or contemptuous behavior in its  
24 presence. Imprisonment shall not extend beyond twenty-four  
25 hours at one time unless the person persists in disorderly or  
26 contemptuous behavior.

1 (Source: Illinois Constitution.)

2 ARTICLE VIII

3 FINANCE

4 (ILCON Art. VIII, Sec. 2)

5 SECTION 2. STATE FINANCE

6 (a) The Governor shall prepare and submit to the General  
7 Assembly, at a time prescribed by law, a State budget for the  
8 ensuing fiscal year. The budget shall set forth the estimated  
9 balance of funds available for appropriation at the beginning  
10 of the fiscal year, the estimated receipts, and a plan for  
11 expenditures and obligations during the fiscal year of every  
12 department, authority, public corporation and quasi-public  
13 corporation of the State, every State college and university,  
14 and every other public agency created by the State, but not of  
15 units of local government or school districts. The budget shall  
16 also set forth the indebtedness and contingent liabilities of  
17 the State and such other information as may be required by law.  
18 Proposed expenditures shall not exceed funds estimated to be  
19 available for the fiscal year as shown in the budget.

20 (a-5) If a balanced budget has not been passed by June 30th  
21 of each year, the offices of Speaker of the House of  
22 Representatives and President of the Senate become vacant, as  
23 provided in subsection (c) of Section 3 of this Article, and  
24 shall continue to become vacant every 90 days after the

1 vacancies are filled until the General Assembly passes a  
2 balanced budget. Elections to fill the vacancies shall be held  
3 as provided in subsection (b-5) of Section 6 of Article IV.

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 (Source: Illinois Constitution.)

10 (ILCON Art. VIII, Sec. 3)

11 SECTION 3. STATE AUDIT AND AUDITOR GENERAL

12 (a) The General Assembly shall provide by law for the audit  
13 of the obligation, receipt and use of public funds of the  
14 State. The General Assembly, by a vote of three-fifths of the  
15 members elected to each house, shall appoint an Auditor General  
16 and may remove him for cause by a similar vote. The Auditor  
17 General shall serve for a term of ten years. His compensation  
18 shall be established by law and shall not be diminished, but  
19 may be increased, to take effect during his term.

20 (b) The Auditor General shall conduct the audit of public  
21 funds of the State. He shall make additional reports and  
22 investigations as directed by the General Assembly. He shall  
23 report his findings and recommendations to the General Assembly  
24 and to the Governor.

25 (c) Within 30 days of the enactment of the law or laws

1 comprising the State budget for a fiscal year, the Office of  
2 the Auditor General must certify whether the enacted budget  
3 will be balanced with expenses not exceeding funds estimated by  
4 the General Assembly to be available during that year pursuant  
5 to subsection (b) of Section 2 of this Article. If the Office  
6 of the Auditor General certifies that the budget is not  
7 balanced, then the offices of Speaker of the House of  
8 Representatives and President of the Senate shall become vacant  
9 upon filing notice of such certification with the Secretary of  
10 State.

11 (Source: Illinois Constitution.)

12 SCHEDULE

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