

1 HOUSE JOINT RESOLUTION  
2 CONSTITUTIONAL AMENDMENT 5

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
4 NINETY-SEVENTH 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 Article XIII of the  
9 Illinois Constitution by adding Section 5.1 as follows:

10 ARTICLE XIII  
11 GENERAL PROVISIONS

12 (ILCON Art. XIII, Sec. 5.1 new)

13 SECTION 5.1. PENSION BENEFIT INCREASES

14 (a) A bill shall not become a law without the concurrence  
15 of three-fifths of the members elected to each house of the  
16 General Assembly if that bill increases a benefit under any  
17 pension or retirement system of the State, any unit of local  
18 government or school district, or any agency or instrumentality  
19 thereof. However, if the Governor vetoes a bill so passed by  
20 returning it with his objections to the house in which it  
21 originated, then that bill shall not become law unless, upon  
22 its return, it is passed by a record vote of two-thirds of the  
23 members elected to each house of the General Assembly.

1 Likewise, if the Governor returns a bill so passed with  
2 specific recommendations for change to the house in which it  
3 originated, then those recommendations may be accepted only by  
4 a record vote of two-thirds of the members elected to each  
5 house of the General Assembly. The provisions of this  
6 subsection (a) apply notwithstanding Article IV.

7 (b) An ordinance, resolution, or other action of the  
8 governing body of any unit of local government or school  
9 district shall not be valid without the concurrence of  
10 three-fifths of the members of that governing body if that  
11 ordinance, resolution, or other action increases a benefit  
12 under any pension or retirement system for officials or  
13 employees of that unit of local government or school district,  
14 or any agency or instrumentality thereof.

15 (c) For the purposes of this Section, a bill, ordinance,  
16 resolution, or other action increases a benefit if it increases  
17 the amount of an existing benefit, adds a new benefit, or  
18 expands the class of persons eligible for a benefit, regardless  
19 of whether it includes an increase in contributions or a  
20 reduction in any other benefit.

21 (d) For the purposes of this Section, an increase in salary  
22 does not, by itself, constitute an increase in benefits.  
23 However, the provisions of this Section do apply to (i) an  
24 increase in salary resulting from the inclusion of a new  
25 category of benefits, bonuses, incentives, perquisites, or  
26 other compensation that previously was not considered a part of

1 salary or (ii) an otherwise unusually high increase in salary.

2 SCHEDULE

3 This Constitutional Amendment takes effect upon being  
4 declared adopted in accordance with Section 7 of the Illinois  
5 Constitutional Amendment Act.