



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

SC0017

Introduced 2/10/2011, by Sen. Bill Brady

SYNOPSIS AS INTRODUCED:

ILCON Art. XIII, Sec. 5

Proposes to amend the General Provisions Article of the Illinois Constitution. Provides that a new benefit increase shall not take effect unless, within 60 calendar days after the effective date of the Public Act creating that new benefit increase, the Auditor General certifies (i) that each State-funded pension or retirement system was at least 90% funded as of the date of the annual actuarial valuation occurring immediately before the effective date of the Public Act creating the new benefit increase and that each system has received any required State contributions that came due between the date of that valuation and the effective date of the Public Act creating the new benefit increase or (ii) that enactment of the new benefit increase is required to maintain a State-funded system's qualified plan status. Defines "new benefit increase" and "State-funded pension or retirement system". Effective upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

LRB097 06141 JDS 46215 e

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 amend Section 5 of Article
9 XIII of the Illinois Constitution as follows:

10 (ILCON Art. XIII, Sec. 5)

11 SECTION 5. PENSION AND RETIREMENT SYSTEMS RIGHTS

12 (a) Membership in any pension or retirement system of the
13 State, any unit of local government or school district, or any
14 agency or instrumentality thereof, shall be an enforceable
15 contractual relationship, the benefits of which shall not be
16 diminished or impaired.

17 (b) A new benefit increase shall not take effect unless,
18 within 60 calendar days after the effective date of the Public
19 Act creating that new benefit increase, the Auditor General
20 certifies (i) that each State-funded pension or retirement
21 system was at least 90% funded as of the date of the annual
22 actuarial valuation occurring immediately before the effective
23 date of the Public Act creating the new benefit increase and
24 that each system has received any required State contributions

1 that came due between the date of that valuation and the
2 effective date of the Public Act creating the new benefit
3 increase or (ii) that enactment of the new benefit increase is
4 required to maintain a State-funded system's qualified plan
5 status.

6 For the purposes of this subsection (b):

7 "New benefit increase" means any increase in the amount
8 of a benefit provided by a State-funded pension or
9 retirement system, or any expansion in the conditions of
10 eligibility for such a benefit, that results from enactment
11 of a Public Act that takes effect after the effective date
12 of this subsection (b).

13 "State-funded pension or retirement system" means the
14 pension and retirement systems created under Articles 2,
15 14, 15, 16, and 18 of the Illinois Pension Code or any
16 successors to those systems.

17 This subsection (b) applies notwithstanding any provision
18 to the contrary in either subsection (a) of this Section or
19 Article IV.

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.