

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

71st Legislative Day

9/30/2009

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction and reading of House Bills-First Reading. House Bill 4603, offered by Representative Mitchell, Bill, a Bill for an Act concerning criminal law. House Bill 4604, offered by Representative Mitchell, Bill, a Bill for an Act concerning government. House Bill 4605, offered by Representative Mitchell, Bill, a Bill for an Act concerning criminal law. House Bill 4606, offered by Representative Phelps, a Bill for an Act concerning corrections. House Bill 4607, offered by Representative Zalewski, a Bill for an Act concerning health. House Bill 4608, offered by Representative Reis, a Bill for an Act concerning education. House Bill 4609, offered by Representative Mitchell, Bill, a Bill for an Act concerning State government. House Bill 4610, offered by Representative Black, a Bill for an Act concerning revenue. House Bill 4611, offered by Representative Black, a Bill for an Act concerning environmental safety. House Bill 4612, offered by Representative Bost, a Bill for an Act concerning environmental safety. House Bill 4613, offered by Representative Sullivan, a Bill for an Act concerning revenue. House Bill 4614, offered by Representative Zalewski, a Bill for an Act concerning criminal law. House Bill 4615, offered by Representative Ford, a Bill for an Act concerning civil law. House Bill 4616, offered by Representative McAuliffe, a Bill for an Act concerning local government. House Bill 4617, offered by Representative Black, a Bill for an Act concerning appropriations. House Bill 4618, offered by Representative

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Osmond, a Bill for an Act concerning highways. House Bill 4619, offered by Representative Osmond, a Bill for an Act concerning criminal law. House Bill 4620, offered by Representative Ford, a Bill for an Act concerning human rights. House Bill 4621, offered by Representative Feigenholtz, a Bill for an Act making appropriations. House Bill 4622, offered by Representative Pritchard, a Bill for an Act concerning revenue. House Bill 4623, offered by Representative Jakobsson, a Bill for an Act concerning transportation. House Bill 4624, offered by Representative Walker, a Bill for an Act concerning local government. House Bill 4625, offered by Representative Walker, a Bill for an Act concerning local government. House Bill 4626, offered by Representative Madigan, a Bill for an Act concerning finance. House Bill 4627, offered by Representative Kosel, a Bill for an Act concerning local government. House Bill 4628, offered by Representative Black, a Bill for an Act concerning business. House Bill 4629, offered by Representative Franks, a Bill for an Act concerning gaming. Introduction and reading of House Joint Resolution Constitutional Amendments-First Reading. Representative Bill Mitchell, offers House Joint Resolution Constitutional Amendment 36.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article

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V of the Illinois Constitution by changing Sections 1, 2, 3, 6, and 7 and by repealing Sections 4 and 14 as follows:

ARTICLE V  
THE EXECUTIVE

SECTION 1. OFFICERS

The Executive Branch shall include a Governor, Attorney General, Secretary of State, Comptroller and Treasurer elected by the electors of the State. They shall keep the public records and maintain a residence at the seat of government during their terms of office.

SECTION 2. TERMS

These elected officers of the Executive Branch shall hold office for four years beginning on the second Monday of January after their election and until their successors are qualified. They shall be elected at the general election in 1978 and every four years thereafter.

SECTION 3. ELIGIBILITY

To be eligible to hold the office of Governor, Attorney General, Secretary of State, Comptroller or Treasurer, a person must be a United States citizen, at least 25 years old, and a resident of this State for the three years preceding his election.

SECTION 4. JOINT ELECTION (REPEALED)

SECTION 6. GUBERNATORIAL SUCCESSION

(a) In the event of a vacancy, the order of succession to the office of Governor or to the position of Acting Governor shall be the elected Attorney General, the elected Secretary of State, and then as provided by law.

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(b) If the Governor is unable to serve because of death, conviction on impeachment, failure to qualify, resignation or other disability, the office of Governor shall be filled by the officer next in line of succession for the remainder of the term or until the disability is removed.

(c) Whenever the Governor determines that he may be seriously impeded in the exercise of his powers, he shall so notify the Secretary of State and the officer next in line of succession. The latter shall thereafter become Acting Governor with the duties and powers of Governor. When the Governor is prepared to resume office, he shall do so by notifying the Secretary of State and the Acting Governor.

(d) The General Assembly by law shall specify by whom and by what procedures the ability of the Governor to serve or to resume office may be questioned and determined. The Supreme Court shall have original and exclusive jurisdiction to review such a law and any such determination and, in the absence of such a law, shall make the determination under such rules as it may adopt.

SECTION 7. VACANCIES IN OTHER ELECTIVE OFFICES

If the Attorney General, Secretary of State, Comptroller or Treasurer fails to qualify or if his office becomes vacant, the Governor shall fill the office by appointment. The appointee shall hold office until the elected officer qualifies or until a successor is elected and qualified as may be provided by law and shall not be subject to removal by the Governor.

SECTION 14. LIEUTENANT GOVERNOR - DUTIES (REPEALED)

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SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act and applies beginning with the term of office otherwise commencing in 2011.

Clerk Bolin: "First Reading of House Joint Resolution Constitutional Amendment #37, offered by Representative Farnham.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 2.1 to Article VIII of the Illinois Constitution as follows:

ARTICLE VIII

FINANCE

SECTION 2.1. LIMITATIONS ON APPROPRIATIONS AND TRANSFERS

(a) For the fiscal year ending in 2012 and each fiscal year thereafter, aggregate appropriations and transfers from the general funds are limited as provided in this Section. "General funds" include the general revenue fund and any other funds designated by the General Assembly by law making specific reference to this Section. "Appropriations and transfers" do not include (i) reappropriations from a previous fiscal year, (ii) those made for debt service payments, and (iii) those made to a budget stabilization fund.

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(b) Aggregate fiscal year appropriations and transfers from the general funds may not exceed the limitation amount. The limitation amount is the aggregate amount of appropriations and transfers from the general funds in the previous fiscal year, including increased amounts under subsection (c), as adjusted. The adjustment is the average annual percentage change in the average per capita personal income for Illinois for the five most recent calendar years for which data is available, as defined and reported by the United States Department of Commerce, or its successor.

(c) The Governor may declare a fiscal emergency by filing a declaration with the Secretary of State and copies with the Senate and House of Representatives. The declaration must be limited to only one State fiscal year, set forth compelling reasons for declaring a fiscal emergency, and request that the limitation amount for that fiscal year be increased by a specific dollar amount. The Supreme Court has original and exclusive jurisdiction over actions to determine the validity and sufficiency of a declaration, which shall be initiated in the name of the People of the State by the Attorney General. By joint resolution adopted by a record vote of three-fifths of the members elected in each house, the General Assembly may authorize increased appropriations and transfers in a specific dollar amount that is no more than the increased amount requested by the Governor in the declaration.

(d) If the general funds revenues for a fiscal year exceed the limitation amount for that fiscal year, then those excess revenues must be deposited into one or more budget

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stabilization funds. A budget stabilization fund must be designated by law making specific reference to this Section or, in the absence of law, by the Comptroller. If the aggregate unexpended and unobligated amount in the budget stabilization funds at the end of a fiscal year exceeds an amount equal to ten percent of the limitation amount for that fiscal year, then that excess shall be refunded in a manner and in amounts determined by the General Assembly by law.

Schedule

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. This has been the First of House Joint Resolution Constitutional Amendment #37. There being no further business, the House Perfunctory Session will stand adjourned."