

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

207th Legislative Day

1/11/2008

Clerk Bolin: The House Perfunctory Session for the regular Session will come to order. Introduction and First Reading of House Bills. House Bill 4319, offered by Representative Pihos, a Bill for an Act concerning criminal law. House Bill 4320, offered by Representative Pihos, a Bill for an Act concerning criminal law. House Bill 4321, offered by Representative Tracy, a Bill for an Act concerning criminal law. House Bill 4322, offered by Representative Franks, a Bill for an Act concerning revenue. House Bill 4323, offered by Representative Acevedo, a Bill for an Act concerning criminal law. House Bill 4324, offered by Representative Acevedo, a Bill for an Act concerning criminal law. House Bill 4325, offered by Representative Acevedo, a Bill for an Act concerning criminal law. House Bill 4326, offered by Representative Acevedo, a Bill for an Act concerning criminal law. House Bill 4327, offered by Representative Acevedo, a Bill for an Act concerning criminal law. House Bill 4328, offered by Representative Acevedo, a Bill for an Act concerning criminal law. House Bill 4329, offered by Representative Acevedo, a Bill for an Act concerning regulation. House Bill 4330, offered by Representative Turner, a Bill for an Act concerning government. House Bill 4331, offered by Representative Mautino, a Bill for an Act concerning revenue. House Bill 4332, offered by Representative Mautino, a Bill for an Act in relation to bowling centers. House Bill 4333, offered by Representative Boland, a Bill for an Act concerning public health. House Bill 4334, offered by Representative Riley, a Bill for an Act concerning government. House Bill

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4335, offered by Representative Bradley... Representative Rich Bradley, a Bill for an Act in relation to public employee benefits. House Bill 4336, offered by Representative Rich Bradley, a Bill for an Act in relation to public employee benefits. House Bill 4337, offered by Representative Rich Bradley, a Bill for an Act in relation to public employee benefits. House Bill 4338 (sic-4348), offered by Representative Lang, a Bill for an Act concerning regulation. House Bill 4339, offered by Representative Acevedo, a Bill for an Act concerning regulation. House Bill 4340, offered by Representative Rich Bradley, a Bill for an Act in relation to public employee benefits. House Bill 4341, offered by Representative Rich Bradley, a Bill for an Act concerning public employee benefits. House Bill 4342, offered by Representative Rich Bradley, a Bill for an Act concerning public employee benefits. House Bill 4343, offered by Representative Rich Bradley, a Bill for an Act in relation to public employee benefits. House Bill 4344, offered by Representative Rich Bradley, a Bill for an Act concerning public employee benefits. House Bill 4345, offered by Representative Lang, a Bill for an Act concerning regulation. House Bill 4346, offered by Representative Lang, a Bill for an Act concerning regulation. House Bill 4347, offered by Representative Lang, a Bill for an Act concerning regulation. House Bill 4338, offered by Representative Crespo, a Bill for an Act concerning regulation. House Bill 4349, offered by Representative Jakobsson, a Bill for an Act concerning ammunition. House

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Bill 4350, offered by Representative Jakobsson, a Bill for an Act concerning local government. House Bill 4351, offered by Representative Jakobsson, a Bill for an Act concerning public health. House Bill 4352, offered by Representative Jakobsson, a Bill for an Act concerning civil law. House Bill 4353, offered by Representative Ryg, a Bill for an Act concerning local government. House Bill 4354, offered by Representative Colvin, a Bill for an Act concerning transportation. House Bill 4355, offered by Representative Hoffman, a Bill for an Act concerning finance. House Bill 4356, offered by Representative Phelps, a Bill for an Act concerning regulation. House Bill 4357, offered by Representative Acevedo, a Bill for an Act concerning criminal law. House Bill 4358, offered by Representative Mautino, a Bill for an Act concerning regulation. House Bill 4359, offered by Representative Lindner, a Bill for an Act concerning employment. House Bill 4360, offered by Representative Burke, a Bill for an Act concerning regulation. House Bill 4361, offered by Representative Burke, a Bill for an Act concerning regulation. House Bill 4362, offered by Representative Burke, a Bill for an Act concerning criminal law. House Bill 4363, offered by Representative Burke, a Bill for an Act concerning criminal law. House Bill 4364, offered by Representative Burke, a Bill for an Act concerning regulation. House Bill 4365, offered by Representative Burke, a Bill for an Act concerning regulation. House Bill 4366, offered by Representative Monique Davis, a Bill for an Act concerning regulation. House Bill 4367, offered by

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Representative Tryon, a Bill for an Act concerning regulation. House Bill 4368, offered by Representative Tryon, a Bill for an Act concerning animals. House Bill 4369, offered by Representative Yarbrough, a Bill for an Act concerning people living in poverty. House Bill 4370, offered by Representative Hannig, a Bill for an Act concerning government. House Bill 4371, offered by Representative Riley, a Bill for an Act concerning criminal law. House Bill 4372, offered by Representative Flowers, a Bill for an Act concerning education. House Bill 4373, offered by Representative Flowers, a Bill for an Act concerning education. House Bill 4374, offered by Representative Flider, a Bill for an Act concerning education. House Bill 4375, offered by Representative Colvin, a Bill for an Act concerning education. House Bill 4376, offered by Representative Ford, a Bill for an Act concerning public employee benefits. House Bill 4377, offered by Representative Ford, a Bill for an Act concerning public employee benefits. House Bill 4378, offered by Representative Mautino, a Bill for an Act concerning local government. House Bill 4379, offered by Representative Colvin, a Bill for an Act concerning insurance. House Bill 4380, offered by Representative Miller, a Bill for an Act concerning education. House Bill 4381, offered by Representative Turner, a Bill for an Act concerning gaming. House Bill 4382, offered by Representative Turner, a Bill for an Act concerning gaming. House Bill 4383, offered by Representative Molaro, a Bill for an Act concerning public employee benefits. House Bill

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4384, offered by Representative Molaro, a Bill for an Act concerning criminal law. House Bill 4385, offered by Representative Turner, a Bill for an Act concerning local government. House Bill 4386, offered by Representative Smith, a Bill for an Act concerning education. House Bill 4387, offered by Representative Smith, a Bill for an Act concerning education. House Bill 4388, offered by Representative Tracy, a Bill for an Act concerning revenue. House Bill 4389, offered by Representative May, a Bill for an Act concerning regulation. House Bill 4390, offered by Representative May, a Bill for an Act concerning regulation. House Bill 4391, offered by Representative May, a Bill for an Act concerning public health. House Bill 4392, offered by Representative May, a Bill for an Act concerning regulation. House Bill 4393, offered by Representative Arroyo, a Bill for an Act concerning criminal law. House Bill 4394, offered by Representative Ford, a Bill for an Act concerning regulation. House Bill 4395, offered by Representative Ford, a Bill for an Act concerning transportation. House Bill 4396, offered by Representative Ford, a Bill for an Act concerning public health. House Bill 4397, offered by Representative Lindner, a Bill for an Act concerning criminal law. House Bill 4398, offered by Representative Reboletti, a Bill for an Act concerning revenue. House Bill 4399, offered by Representative Reboletti, a Bill for an Act concerning transportation. House Bill 4400, offered by Representative Reboletti, a Bill for an Act concerning criminal law. House Bill 4401, offered by Representative Meyer, a Bill

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for an Act concerning health. House Bill 4402, offered by Representatives... offered by Representative Meyer, a Bill for an Act concerning criminal law. House Bill 4403, offered by Representative Reis, a Bill for an Act concerning elections. House Bill 4404, offered by Representative Reis, a Bill for an Act concerning liquor. House Bill 4405, offered by Representative Reis, a Bill for an Act concerning regulation. House Bill 4406, offered by Representative Reis, a Bill for an Act concerning criminal law. House Bill 4407, offered by Representative Coulson, a Bill for an Act concerning regulation. House Bill 4408, offered by Representative Coulson, a Bill for an Act concerning revenue. House Bill 4409, offered by Representative Coulson, a Bill for an Act concerning insurance. House Bill 4410, offered by Representative Coulson, a Bill for an Act concerning regulation. House Bill 4411, offered by Representative Coulson, a Bill for an Act concerning health. House Bill 4412, offered by Representative Coulson, a Bill for an Act concerning health. House Bill 4413, offered by Representative Coulson, a Bill for an Act concerning transportation. House Bill 4414, offered by Representative Coulson, a Bill for an Act concerning education. House Bill 4415, offered by Representative Coulson, a Bill for an Act concerning elections. House Bill 4416, offered by Representative Coulson, a Bill for an Act concerning government. House Bill 4417, offered by Representative Coulson, a Bill for an Act concerning local government. House Bill 4418, offered by Representative Lang, a Bill for an Act concerning state

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government. House Bill 4419, offered by Representative Lang, a Bill for an Act concerning state government. House Bill 4420, offered by Representative Lang, a Bill for an Act concerning state government. House Bill 4421, offered by Representative Lang, a Bill for an Act concerning state government. House Bill 4422, offered by Representative Lang, a Bill for an Act concerning state government. House Bill 4423, offered by Representative Lang, a Bill for an Act concerning state government. House Bill 4424, offered by Representative John Bradley, a Bill for an Act concerning animals. House Bill 4425, offered by Representative John Bradley, a Bill for an Act concerning revenue. First Reading of these House Bills. First Reading of House Joint Resolution Constitutional Amendment #31, offered by Representative Lindner.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH 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 Sections 4.1, 4.2, 4.3, 4.4, 4.5, and 4.6 to Article III of the Illinois Constitution as follows:

ARTICLE III

SUFFRAGE AND ELECTIONS

SECTION 4.1. RECALL PETITIONS; STATE OFFICERS

- (a) Recall of an executive branch officer, as identified in Section 1 of Article V, a member of the General Assembly, or a supreme, appellate, or circuit judge is initiated by

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delivering to the Secretary of State a petition alleging reason for recall. Sufficiency of reason is not reviewable. After the initial petition is filed, proponents have 160 days to file signed petitions.

- (b) A petition to recall an executive branch officer must be signed by electors of the State equal to at least 12% of the last vote for the office, with signatures from each of at least 5 counties equal to at least 1% of the last vote for the office in the county. A petition to recall a member of the General Assembly or a supreme, an appellate, or a circuit judge must be signed by electors of the district that elected the member or judge equal to at least 20% of the last vote for the office.
- (c) The Secretary of State shall maintain a continuous count of the signatures certified to the Secretary.

SECTION 4.2. RECALL ELECTIONS; STATE OFFICERS

- (a) An election to determine whether to recall an officer and, if appropriate, to elect a successor shall be called by the Governor and held not less than 60 days nor more than 80 days after the date of certification of sufficient signatures.
- (b) A recall election may be conducted within 180 days after the date of certification of sufficient signatures in order that the election may be consolidated with the next regularly scheduled election occurring wholly or partially within the same jurisdiction in which the recall election is held, but only if the number of voters eligible to vote at that next regularly scheduled election equal at least



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50% of all the voters eligible to vote at the recall election.

- (c) If the majority vote on the question is to recall, the officer is removed and, if there is a candidate, the candidate who receives a plurality is the successor for the balance of the term. The officer subject to recall may not be a candidate.

SECTION 4.3. RECALL ELECTIONS; LAW IMPLEMENTING

The General Assembly, by law, shall provide for circulation, filing, and certification of petitions, nomination of candidates, and the recall election.

SECTION 4.4. RECALL; GOVERNOR'S OR SECRETARY'S DUTIES

If recall of the Governor or Secretary of State is initiated, the recall duties of that officer shall be performed by the Lieutenant Governor or Comptroller, respectively.

SECTION 4.5. RECALL; REIMBURSEMENT; INITIATE ANEW

An officer who is not recalled shall be reimbursed by the State for the officer's recall election expenses legally and personally incurred. Another recall may not be initiated against the officer until at least 6 months after the election.

SECTION 4.6. RECALL; LOCAL OFFICIALS BY LAW

Officers of units of local government and school districts who hold office either by election or by appointment to fill a vacancy in an elected office are not subject to Sections 4.1 through 4.5, but the General Assembly, by law, may provide for recall of those officers.

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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.

This has been the First Reading of House Joint Resolution Constitutional Amendment #31. First Reading of House Joint Resolution Constitutional Amendment #32, offered by Representative Lindner.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH 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 Section 5 of Article IV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

SECTION 5. SESSIONS

(a) The General Assembly shall convene each year on the second Wednesday of January. The General Assembly shall be a continuous body during the term for which members of the House of Representatives are elected.

(b) The Governor may convene the General Assembly, with the written consent of the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives, or the Senate alone, with the written

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consent of the President of the Senate and the Minority Leader of the Senate, in special session by a proclamation stating the purpose of the session; and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation of the presiding officers of both houses, issued as provided by law.

- (c) Sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Sessions and committee meetings of a house may be closed to the public if two-thirds of the members elected to that house determine that the public interest so requires; and meetings of joint committees and legislative commissions may be so closed if two-thirds of the members elected to each house so determine.

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 Reading of House Joint Resolution Constitutional Amendment #32. House Joint Resolution Constitutional Amendment #33, offered by Representative Lindner.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the

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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 Sections 1, 2, and 3 of Article IV and Section 1 of Article XIV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

SECTION 1. LEGISLATURE - POWER AND STRUCTURE

The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives, elected by the electors from 59 Senatorial Districts and 119 Representative Districts.

SECTION 2. LEGISLATIVE COMPOSITION

- (a) One Senator shall be elected from each Senatorial District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Senatorial Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Senatorial Districts in each group shall be distributed substantially equally over the State.
- (b) One Representative shall be elected from each Representative District for a term of two years.
- (c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at

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least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

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SECTION 3. LEGISLATIVE REDISTRICTING

(a) Senatorial Districts shall be compact, contiguous and substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in population. A Representative District need not be entirely within a single Senatorial District.

(b) By April 15 of the year following each Federal decennial census year, the State Board of Elections, by a record vote of a majority of the total number of members authorized by law as provided in Section 5 of Article III, shall designate a computer program for redistricting the Senate and House of Representatives that meets the requirements of this Section. The designation shall include detailed specifications of the computer program.

Any computer program designated by the State Board of Elections under this Section shall embody the following standards and criteria, as defined by Common Law, in this order of priority:

- (1) contiguity;
- (2) substantial equality of population;
- (3) compactness;
- (4) minimization of the number of districts that cross county or municipal boundaries; and
- (5) a fair reflection of minority voting strength.

Any computer program designated by the State Board of Elections under this Section shall not consider the following data:

- (1) residency of incumbent legislators;

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- (2) political affiliations of registered voters;
- (3) previous election results; and
- (4) demographic information not required to be used by this Section or by the United States Constitution or federal law.

Except as specified in this Section, the computer program shall produce districts in a random manner.

The Senate, by resolution adopted by a record vote of three-fifths of the members elected, may by June 15 of that year designate a different computer program for redistricting the Senate. The House of Representatives, by a resolution adopted by a record vote of three-fifths of the members elected, may by June 15 of that year designate a different computer program for redistricting the House of Representatives.

- (c) In the year following each Federal decennial census year,
  - (i) the Senate, by resolution adopted by a record vote of three-fifths of the members elected, shall redistrict the Senatorial Districts and
  - (ii) the House of Representatives, by resolution adopted by a record vote of three-fifths of the members elected, shall redistrict the Representative Districts. Each adopted redistricting resolution shall be filed with the Secretary of State by the presiding officer of the house that adopted the resolution.
- (d) If a Senatorial or Representative redistricting resolution is not adopted and effective by June 15 of that year, the State Board of Elections, as soon thereafter as is practicable, shall produce a Senatorial or Representative

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redistricting plan, or both as the case may be, through the use of the computer program designated by the affected chamber, if it made a designation under subsection (b), or else through the use of the computer program designated by the State Board of Elections under that subsection. The State Board of Elections shall file the redistricting plan with the Secretary of State.

- (e) A redistricting plan , adopted by redistricting resolution or produced by the State Board of Elections, that is filed with the Secretary of State shall be presumed valid, shall have the same force and effect as a law, and shall be published promptly by the Secretary of State.
- (f) The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate.

ARTICLE XIV  
CONSTITUTIONAL REVISION

SECTION 1. CONSTITUTIONAL CONVENTION

- (a) Whenever three-fifths of the members elected to each house of the General Assembly so direct, the question of whether a Constitutional Convention should be called shall be submitted to the electors at the general election next occurring at least six months after such legislative direction.
- (b) If the question of whether a Convention should be called is not submitted during any twenty-year period, the Secretary of State shall submit such question at the



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general election in the twentieth year following the last submission.

- (c) The vote on whether to call a Convention shall be on a separate ballot. A Convention shall be called if approved by three-fifths of those voting on the question or a majority of those voting in the election.
- (d) The General Assembly, at the session following approval by the electors, by law shall provide for the Convention and for the election of two delegates from each Senatorial District; designate the time and place of the Convention's first meeting which shall be within three months after the election of delegates; fix and provide for the pay of delegates and officers; and provide for expenses necessarily incurred by the Convention.
- (e) To be eligible to be a delegate a person must meet the same eligibility requirements as a member of the General Assembly. Vacancies shall be filled as provided by law.
- (f) The Convention shall prepare such revision of or amendments to the Constitution as it deems necessary. Any proposed revision or amendments approved by a majority of the delegates elected shall be submitted to the electors in such manner as the Convention determines, at an election designated or called by the Convention occurring not less than two nor more than six months after the Convention's adjournment. Any revision or amendments proposed by the Convention shall be published with explanations, as the Convention provides, at least one month preceding the election.

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(g) The vote on the proposed revision or amendments shall be on a separate ballot. Any proposed revision or amendments shall become effective, as the Convention provides, if approved by a majority of those voting on the question.

SCHEDULE

This Constitutional Amendment takes effect beginning with redistricting in 2011 and applies to the election of members of the General Assembly in 2012 and thereafter.

This has been the First Reading of House Joint Resolution Constitutional Amendment #33. Having no further business, the House Perfunctory Session for the regular Session will stand adjourned until Monday, January 14, 2008."