

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

257th Legislative Day

4/29/2008

Speaker Hannig: "The hour of 1:00 having arrived, the House will be in order. Members will please be in their seats. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers and rise for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Reverend Davis... by Reverend Dr. Willie R. Davis, who's pastor of Progressive Baptist Church in Chicago. Dr. Davis is the guest of Representative Dunkin."

Dr. Davis: "Let us pray. Eternal God, we thank You for this day and we thank You for life and the liberty of life and we pray Your safekeeping upon our great state and certainly to our Leaders and certainly of the House and for all of the Representatives present and absent. We pray for our Governor and our Senate and all of those and we ask, Dear God, that You would invoke Your power and love in our hearts spiritually that we may lead our state in the consciousness that is acceptable in Your sight. Bless us individually and collectively that all of us may be reminded that we do have a true obligation to be great leaders for the well-being of our entire state. We pray for the power and the love and the unity among these who organize and those who create the laws and for those of us who are to abide by those laws and be respected of one another. We pray, Oh God, that Your spirit would always move in the minds and the hearts as we make decisions that's going to touch to the greatest of our state to the smallest areas. That You would bless the people then all of us will know that we'll benefit by the great minds and

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hearts of these who represent us in law creation and that we will be reminded that all of us have been blessed just to live out the day, the freedom and the liberty to love and to unite ourselves on the one that we may be a cause for many and we'll be careful to give You the praise and give You the glory and give You the honor. This is our prayer. In the name of our Lord and Savior, Christ, we pray, Amen."

Speaker Hannig: "Representative Flowers, will you lead us in the Pledge."

Flowers - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Hannig: "Roll Call for Attendance. Representative Bost."

Bost: "Thank... thank you, Mr. Speaker. Let the record reflect that Representative Meyer, Mulligan, Kosel, Pihos and Watson are excused today on the Republican side of the aisle."

Speaker Hannig: "And Representative Currie, could you give us a report on the Democratic side."

Currie: "Thank you, Speaker. Please let the record show that Representative Rich Bradley, Representative Gordon, Jefferies, Osterman, Patterson and Washington are all excused today."

Speaker Hannig: "Mr. Clerk, take the record. There are 106 Members answering the Roll Call, a quorum is present. Clerk, do you have any reports?"

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Clerk Mahoney: "Referred to the House Committee on Rules is House Resolution 1214, House Resolution 1215, House Resolution 1224 and House Resolution 1232."

Speaker Hannig: "Representative Stephens, for what reason do you rise?"

Stephens: "Reluctantly, to announce that the Republicans would like to caucus for about an hour."

Speaker Hannig: "So, the House will stand at ease for an hour while the Republicans caucus. On page 30 of the Calendar, under the Order of Constitutional Amendments, is House Joint Resolution Constitutional Amendment 44. Mr. Clerk, read the Amendment. Mr. Clerk, let's move this to Third Reading and let's read the Amendment."

Clerk Mahoney: "House Joint Resolution Constitutional Amendment 44. Third Reading of this Constitutional Amendment."

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 Sections 2 and 3 of Article IV of the Illinois Constitution as follows:

ARTICLE IV

THE Legislature

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the Senate, by resolution, shall divide the

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Legislative 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 Legislative Districts in each group shall be distributed substantially equally over the State.

(b) In 2012 and every two years thereafter 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 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

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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.

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Legislative Districts shall be compact, be contiguous, be substantially equal in population, reflect minority voting strengths, and consider political boundaries. Representative Districts shall be compact, be contiguous, be substantially equal in population, reflect minority voting strengths, and consider political boundaries. A Representative District need not be entirely within a single Legislative District.

(b) In the year following each Federal decennial census year, the Senate, by resolution adopted by a record vote of three-fifths of the members elected, shall redistrict the Legislative Districts, and the House of Representatives, by resolution adopted by a record vote of three-fifths of the members elected, shall redistrict the Representative Districts. An adopted redistricting resolution shall be filed with the Secretary of State by the presiding officer

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of the house that adopted the resolution. Each house shall file an adopted resolution not later than June 30.

(c)A Legislative District Redistricting Commission shall be constituted by April 1 of the year following each Federal decennial census year. The Commission shall consist of four members, no more than two of whom shall be members of the same political party. The President and Minority Leader of the Senate shall each appoint two persons to the Commission. The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission. The Commission may hold public hearings and collect information regarding the redistricting of Legislative Districts. If the Senate has failed to file a redistricting resolution with the Secretary of State by June 30, the Commission, by resolution adopted by record vote of at least three Commissioners, shall redistrict the Legislative Districts. Not later than July 31, the Commission shall file an adopted resolution with the Secretary of State. If the Commission fails to file an adopted resolution by July 31, the Chief Justice of the Supreme Court and a Supreme Court Judge selected by the Supreme Court Judges from a political party other than the political party of the Chief Justice shall jointly appoint one person to act as Special Master to redistrict the Legislative Districts, who may not be the same person appointed Special Master under subsection (d).

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The Special Master shall be appointed and certified to the Secretary of State not later than August 10. The Special Master shall file a redistricting map of the Legislative Districts with the Secretary of State not later than September 5.

(d) A Representative District Redistricting Commission shall be constituted by April 1 of the year following each Federal decennial census year. The Commission shall consist of four members, no more than two of whom shall be members of the same political party. The Speaker and Minority Leader of the House of Representatives shall each appoint two persons to the Commission. The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission. The Commission may hold public hearings and collect information regarding the redistricting of Representative Districts. If the House of Representatives has failed to file a redistricting resolution with the Secretary of State by June 30, the Commission, by resolution adopted by record vote of at least three Commissioners, shall redistrict the Representative Districts. Not later than July 31, the Commission shall file an adopted resolution with the Secretary of State. If the Commission fails to file an adopted resolution by July 31, the Chief Justice of the Supreme Court and a Supreme Court Judge selected by the Supreme Court Judges from a political party other than the

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political party of the Chief Justice shall jointly appoint one person to act as Special Master to redistrict the Representative Districts, who may not be the same person appointed Special Master under subsection (c). The Special Master shall be appointed and certified to the Secretary of State not later than August 10. The Special Master shall file a redistricting map of the Representative Districts with the Secretary of State not later than September 5.

(e) A redistricting resolution or redistricting map filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State. The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General.

SCHEDULE

The State Board of Elections shall proceed, as soon as all the returns are received but no later than 31 days after the election, to canvass the votes given for and against this Constitutional Amendment, as shown by the abstracts of votes cast. If this Constitutional Amendment is approved by either three-fifths of those voting on the question or a majority of those voting in the election, then the State Board of Elections shall declare the adoption of this Constitutional Amendment and it shall, upon declaration of its adoption, take effect and become a part of the Constitution of this State. This Schedule supersedes and applies notwithstanding any statute to the contrary, and no

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other requirements, including without limitation proclamation of the results of the vote or notice by publication, are necessary for its effectiveness. This Constitutional Amendment applies to redistricting beginning in 2011 and to the election of members of the General Assembly beginning in 2012. This is the Third Reading of House Joint Resolution Constitutional Amendment 44."

Speaker Hannig: "Before we... we... before we begin, I think Representative Bost has an announcement he'd like to make."

Bost: "Thank you, Mr. Speaker. For a point of personal privilege."

Speaker Hannig: "...your point."

Bost: "I would like everybody, if they would, to welcome Miss Illinois, Miss Ashley Hatfield, who's here with us today."

Speaker Hannig: "So, Representative Winters, did you wish to comment on that?"

Winters: "Actually, no. I have another point of personal privilege."

Speaker Hannig: "...your point."

Winters: "I just received a phone call and the Members of the House and Senate, you know, that every year the... Raymond Poe cooks us chicken. Well, we have another offer. Tomorrow, you're invited to go to the Illinois Supreme Court; they'll be buying forty-eight dollar (\$48) lunches for everybody. So, show up at the Supreme Court tomorrow and follow-up on the Auditor General's report."

Speaker Hannig: "Representative Brosnahan, are you prepared to debate the Amendment?"

Brosnahan: "Yes, Mr. Speaker."

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Speaker Hannig: "So, Representative Brosnahan will be recognized for 5... 5 minutes."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Joint Resolution Constitutional Amendment #44 deals with the redistricting issue in the manner in which we draw our legislative maps every ten (10) years. The current system obviously is not a... is not a good one. It has not worked well the last three (3) times that we've done remaps. There was an editorial in the last couple days. The Peoria Journal Star wrote this about what we presently do when it comes to remaps. They state, 'the purpose is to craft a process that better defends against the extreme political manipulation that makes competitive elections near impossible in places, mocks democracy, and leads to dysfunctional and arguably corrupt State Government of the kind we have now.' What this Constitutional Amendment will do, it permits each chamber to independently draw redistricting maps. And before I go into the details of what the Constitutional Amendment would do, I would be remiss if I didn't thank Mike Lawrence, who's executive director of the Paul Simon Public Policy Institute. Mike Lawrence led a group, a bipartisan group, of individuals that had been involved in past redistricting matters. He brought them together. They've worked on this for approximately two (2) years. In November of '06, they approached all four (4) of the caucuses here in the House and the Senate and gave them their recommendations, some ideas that they came up with to improve upon this process and that is the result of Constitutional Amendment #44.

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This is how the new process would work. By April 1, following the year of the census, the Senate must appoint a Legislative Redistricting Commission and the House must also appoint a Representative Redistricting Commission. Each commission consists of four (4) Members appointed two (2) each by their respective Leaders. This... these commissions can hold public hearings and take testimony about the redistricting plans. Under this Amendment, each chamber also has an opportunity to adopt their own redistricting plan by Resolution adopted by three-fifths of the Members elected. We have until June 30 to do this. A redistricting plan must be compact, be contiguous, and be substantially equal in population. It also must reflect Minority voting strengths and also consider political boundaries. If the chamber cannot reach an agreement, this Resolution is not done by June 30, then the respective commission has until July 31 to redistrict. Now, if the commission... and they need three (3) out of four (4) Members to approve it... if they do not come to an agreement, then the Supreme Court must appoint a special master by August 10. The special master is appointed by the Chief Justice and one (1) judge selected by the judges from the other political Party. The special master must file the redistricting plan with the Secretary of State by September 5. I'd be happy to answer any questions and I would certainly ask for everyone's support."

Speaker Hannig: "The Gentleman has moved for the passage of House Joint Resolution Constitutional Amendment #44. And

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on that question, the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor of the Amendment yield?"

Speaker Hannig: "He indicates he'll yield."

Black: "Thank you. Representative Brosnahan, how many of the redistricting processes have you been through? Has it been one (1) or two (2)? I can't remember."

Brosnahan: "Just one (1)."

Black: "Okay. In your opinion, do you think the system we currently use is irreparably broken?"

Brosnahan: "I think the system we currently use... when I started researching this issue more and more, it was clear that the framers of our Constitution never intended this process to get to picking a name out of a hat. They thought that was going to be enough of an incentive to get the parties to agree that they would never go to that winner take all approach. And as we have seen what's happened in 1981, 1991 and 2001, it went to that winner take all approach. I don't think that's a fair way to do it. I think that winner take... winner takes all approach has created a lot of maybe noncompetitive races and politics got too involved in it. So, I do think the present system needs substantial reform and I think this Constitutional Amendment succeeds in that."

Black: "All right. I would... I would agree. Anybody that's familiar with the lottery system, I think, would agree that this is not the way this should be done. Do you... are you

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familiar with the Lawrence Commission? When did it release its report or its summary?"

Brosnahan: "I spoke with... with Mike Lawrence on a number of occasions. They had been meeting for over a couple years. It's my understanding that they actually sat down with House Democrats, House Republicans and the Senate Democrats and Republicans, as well, back in November of 2006..."

Black: "Okay."

Brosnahan: "...and gave them their findings what their hearings..."

Black: "Yeah."

Brosnahan: "...consisted of."

Black: "I would agree with you. It was 2006. When did you introduce your Constitutional Amendment?"

Brosnahan: "Approximately, I think, two (2) weeks ago now, maybe a week and a half ago."

Black: "Oh, just..."

Brosnahan: "I don't have the date in front of me."

Black: "Just two (2) weeks ago. I thought it was longer. It just shows how fast time flies when... when we're having fun. When you had a committee meet... a committee hearing on this, did... were any members of the public invited to testify or did you have a witness list?"

Brosnahan: "The... the witnesses that testified and Mike Lawrence testified, myself, Leader Cross, and I know there was somebody else from the... I think House Republican staff. I believe those were the only witnesses that testified."

Black: "Did you have anyone who would be recognized as an expert in the demographics, voting patterns, computer

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experts who have done this in the past, did any of them testify?"

Brosnahan: "No."

Black: "All right. Were any public hearings held on this Constitutional Amendment?"

Brosnahan: "No. We just have the committee hearing. Now, the..."

Black: "Just the committee hearing?"

Brosnahan: "That's... that's correct."

Black: "All right. I... I want to thank you for the work you've done. Obviously, any movement is better, I think, at this point than none. Having been through three (3) of these, the winner take all... It's rather embarrassing. I sat on this House Floor in 1991 and watched the then Secretary of State pull out a capsule from a glass bowl and you're right, then the Party who was pulled out drew the map. As it turned out, I'm not sure just exactly what we won in 1991, but it just seemed like a very strange way to do that and you have won two (2) of those drawings since... since I've been here. Mr. Speaker, to the Bill, if I could. Again, I commend the Sponsor and I don't think anybody will stand up here today and absolutely and fundamentally disagree with the fact that we need to change the current system. I have a problem or two (2) I'd just like to point out. There were Republican Constitutional Amendments filed on this issue before the Lawrence Commission issued its summary. Those Constitutional Amendments were never given the courtesy, if you will, of a... of a hearing. I've sponsored one since the 93rd General Assembly. I know

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Suzie Bassi and several Republicans have tried to move this concept both before and after the Lawrence Commission. I've filed the Motion to Discharge House Joint Resolution Constitutional Amendment #3, obviously, no action was taken on that. So, it isn't that we're the loyal opposition on the concept, on the contrary. We didn't fall asleep at the switch. You wouldn't let us participate when we were at the switch..."

Speaker Hannig: "Representative, could you bring your remarks to a close."

Black: "I thought I was on a roll, Mr. Speaker. I'm trying to point some... some very cogent remarks here, but I'll do the best I can. I don't think we fell asleep at the switch and I thought that remark was uncharacteristic of the speaker and somewhat... somewhat got under my skin. If we had never tried, if we had never brought forth our ideas, if we had never filed a Constitutional Amendment on the redistricting process, then the remark might have certainly been in order. We've certainly tried to do that. We've been denied an opportunity to have any hearing whatsoever on... on the ideas that we have... that we have brought forward. In all due respect to the Sponsor, this is not a perfect Amendment. I think the three-fifths vote would be more fundamentally fair than the two-thirds vote. I know we'll get into specificity on what is the... the concept of a master who will then end up perhaps having to be able to draw the map. Your Amendment is silent on who that might be or who it will be or who it could be. So, all in all, Representative Brosnahan, I commend you. One of the

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advantages of being in the Majority is you at least get to advance your ideas. I wish we had had that same opportunity; we didn't, but what we have before us is your Constitutional Amendment #44. I look forward to additional questions and the vote, but I would be remiss if I didn't say, in all due respect to both sides of the aisle, almost anything... well, I shouldn't say that... what we have is an embarrassment, so we need to move forward with your ideas, hopefully some of our ideas will be included later on, but we need to take a step forward. This redistricting process, where the winner takes all, you draw something out of a hat or a crystal ball, that... that just will not do in the 21st century. I commend you for the work you've done on it. And thank you, Mr. Speaker."

Speaker Hannig: "Representative Bassi."

Bassi: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Hannig: "He indicates he'll yield."

Bassi: "Representative, would you tell us again when the Lawrence Commission had met originally?"

Brosnahan: "Well, I know they briefed the four (4) caucuses in November 2006. I'd been told that they had held hearings and meetings among this bipartisan group of individuals for approximately two (2) years. I'm not sure when their first meeting was or when the last meeting was, but..."

Bassi: "Okay."

Brosnahan: "...I know they did approach the caucuses in November of '06."

Bassi: "All right. 'Cause one of my concerns... and when did you say you filed your Bill?"

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Brosnahan: "A couple weeks ago when we filed the Constitutional Amendment."

Bassi: "A couple weeks ago. Okay. 'Cause one of my concerns with this coming out is the lack of..."

Brosnahan: "I'm sorry. Suzie, it was April 10, I've just been told. That it was filed April 10."

Bassi: "April 10 of 2008."

Brosnahan: "Yes."

Bassi: "Right? Okey-doke. 'Cause we're... one of my concerns is the lack of bipartisan interest in this sort of a thing which affects both Parties obviously very... very seriously and there appeared to have been repeated efforts to bring redistricting reform before the General Assembly by the Majority Party which has been in place as long as I've been down here. I know that there were... there were redistricting Amendments that were filed in January of '03, in February of '03, in January of '04, in January of '05. These were all Republican ideas about redistricting. I, myself, filed one in January of '06. I'm sure that was the impetus for the Lawrence Commission. And just this year alone, this past year alone, I filed two (2) Amendments... two (2) Constitutional Amendments on redistricting. Representative Mulligan has filed one (1). None of these have ever seen the light of day. They were buried in the Rules Committee. So, while I commend you for actually getting something to the floor, congratulations for being where you're at and thank you for at least getting something moving, I would have appreciated more of a

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bipartisan involvement in the actual Amendment itself. So, with that said, thank you very much."

Speaker Hannig: "Representative Tracy."

Tracy: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Tracy: "Could you tell me where the three-fifths vote originated?"

Brosnahan: "The Lawrence Commission indicated that they believed a Supermajority of either... of either three-fifths or two-thirds would be fine. They didn't take a position whether they thought one or the other would be preferable. We decided that three-fifths should be... we thought that was more appropriate because it was consistent with how we presently vote on Constitutional Amendments. So, that's why we went with three-fifths, but that was recommended by the Lawrence Commission either two-thirds or three-fifths."

Tracy: "Did the Lawrence Commission discuss a two-thirds Majority vote possibility?"

Brosnahan: "They said either one. They did not take the position. They told us that they thought it should definitely be not simple Majority, so they said a Supermajority should be required and they indicated it should be either/or. They'll say either three-fifths or two-thirds."

Tracy: "Do you know of other instances where in the General Assembly we actually require a two-thirds Majority vote for certain items?"

Brosnahan: "I'm not aware of any."

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Tracy: "Well, it seems like when we have, to my... when we have instances that require higher, a super-type Majority that are of such a nature to require a more important magnitude of vote or a... more of a... a vote that would be off of a weighted balance, it seems like... Well, in instances where the State Board of Elections is requiring an appointment that the Party that is not serving on the side of the Governor, it requires a two-thirds Majority. And then also, it seems that we have a two-thirds Majority required whenever a Party or a chamber would decide to close its meetings and hearings to the public, it would require a two-thirds Majority. And then more importantly, it appears that the Senate requires to impeach a two-thirds Majority vote. So, it seems to me that we do have instances where a two-thirds Majority seems to comply with a higher degree of... of importance for certain things and it does seem that something of the magnitude of this Amendment would fit within that niche of requiring the two-thirds Majority rather than a three-fifths."

Brosnahan: "And I respectfully disagree. I think three-fifths is a Supermajority and I think that's appropriate. Again, it's consistent with what we need when the general public will vote on this, hopefully, if it makes the ballot in November. So, I... that's why I think three-fifths is appropriate."

Tracy: "To the actual Resolution. I would just like to state that I think that from the instances I just elaborated on that there would be a very strong case and actually precedent in our rules and procedures that we follow in the

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General Assembly when we're talking about something of this magnitude or importance that would require a two-thirds Majority, especially when it's a matter that doesn't require the consent or the vote of another chamber. And then I would think that in the true spirit of democracy that such a Resolution would show a higher regard for bipartisanship if it will require the three-fifths or excuse me, the two-thirds Majority so that it would ensure that no Party, irregardless of which Party controls, always the Minority Party would have a voice in the... this type of matter such as redistricting if we went to a two-thirds Majority vote rather than the three-fifths."

Speaker Hannig: "Representative Black, you've spoken in debate. For what reason do you now rise?"

Black: "Mr. Speaker, I'd like the record to reflect... I made a mistake when I was closing. I... I know it's very unusual, isn't it. I said that I would rather have a two-thirds vote than a three-fifths, I should reverse that. I would rather have three-fifths vote than a two-thirds."

Speaker Hannig: "Or you'd rather have two-thirds..."

Black: "No, I'd rather have... Hang on just a second. Let me check with my staff. Now, I'm... I could... I want two-thirds. Don't... whatever you do don't put me on Jeopardy."

Speaker Hannig: "I can see..."

Black: "Rather than the three-fifths, all right."

Speaker Hannig: "Yeah. We'll have a... we'll have the test on fractions tomorrow."

Black: "All right, if you would. I would appreciate it; it would come in very handy. Thank you."

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Speaker Hannig: "Representative Fortner."

Fortner: "Thank you, Speaker. Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Fortner: "First of all, I'd like to commend the Representative for what I think is an excellent Resolution that goes fundamentally to help reform a system that I think is clearly broken. We've had commissions that have shown that it's fundamentally broken. However, there are a couple places where I want to make sure I understand where some of the language is. The concern that I have is that though we may not have specificity in the constitutional language, perhaps there will be implementation later. So, in two (2) areas I'd like to make sure that we define some terms and I understand what they are so that our intent is clear and it's not up to some future court to interpret what we meant here today. And the first is on where you reference Minority voting strengths. Did you have a specific definition in mind?"

Brosnahan: "I'm sorry, Mike. I didn't hear that full question. Could you repeat..."

Fortner: "Yes. Where you reference Minority voting strengths, did you have a specific definition in mind?"

Brosnahan: "That language... there's not a specific definition, but it is consistent with the Voting Rights Act. That's not specifically referenced to in the Amendment, but it's consistent with the Voting Rights Act."

Fortner: "So, for the purposes of legislative..."

Brosnahan: "And as well as case law."

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Fortner: "So, for the purposes of legislative intent, can we say that you included the phrase 'Minority voting strengths' to ensure that any map would conform to the Voting Rights Act and any court interpretations of that phrase?"

Brosnahan: "I would certainly say, for purpose of legislative intent, we are trying to be consistent with the Voting Rights Act in all the present case law, right now, when this was drafted."

Fortner: "Thank you. On the second point has to do with the definition of 'political boundaries'. Did you have a specific definition in mind in that regard?"

Brosnahan: "No, there's... I don't have anything specifically in mind whatsoever when it comes to that term."

Fortner: "'Cause I know that the Lawrence Commission did give high priority to the idea of preserving political boundaries in their report. Would it be fair to say that for the purpose of legislative intent that the phrase 'political boundaries' is intended to mean that it would ensure that any map be kept intact... try to keep intact the boundaries of local governments such as townships, counties, and municipalities?"

Brosnahan: "No. I would not say that at all. The term 'political boundaries' has appeared in different case law. I don't have a specific definition for it, but I certainly would not agree with that characterization that you had said."

Fortner: "Did you have a specific cases that you wanted to cite as reference for that?"

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Brosnahan: "I do not have them in front of me at all, I'm sorry."

Fortner: "Okay. Well, again, I... I appreciate that. I think it is important though, that we try to get that definition clear so it is not... so we know what we meant. As I say, I think this is an excellent attempt to reform a broken system. I just want to make it sure... clear what we mean as we stand here today passing this that going forward future Legislators, future justices will understand what that intent is. So, I wish we could have done a better job on defining that. In any case, again, I do strongly support this. I think, though it is not as clear as I would like it to be in some cases, certainly in the case of political boundaries, I think having some specific intent would be helpful. I personally think things like townships, municipalities, counties, certainly used in many other states when they referred to political boundaries, those are the common types of boundaries that are referred to there, but yet, this is still a much better proposal than the current process that our Constitution currently has and for that reason I would urge an 'aye' vote."

Speaker Hannig: "Representative Rose."

Rose: "Will the... Thank you. Will the Sponsor yield for some questions?"

Speaker Hannig: "He indicates he'll yield."

Rose: "Thank you. Representative, I'm intrigued by your concept of the special master, but I have a few concerns about the lack of specificity. As you know, we filed an Amendment that was rejected to make the special master a

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former... a retired federal judge. But what criteria do you envision being used to select a special master?"

Brosnahan: "Well, I mean, there is no set criteria and I know this is something that was talked about by the people that I've met with Mike Lawrence and at the Lawrence Commission, if you want to call it that. They talked about whether there should be more of a criteria and I know Leader Cross had an Amendment that he thought the criteria should be that the special master should be a retired federal judge."

Rose: "Right."

Brosnahan: "And we looked at those and I've talked to the people and I've talked with Democrats and Republicans and I think the consensus was, and this is also from the Lawrence, that bipartisan group of people involved in this process, they thought that was not a good idea to actually try to limit it to either a retired federal judge or a retired federal prosecutor..."

Rose: "Representative, do they have to be a resident of the State of Illinois?"

Brosnahan: "Well, it's not in this Amendment. We would hope that the Chief Justice in the Illinois State Supreme Court and the other justice that he is working with, namely the special master, they would appoint a well-qualified person. Maybe... maybe it is a retired federal judge, but maybe it's somebody from academia..."

Rose: "Could... could they run as... could they run and..."

Brosnahan: "...maybe it is a former fellow prosecutor. We thought it was better not to limit it to one group of..."

Rose: "Could they run in the district they drew?"

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Brosnahan: "Again, that is silent. I'm sure that may be the subject of... if it ever happened."

Rose: "I mean, you understand my... you understand my concern here. I mean, we're..."

Brosnahan: "Mmm mmm."

Rose: "...being very quiet on what could be, you know, everything could turn on, quite frankly. Let me ask another question. What criterion will the special master use when they draw a map? I mean, could they look at previous maps? Could they look at the other maps that have been filed or is it silent on that as well?"

Brosnahan: "Chapin, give me one second, please."

Rose: "Sure. Mr. Speaker, could I have some more time as we're waiting for staff?"

Brosnahan: "Sorry. I did find it, Chapin, I apologize for the delay. They would look at the same criteria that the commission looks at, which is it would reflect... it'll be contiguous, be substantially equal in population, reflect Minority voting strengths..."

Rose: "Okay."

Brosnahan: "...and consider political boundaries."

Rose: "Would they be free to look at other previous maps, other maps that were drawn by perhaps earlier stages of this process?"

Brosnahan: "I believe if that is their choice they would be allowed to do that."

Rose: "Okay. Do you know of any special masters who have done similar lines of work in other states and what their qualifications were?"

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Brosnahan: "I'm sorry. Could you repeat that? I did not hear that."

Rose: "Do you know what... do you have any... do you know of any other special masters who have done this type of work in other states with regards to the redistricting processes?"

Brosnahan: "No. I mean, I've looked into special masters and I know they've been appointed for a variety of reasons. I don't know. There may be, but I don't know if there's one that's been assigned in other states to handle redistricting."

Rose: "Could they hold public hearings and receive input?"

Brosnahan: "I believe they could."

Rose: "Okay. Representative, what happens if the Supreme Court can't agree on a special master by August 10?"

Brosnahan: "Well, I would have... I do have confidence in the State Supreme Court that the Chief Justice, working with the justice from the other Party, would agree on somebody. I think that's... and that question came up. The Lawrence Commission had the same feeling that I do, that it is their constitutional duty to agree to appoint somebody..."

Rose: "To appoint..."

Brosnahan: "...and they would work together and they would come up with a name. Now, if you're telling me, well, what if in the..."

Rose: "Well, I'm just asking the question, Representative."

Brosnahan: "If it does happen, I would think it would probably end up in court."

Rose: "Could you... could you... could they appoint more than one if they couldn't agree?"

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Brosnahan: "The... No, under this a Constitutional Amendment, they would appoint one special master."

Rose: "Okay. What happens if the Supreme Court is controlled by only one Party? What happens to the input part that you've provided for... for the other Party?"

Brosnahan: "I don't think that is very likely, but in case it did, I believe then it would be the Chief Justice would get the appointment."

Rose: "Well, Representative, one last..."

Speaker Hannig: "Can you bring your remarks to a close, Representative."

Rose: "I will and if I could, Mr. Speaker, I'd... there was a little bit of a timeout there while we were waiting for staff..."

Speaker Hannig: "Certainly."

Rose: "...to get some answers. So, I will be very brief. Assuming the special master files some map on September 5, what then would that do to the petition circulating process that had already started?"

Brosnahan: "I guess, I've been told, under current law there's already some provisions that if there are a new map that comes out, the signatures that you already collected under your old district, I guess there's case law that says those still would be counted. So, there's provisions right now in case law that kind of addresses that."

Rose: "But that case law would be based on the current constitutional... the current Constitution and an Amendment to the Constitution would create new case law wouldn't it, counselor?"

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Brosnahan: "I still think that is something that a candidate or political Party would use and I think it would be persuasive and I think it would still apply."

Rose: "All right. Well, Representative, I do have concerns about the lack of specificity of this, but in general it's better than the tiebreaking provision. I'll look forward to further debate. Thank you, Representative."

Speaker Hannig: "Representative Pritchard."

Pritchard: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Pritchard: "Representative, talking about this commission that would be formed, it sounds like there's a dual track system. The commission would be appointed in April while the Legislative Bodies would also be trying to draw a map. Is that correct?"

Brosnahan: "That's correct."

Pritchard: "So, doesn't that contribute to some confusion if you have two (2) bodies out there working on a map, perhaps holding public hearings?"

Brosnahan: "Well, we didn't think so. We thought it was important for that after the commission gets formed that they would be allowed to kind of get a head start in case we need them on June 30. So, they could use that time from April 1 until June 30 to conduct public hearings throughout the state, gather information. We just thought that was more appropriate just by, as I said, we may not need them if the Democrats and the Republicans could, you know, get to a Three-fifths Majority, we wouldn't need them. But we

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thought it was important to at least give them the ability to use that time before June 30 in the best way possible."

Pritchard: "So, is there anything in your legislation that would say the legislative discussions would be in a bipartisan fashion as the commissions are in a bipartisan fashion?"

Brosnahan: "Representative, in order to pass this Resolution we would need a Three-fifths Majority. So we would certainly be... welcome all the input from the Republicans. We couldn't do it on our own, so it would be a bipartisan approach and that would be the whole key. We think doing it this way there's a greater chance for cooperation and hopefully, an agreement between the Democrats and the Republicans on the map."

Pritchard: "This commission that's formed is made up of two (2) Members from each Party."

Brosnahan: "That's correct."

Pritchard: "Is... is... You know, we have a very diverse state, hundreds of miles long, lots of different ethnic representation. Why did you pick four (4) Members, two (2) from each Party, as the sole source for this commission, rather than a larger number, say, twelve (12) or sixteen (16) or whatever?"

Brosnahan: "Well, currently, the commission is eight (8) Members and they handle both the House and the Senate. We thought four (4) was an appropriate number. It's just going to be dealing with the House map here and then the commission would let us deal with... the Senate commission just deals with the Senate map. So, we thought two (2)

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individuals appointed by the Minority Leader as well as the Speaker of the House was enough representation and you need three (3) out of four (4) in order to get an agreement."

Pritchard: "There's nothing in this legislation that would require those two (2) Members from each Party to be from diverse areas of the state, is there?"

Brosnahan: "No, there is not."

Pritchard: "So, we could end up with a commission that is not representative and therefore, might make a map that's very unrepresentative of the state. Is that correct?"

Brosnahan: "I would certainly hope that the Minority Leader and the Speaker of the House would take that into account when they made those appointments, so I would hope that would not occur. Is it possible, yes."

Pritchard: "Is it possible that this commission would come up with their plan in a much more speedy fashion than the Legislative Body and file their report before June 30?"

Brosnahan: "No. Under this Constitutional Amendment, they wouldn't be doing that. They would only draw the map if the... if the House does not pass their own Resolution with that three-fifths Majority, then they would get involved in the actual drawing and adopting their own Resolution."

Pritchard: "Representative, I think this Bill makes some good steps towards needed reform, but I think you could have gone a further step in using a commission that's a bipartisan, perhaps a larger commission that's more representative of our state and would work on ways to build public confidence in the process that you've indicated in your remarks may be lacking in the current system. I think

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we've got a start for a good Bill, but there isn't any timely reason why we can't wait and continue to improve this legislation is there and still implement it before the 2011 census?"

Brosnahan: "I'm sorry. Could you repeat that?"

Pritchard: "Is there any reason why we can't hold this Bill and continue to improve it rather than wait until... and rather wait until 2011..."

Brosnahan: "Well..."

Pritchard: "...when it could still pass in the 2010 election cycle before the next census?"

Brosnahan: "Respectfully, Representative, I do want to call the Bill today and have the vote heard today. I do think as I've said that we've had this information since November of '06, all the caucuses have had it. We, you know, had a lengthy debate in committee, Amendments were proposed, so I think the debate's been out there and that's why I would choose to call it for a vote today."

Pritchard: "Well, I would just add that in that committee debate that you referred to there were a number of Amendments and we did try to improve this legislation, but the excuse was there's no time if we're going to get it on the 2000..."

Speaker Hannig: "Could you bring your remarks to close, please."

Pritchard: "The comment was made there wasn't enough time to get it on to the 2008 election cycle. It doesn't need to be on the 2008 election cycle. It could be on 2010. We could continue to work on this in a bipartisan fashion and

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therefore, I would ask this Body to hold this legislation until... at a later date. Thank you."

Speaker Hannig: "Representative Durkin."

Durkin: "Sponsor... Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Durkin: "Representative Brosnahan, I think some of the other questions have kind of danced around the issue, but could you just generically explain to me what the role of the Supreme Court is under this Constitutional Amendment?"

Brosnahan: "Sure. If the... the House does not reach an agreement on a Resolution with Three-fifths Majority, then it goes to the House commission. If three (3) of the four (4) of those members do not reach an agreement, then it will go to the Illinois Supreme Court and the Chief Justice of the Illinois Supreme Court, with the help of a justice from the opposite political Party, will choose a special master and that special master then will have until September 5, I believe, to produce a map to be filed with the Secretary of State."

Durkin: "Will the Supreme Court retain original and exclusive jurisdiction to review any map which is brought up... which is brought to them through the court process?"

Brosnahan: "Yes."

Durkin: "All right. Do you agree or disagree that the... that the Supreme Court or any other court should not legislate from the bench? Specifically, I'll ask you mainly just add a little bit more to that. Do you believe that the issue of the Supreme Court or any court drawing districts is legislating for the bench?"

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Brosnahan: "Well, this would not be the actual Supreme Court drawing the districts. This would be a special master appointed by the Chief Justice and another justice drawing the map. This would not be the justices actually sitting in their room and drawing up the maps."

Durkin: "Would this prohibit the Supreme Court if there is no... let me... let me back up... would this prohibit the Supreme Court from drawing a... let me... redrawing the map, if, assuming that the special master has filed his map, a party brings that up on appeal questioning the constitutionality of that map, will this Amendment prohibit the Supreme Court from... from redrawing the districts? Would it prohibit that?"

Brosnahan: "It doesn't address that. I certainly wouldn't want to tell the Supreme Court I think what they have to do or what they should do, but it doesn't address that in the Constitutional Amendment."

Durkin: "I guess the... what I'm trying to get at and we raised this in committee is that there has been discussion in the past through the Supreme Court over the years particularly in Burris v. Ryan in... many years ago in which Justice Cunningham and Clark both stated that they had the... they believed that they had the constitutional authority to draw maps. The point being, I believe that it is not within the authority of the Supreme Court to go down that road. I believe that it's specifically left to the Legislature. So... so, I guess the... the role... after the map's been drawn up, it's drawn up, the role of the Supreme Court should

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exclusively be to whether or not determine if the map is constitutional or unconstitutional, correct?"

Brosnahan: "But I... I can't antici... there may be some other situations that arise that... that I'm not anticipating right now, that's why I wouldn't want to make a blanket... give you a blanket yes or no answer to that question."

Durkin: "All right. Well, I..."

Brosnahan: "I believe under this Amendment though, it's the special master that draws the map. We... we're not asking the Illinois Supreme Court to take a pen to paper and draw these maps. We're asking them to appoint someone to do that. So, I mean, that's my position on it."

Durkin: "Okay. Now, assuming that the case where the special... there has been a map which has been created by the special master and someone does not like that map. They... they believe that for some reason it's unconstitutional and it is brought up through the system at the Circuit Court and it goes up to the Supreme Court. Will the two (2) individuals who decided on the special master, would they be allowed to participate in that opinion or would they have to recuse themselves from that opinion?"

Brosnahan: "Representative Durkin, I think, as you're aware, the Supreme Court has the original and exclusive jurisdiction on these remaps. So, you said it works its way to the Supreme Court. I think it would be in the Supreme Court and I believe they would be able to participate."

Durkin: "I guess the point I'm making is that you're going to have a... a Supreme Court justice from two (2) Parties who

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are going to decide, ultimately decide, on a special master and the special master will draw up a map and he'll file it with the Supreme Court, but there is a later challenge made to that map. Will those two (2) individuals who appointed that special master be allowed to participate in that opinion if they were the ones that settled on the special master? Don't you believe that there would be somewhat of a conflict for them to participate at that point?"

Brosnahan: "That's not for me. That would be up to the justices to decide if there's a conflict. I don't know whether there would be or not. That's not my call on that."

Durkin: "Well, I'm trying to see if we can at least establish some legislative intent because we..."

Speaker Hannig: "Representative, your time has expired. Would you bring your remarks to a close."

Durkin: "All right. I'll ask the question again. Do you... can you provide any legislative intent on that specific scenario? Do you have anything which you could add to this Amendment?"

Brosnahan: "No. At this point I cannot. I don't want to make a decision or a statement here about what the Supreme Court should do or shouldn't do, whether a conflict may or may not arise. I do not want to make a statement in regards to that at all."

Durkin: "Does this Amendment address the constitutional requirement that the Legislature must redistrict Congressional maps? Do we... Is this part... is this included within your..."

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Brosnahan: "We... we are not redistricting the Congressional.

This is just the House districts and the Senate districts."

Durkin: "But the United States Constitution does require the states to draw the Congressional maps. Would you agree?"

Brosnahan: "Yes, but that's not addressed in this Constitutional Amendment."

Durkin: "All right. Well, I... the only reason I bring it up is that over the last... since 1961 there have been three (3) situations where the General Assembly has drawn the maps and there's been two (2) situations where the Supreme Court has drawn a Congressional map. I think that it would be... I know it's too late, but I wish that we had at least had fortified that the proposition that the Legislature is the sole Body who is to draw Congressional maps because it's been left in balance and I don't like the fact that we have courts who are going to go into the business of creating not only just legislative maps. They might as well have the ability to create their own legislative map, but also I don't want them to go down the road and... to create Congressional maps. So, I appreciate your work on this. I asked you earlier in committee if you would be able to at least help us with some definition of 'special master'. I'm disappointed we didn't get that far, but I do appreciate your work."

Speaker Hannig: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I'm sure the framers of the 1970 Constitution thought that the tiebreaker provision, whether it's pulling the name from the hat, flipping a coin or rolling the dice, would be

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enough to make any sensible, responsible Party decide to compromise, come to the table and draw a map. Well, it turns out we've had three (3) opportunities and three (3) times we've struck out. Now, go home and try to explain to your voters, to your citizens, how this tiebreaker works. Let me tell you, they'll look at you as if you've completely lost your mind. So, the reality is for whatever reason the tiebreaker has not worked to force compromise among the Members of the Legislature, among the Members of a totally bipartisan legislative redistricting commission. I can tell you because I was part of that commission at the time of the '90 census. In fact, it was my map that was adopted. I thought it was a pretty good map, but that does not, I think, get to the question whether there ought to be a process in place that will give fairer play to the citizens of Illinois. And I think Representative Brosnahan's proposed Amendment does the job. We will continue to have every opportunity ourselves to draw a map, if we don't, a commission will be in place to do the job for us. But if, at the end of the day that doesn't happen, the whole thing will be taken from legislative hands and put in the hands of people appointed by the senior by the top justices of the Supreme Court. I think this makes excellent sense in part because the old approach just plain didn't work. I would prefer it if we retain the nesting concept, that is, that every Senate District would include two (2) and only two (2) Representative Districts. I think that makes it clearer to the voters who are their Representatives in Springfield, but that didn't work very

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well either. So, on balance, I think this Amendment makes sense and I would just say on the question of 71 or 79 votes, 71 wins. If you look at our Constitution, rare are the instances, in fact only two (2), where it requires 79 votes to do anything where there are many places where 71 votes is the norm preempting Home Rule, putting a Constitutional Amendment on the ballot, passing legislation immediately effective after May 31, overriding a Veto, overriding an Amendatory Veto and our Rules are replete with other examples. 71 is what it takes to take a Bill from the table, 71 it takes to discharge a committee, 71 is what it takes to appeal the ruling of the Chair. So, there is strong precedent for a 71 vote, three-fifths requirement and we have worked with that very successfully. It gives ample opportunity for participation by the Minority Party; that is the point. And finally, on the issue of Congressional redistricting, we do that entirely separately from the current Constitution or from this proposed Constitutional Amendment. Congressional redistricting does not go to pulling the name of a hat... from a hat does not go to a tiebreaker. We do that as a completely separate proposition today and we will continue to do that if House Joint Resolution Constitutional Amendment 44 is approved by the General Assembly and adopted by the voters. So, that issue is a complete red herring. I would just say in terms of making sense to our constituents, making sure that we have a responsible program in place where decisions are made by the grownups not by the children, I would say the

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right vote on this Constitutional Amendment is a 'yes' vote."

Speaker Hannig: "Representative Eddy."

Eddy: "Thank you. Speaker, will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Eddy: "Representative, to the concept of deciding on three-fifths or two-thirds, the previous speaker described the three-fifths as a fairer... a fairer method. If... if three-fifths is fairer, why wouldn't two-thirds be even more fair than three-fifths?"

Brosnahan: "Well, again, I know we've gone over this a couple times. When you talk about these figures, two-thirds or three-fifths, they're both Supermajorities. The Lawrence Commission suggests we can use either one and we've decided to stay with three-fifths 'cause that's consistent with present law, it's consistent with the voters when they decide on whether this passes or not in November, if it gets on the ballot, that has to be three-fifths. So, we've kept it consistent."

Eddy: "Well, I understand that..."

Brosnahan: "And I think this is fair."

Eddy: "Well, I'm not saying it isn't fair, but if it is fair, wouldn't two-thirds be even more fair? That's the question. I mean, I understand that there are improvements, but if you're looking for and you're really attempting here to provide the kind of reform that would be totally fair, there would be additional aspects that could be added to the language that would maybe even make it more fair."

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Brosnahan: "But I think carrying your argument even further, than the 100 percent would be the most fair and that's not going to happen because we know the process would come to a standstill."

Eddy: "Well..."

Brosnahan: "So, there has to be a number, there has to be a figure, and that's why we thought three-fifths was appropriate."

Eddy: "But... but I think you take the argument then to a ridiculous nature where I don't think it's quite as ridiculous if you're talking about two (2) fractions that are normally used. And I think the previous speaker did a good job of outlining a number of cases where the three-fifths standard is used. I also know that there are a number of cases that the two-thirds standard is used and that's been brought out. So, I think really what we're talking about is comparing two (2) standards that are normally used, not coming up with 100 percent or some percent that just isn't even ever considered. And I guess of those two (2) it would seem to me, that if we're looking to become as fair as we possibly can given some standard that exists, that a two-thirds standard would be that, but I'll get away from that. I understand that there had to be a decision made. I think the other thing that most of us who are... have concerns... serious concerns about this Amendment are concerned with is the whole concept of the qualifications for the person who's going to be picked as a special master, because at the end of the day, at the end of this, if it comes down to that person, there's an

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extraordinary amount of power that that person will hold in this process. Doesn't it make sense that there would have been some attention given to make sure that there were qualifications for that person written into this?"

Brosnahan: "Well, we are placing our trust in the Chief Justice of the Illinois State Supreme Court as well as the other justice from the other Party. We are putting faith in them. They're going to have a constitutional duty to appoint a special master and I am confident they're going to try to appoint the most qualified person they can find whoever that may be whether, again, whether it's in a university or whether it's, again, maybe a retired former federal judge. But they're going to do their best and we didn't want to limit them saying that you have to pick only one (1) certain type of person with a certain type of background."

Eddy: "Well, I... there's lots of ways to write criteria and one (1) is to write a least some flexibility where they could also consider other types of criteria and that could be written flexibly. It just seems like there should be some basic minimum to that person who is going to have that kind of power. And the other questions I have have to do with the Federal Voting Rights Act and the fact that perhaps some of the language from the Federal Voting Rights Act would have sufficed in the Amendment rather than terms having to do with certain voting strengths and to include political boundaries instead of definitions like 'communities of interest' which are court proven types of... It just seems like, Representative, while you have taken

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some steps, there are improvements that could be made to this in a bipartisan manner and I think that's the whole crux of any types of concerns that this side has regarding this Amendment. It's a good start. We can do better and I think we could have done much better had this been approached in a true bipartisan manner and we would have had that input. I do appreciate the work you've done."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise in support of the Gentleman's Amendment. You know, we've got a system here that any newspaper in the state and any citizen in the state would say is a bad system. One of the newspapers today in describing this Amendment said that we need to pass this so that if the children can't do it the adult would come in and do it. And we've acted like children over the last thirty (30) years in dealing with the reapportionment process. There are those on this floor who would pick it apart. They would find different issues to find fault with and I suppose all of us could do that. This is a very serious proposal on a very serious issue. But as one of the newspapers commented today, the perfect should not be the enemy of the good. This is a proposal that will benefit us in our process. It will benefit the citizens of Illinois because names won't be drawn out of a hat to determine the direction of Illinois for ten (10) years at a time. I sincerely hope that some in the Minority Party are not preparing to vote 'no' simply because they prefer the status quo knowing we're against the deadline and hoping that their only chance to be in the

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Majority for the next ten (10) years would be the luck of the draw. Let's not do it that way. Let's provide this Assembly, the House and the Senate, with a reasonable process for moving forward to address reapportionment, one that would turn it over to someone we might trust if we aren't able to complete our mission. Representative Currie was right when she indicated that the framers of this Constitution and this procedure felt that we would never let it get that far, but we've let it get that far and the truth is that given the current Majority's in the House and the Senate and a Governor of the same Party, we don't have to really do this. We could simply leave it the way it is, pass a Bill on the floor of the House, pass a Bill on the floor of the Senate, have a Democratic Governor sign it and the Minority Party would have no say whatsoever in the process. I think it's appropriate that those who would pick this apart give some thought to that. The deadline is upon us. Though some would argue that this should have been done sooner, perhaps it should have been, but this is when it's here. And so we must act as reasonable, responsible Legislators to try to fix a system that it really... is really irresponsible. Determining the direction of Illinois for ten (10) years at a time on a flip of a coin or the picking of a name from a hat is irresponsible government. We all know it is. And many on this floor on the other side of the aisle would say, well, but we didn't have it exactly our way so we'll just, as children, hold our breath 'til we turn blue. Let's not let that happen. Let's let reasonable public policy come from this Body

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today. Mr. Lawrence and his folks did an excellent job in putting forth a proposal we can count on, one we can trust and even if we don't like 100 percent of it, it's a proposal that is tons better than the rules we have in place today. For these reasons, please vote 'aye'."

Speaker Hannig: "Representative Cross."

Cross: "Thank you, Mr. Speaker. This is somewhat ironic that we all agree that the current system is broken, that the current Constitution doesn't work. They took months if not several years to work out a Constitution that we all confess today on the floor and we've listened to for the last twenty-five (25), thirty (30) years is broken and yet you, in the Majority, aren't willing to take a few suggestions from the Minority to improve a Bill that we all agree... or an Amendment, agree has to happen. So, several months if not years versus several days, I guess the fears we're rushing into are potentially the same type of mistake as the framers of the Constitution in 1970 did and I don't understand and nor I guess does anybody understand on this side why we would do that. I'm reading... I want to refer to a newspaper article in the Springfield paper last week that referenced the Republicans complaining that the Amendment was sprung on the House with little notice. We worked at... and inadequate public hearings. We weren't complaining that it was sprung on us with little notice, we've gotten frankly quite used to that, that happens all the time in this process. What we were pointing out was that we need to make change and we agree with you and Representative Brosnahan, your recognition that the process is broken and

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needs to be fixed I wholeheartedly commend you for that recognition. But as I said, we feel like there are a number of areas that need to be changed. This article goes on to say that the Speaker made several references to us falling asleep at the switch and asked about the tone of his remarks the Speaker said he'd had enough of the nonsense. Our attempts to make a Constitutional Amendment a little better I would not characterize as nonsense. Everybody around here agrees, everybody around here agrees that the system's broken. Every newspaper in the state agrees the system is broken. Everybody in this Body agrees the system is broken; everybody across the chamber into the Senate agrees the system is broken. And our attempt last week to make some changes to make a Constitutional Amendment that was pretty good, even better, is far from nonsense. And I would submit to you that making a Constitutional Amendment a better product that doesn't address the issue of Congressional redistricting, does not address the definition of 'special master', does not put into the Constitutional Amendment or define even better the idea of Minority representation or communities of interest is not nonsense, simply suggestions and proof and ideas that can make this a better Bill. The idea of, Mr... Representative Brosnahan, of two-thirds and I think Representative Eddy made a very good suggestion, why isn't it even fairer. And I think that the concept of three-fifths, Representative, makes some sense in certain scenarios, but what we're doing under your proposal is taking out the Senate and taking out the Governor's Office

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and quite frankly that may make some sense in an attempt to get a map drawn, but you have three-fifths when you have more deliberation and more input and more suggestions from the House and the Senate and the Governor's Office. But when you remove that part of the process, when you remove Senate input and their hearings from around the state, and you remove what in... ever input, whatever the... whoever the Governor is from this process, it makes more sense and it's more logical to include more input from this chamber. This isn't and it was sad to hear somebody on your side say three-fifths wins. This isn't and we all acknowledge this, I said this week that you're in the Majority. You won; you've won the election. You control this place, we accept that, but when it gets down to the drawing of a legislative map, this shouldn't be about winning or losing in the drawing process. Once it's done, we all will accept what's drawn, perhaps, after it goes through the court system, depending on how it draws it, but the very process of drawing it should not be that of winning or losing. Many states in this country draw maps in a nonpartisan way. We want people involved in the process. They do it in a nonpartisan way, they're not give incumbents an advantage to appeal to independent voters to appeal to the other Party regardless of the Party you're in, but what you're setting up is with the three-fifths versus the two-thirds is a winning scenario for a Party that might have three-fifths. We simply are saying in a process that's limited to one House look at the idea of two-thirds and it's troubling that on this issue and I take you,

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Representative, at your word that you want to do something that people wouldn't be open to our ideas. But let me add a few things, Representative, just on a few points. This, as I said and you have said, is an opportunity to make a change in the Illinois Constitution. Everybody agrees it's broken; everybody agrees it needs to be fixed. We need greater fairness; we need to encourage deliberation and to the greatest extent possible, remove partisan political advantage from the process; hence the two-thirds over the three-fifths. Representative Durkin talked about the current system being flawed and I don't know if anybody heard, but from 1901 to the present day the Illinois General Assembly has approved only one (1) legislative redistricting map under which an election has been held. In almost every attempt to redistrict except for that one time, the state legislative boundaries have been either set by legislative redistricting or the courts. It's time for a change. Constitutional Amendment 44 is a good start, it changes the system and it is the only Amendment we are going to vote on at the present time. Unfortunately, Representative, your Party and your Majority has provided us with a take it or leave it proposition, so we have no choice but to take it. I'm going to vote for this Resolution; I'm going to vote for this Amendment. I think we need to move the ball forward. I don't like everything in this. I think the things I've talked about and the things our Members have talked about are valid. What's bothersome again is that this attitude of take it or leave it on this issue and this issue of so... that is so important

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is I think somewhat of a travesty to this system. So, what I would ask of you, Representative, assuming the Senate does not move this forward and I know we're on a short time frame, will you and you can't speak for the Speaker, I don't see him, but will you and the Speaker... will you talk to the Speaker, agree to work with us before the 2010 election to work on a Constitutional Amendment, assuming this one doesn't pass, that incorporates some of our ideas and most important of all, changes a system that is clearly defective?"

Brosnahan: "Well, Leader Cross, I am still hopeful and I don't know how much time remains, but I am hopeful that this will pass this Body and then pass the Senate and be on the ballot in November. However, if for some reason the Senate does not act on it and it's not on the ballot, I would be more than happy to continue our discussions to try to make this better than it is now, if that's possible. I mean, if people want the perfect... perfect Bill, the perfect Constitutional Amendment, I don't know if we're ever going to get there, but I'd continue to work on this issue, it's that important, I'd be more than happy to continue the dialogue."

Cross: "Will you help... help work with us and the Speaker to bring experts from around the country to help draft that Constitutional Amendment?"

Brosnahan: "I'd be more than happy, again, to work with you and your staff and again, that's if the Senate doesn't act on this to try to move this forward, sure."

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Cross: "That's all... that's the assumption if it doesn't happen over there, maybe it will, but will you help us with advocating for hearings around the state to makely.. make sure we have a better Constitutional Amendment that we can present in 2010? I guess the ultimate question, Representative, is not only the hearings but also ensuring that we end up with a real Constitutional Amendment, not far from the one you've produced, we think it can be a little better, nothing's perfect, on the ballot in 2010?"

Brosnahan: "Sure. I'd more be more than happy, again, to work with you. I mean, Leader Cross, this is not a partisan issue. This is not a Constitutional Amendment drafted by Democrats and Democrats alone. This is the work product of a bipartisan group of people, Republicans and Democrats, led by Mike Lawrence. And for us to pass this, we need Republican votes on this. That's why I've spoken with you in committee. We've talked about it. This is bipartisan. This is not a take it or leave it. This isn't saying you'd better vote for this or we're going to still send it to the Senate."

Cross: "Right."

Brosnahan: "That's not the case here. We need Republican votes..."

Cross: "Okay."

Brosnahan: "...and that's why it is a... not a partisan issue."

Cross: "Let's make a couple things clear for the record. Not a single Amendment of the House Republicans was accepted in committee. All right."

Brosnahan: "And I'll also make it clear..."

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Cross: "All right."

Brosnahan: "...that all five of those Amendments got a hearing, they weren't placed in a subcommittee..."

Cross: "Right, right."

Brosnahan: "...that you weren't, you know, you were definitely recognized."

Cross: "Granted."

Brosnahan: "We had a Roll Call vote..."

Cross: "Right."

Brosnahan: "...on each of the five Amendments and I had an objection to each one."

Cross: "I understa..."

Brosnahan: "So, it was a hearing."

Cross: "No question about it, it was a hearing, but for the record, every Amendment we offered was killed in committee. Second of all, and Representative, I want to stress the fact that we need to move forward is good. This was... this Amendment or this Constitutional Amendment was not drafted by the Lawrence Commission. Isn't that correct?"

Brosnahan: "That's correct. They..."

Cross: "All right."

Brosnahan: "...met with us and gave us..."

Cross: "All right."

Brosnahan: "...their framework of different ideas..."

Cross: "Right."

Brosnahan: "...and we based this Amendment off of their ideas..."

Cross: "All right."

Brosnahan: "...and with their group's proposal list."

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Cross: "All right. I just want to make sure that everybody's clear. This was not... this was not offered in written form, in this form, by the Lawrence Commission. Were there any Republicans from the Members of this General Assembly that helped you draft this Constitutional Amendment?"

Brosnahan: "No."

Cross: "Okay. Also, just one point that for the record I think that, I'm not sure if people are aware of this, Robert's Rules of Order as you go through that and some of you are better at Robert's Rules of Order and understanding it than I am, but there are constant refreshers or references to two-thirds in that document over and over which would give any credence to the fact that again we ought to be looking, from a fairness standpoint and a bipartisan standpoint, of two-thirds over three-fifths. Representative, I guess just in closing, Jim, you are an admirable guy and I take you at your word that you're moving forward with this in the best way that you know how and I appreciate that 'cause it's out of control the way we do it. I would have liked to have seen some improvement on it, but the bottom line is your recognition that the system is broken is good, we acknowledge it's broken; we want to make it better. I wish you had looked at our changes and as I said, I will be voting 'yes' on this. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Brosnahan to close."

Brosnahan: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I do appreciate the lengthy debate that we had as well. Hearing from everybody, it is clear that change has to occur, reform has to occur and passing this

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Constitutional Amendment is our chance for reform. So, I would simply ask for an 'aye' vote. And I do, again, appreciate the debate."

Speaker Hannig: "The question is, 'Shall House Joint Resolution Constitutional Amendment 44 pass?' All those in favor vote 'aye'; opposed 'nay'. The voting is open. This requires 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Krause, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 98 voting 'yes' and 10 voting 'no'. And this Amendment, having received a Three-fifths Constitutional Majority, is hereby declared passed. Mr. Clerk, what's the status of House Bill 5849?"

Clerk Mahoney: "House Bill 5849 is on the Order of House Bills-Third Reading."

Speaker Hannig: "Return that to the Order of Second Reading at the request of the Sponsor. So, Mr. Clerk, why don't you read the committee schedule for the... for the day."

Clerk Mahoney: "The following committees will meet at 4 p.m. or immediately after Session: Appropriations-Elementary & Secondary Education in Room 114, Agriculture & Conservation in Room 122-B, Revenue in Room 115, the Executive Committee in Room 118 and Judiciary-Civil Law in Room C-1. The 4:30 committees: Environmental Health and Health Care Availability & Access have both been canceled. Environmental Health and Health Care Availability & Access have been canceled."

Speaker Hannig: "Representative Riley, for what reason do you rise?"

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Riley: "A point of personal privilege, Mr. Speaker."

Speaker Hannig: "State your point."

Riley: "Ladies and Gentlemen of the House, Boy Scout Troop 185 in Park Forest, Illinois, Grace United Protestant Church, is one of the oldest Boy Scout Troops in the south suburbs and I'd like for all of us to give a welcome to Scoutmaster George Krupa, former Scoutmaster John Thorne and in the spirit of the Scout slogan, do a good turn daily, we have two scouts from that troop who are serving as Pages: Scout Mike Williams and Scout Brian Thorne. I'm really proud because I'm also the troop committee chairman of Troop 185. Thank you for coming here."

Speaker Hannig: "Representative Nekritz, for what reason do you rise?"

Nekritz: "A point of personal privilege."

Speaker Hannig: "...your point."

Nekritz: "I would just like to remind everyone in the chamber that next Wednesday, May 7, the Conference of Women Legislators is having its Capitol Cabaret and I'd like to encourage everyone to come. We're doing... this is not the big Capitol Capers show, but we're doing... we're going to be doing... we are going to have a little bit of a show. It's from 5 to 7 at the Hilton. And it does raise fund money for the Conference of Women Legislators Legislative Leadership Development Program and also for our scholarship program. So, tickets are a hundred and fifty dollars (\$150) except for COWL members, where they're seventy-five (\$75). So, we'll hope everyone will come."

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Speaker Hannig: "Representative Reitz, for what reason do you rise?"

Reitz: "For an announcement, Speaker."

Speaker Hannig: "Proceed."

Reitz: "The Agriculture & Conservation Committee will be canceled. We have no business to take care of. Thank you."

Speaker Hannig: "Are there any other announcements? Then, Mr. Clerk, read the Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 1211, offered by Representative Smith. House Resolution 1213, offered by Representative Rose. House Resolution 1216, offered by Representative Chapa LaVia. House Resolution 1217, offered by Representative Chapa LaVia. House Resolution 1218, offered by Representative Collins. House Resolution 1219, offered by Representative Jefferson. House Resolution 1220, offered by Representative Holbrook. House Resolution 1221, offered by Representative Cultra. House Resolution 1222, offered by Representative Kosel. House Resolution 1223, offered by Representative Yarbrough. House Resolution 1225, offered by Representative Franks. House Resolution 1226, offered by Representative Brauer. House Resolution 1227, offered by Representative Reis. House Resolution 1228, offered by Representative Lang. House Resolution 1230, offered by Representative Cross. House Resolution 1231, offered by Representative Cross. House Resolution 1233, offered by Representative McCarthy. House Resolution 1234, offered by Representative Brosnahan. House Resolution 1235, offered

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by Representative Holbrook. House Resolution 1236, offered by Representative Ryg. And House Resolution 1237, offered by Representative Madigan."

Speaker Hannig: "Representative Currie moves for the adoption of the Agreed Resolutions. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Agreed Resolutions are adopted. Representative Currie now moves, that allowing perfunctory time for the Clerk, that the House adjourn until Wednesday, April 30 at the hour of 11 a.m. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Motion is adopted. And the House stands adjourned."

Clerk Mahoney: "The regular House Perfunctory Session will now come to order. Committee Reports. Representative Lang, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure/s was/were referred, action taken on April 29, 2008, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #1 to House Bill 5126. Representative John Bradley, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on April 29, 2008, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 5730. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on April 29, 2008, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #1 to House Bill 2819. Introduction and reading of House Bills-First Reading. House Bill 6337, offered by Representative

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Stephens, a Bill for an Act concerning veterans. House Bill 6338, offered by Representative Flowers, a Bill for an Act concerning regulation. Senate Bills-First Reading. Senate Bill 1926, offered by Representative Collins, a Bill for an Act concerning regulation. Senate Bill 2063, offered by Representative Hassert, a Bill for an Act concerning transportation. Senate Bill 2080, offered by Representative Lang, a Bill for an Act concerning the Uniform Commercial Code. Senate Bill 2129, offered by Representative Hassert, a Bill for an Act concerning regulation. Senate Bill 2313, offered by Representative Nekritz, a Bill for an Act concerning safety. Senate Bill 2374, offered by Representative Leitch, a Bill for an Act concerning land. Senate Bill 2474, offered by Representative Howard, a Bill for an Act concerning State Government. Senate Bill 2882, offered by Representative Osterman, a Bill for an Act concerning revenue. This has been a First Reading and introduction of these Senate Bills. There being no further business, the House Perfunctory Session will stand adjourned."