

STATE OF ILLINOIS  
97th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

122nd Legislative Day

4/10/2012

Clerk Hollman: "House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 920, offered Speaker Madigan is sent to the Rules Committee. Introduction-First Reading of House Bills. House Bill 6149, offered by Representative Biss, a Bill for an Act concerning public employee benefits. House Bill 6150, offered by Representative Biss, a Bill for an Act concerning public employee benefits. These are referred to the Rules Committee. First Reading of Senate Bills. Senate Bill 281, offered by Representative Mussman, a Bill for an Act concerning State Government. Senate Bill 639, offered by Representative Beiser, a Bill for an Act concerning education. Senate Bill 1351, offered by Representative Greg Harris, a Bill for an Act concerning State Government. Senate Bill 2888, offered by Representative Mathias, a Bill for an Act concerning criminal law. Senate Bill 2999, offered by Representative Rose, a Bill for an Act concerning State Government. Senate Bill 3250, offered by Representative McAsey, a Bill for an Act concerning revenue. Senate Bill 3279, offered by Representative Rita, a Bill for an Act concerning regulation. Senate Bill 3380, offered by Representative Rita, a Bill for an Act concerning safety. Senate Bill 3406, offered by Representative Rose, a Bill for an Act concerning local government. Senate Bill 3420, offered by Representative Bradley, a Bill for an Act concerning nursing homes. Senate Bill 3513, offered by Representative Daniel Burke, a Bill for an Act concerning regulation. Senate Bill 3514, offered by Representative Zalewski, a Bill for an Act

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concerning government. Senate Bill 3584, offered by Representative Lilly, a Bill for an Act concerning criminal law. Senate Bill 3619, offered by Representative Biss, a Bill for an Act concerning revenue. Senate Bill 3765, offered by Representative Kelly Burke, a Bill for an Act concerning public utilities. Senate Bill 3792, offered by Representative Tryon, a Bill for an Act concerning civil law. Introduction and First Reading of House Joint Resolution Constitutional Amendment 49.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH 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... at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article VIII correct Article XIII of the Illinois Constitution by adding Section 5.1 as follows:

ARTICLE XIII

GENERAL PROVISIONS

SECTION 5.1. PENSION AND RETIREMENT BENEFIT INCREASES

(a) No bill, except a bill for appropriations, that provides a benefit increase under any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof, shall become law without the concurrence of three-fifths of the members elected to each house of the General Assembly. If the Governor vetoes such a bill by returning it with objections to the house in which it originated, the provisions of Article IV, Section 9 shall govern the

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passage of that bill except that such bill shall not become law unless, upon its return, it is passed by a record vote of two-thirds of the members elected to each house of the General Assembly. If the Governor returns such a bill with specific recommendations for change to the house in which it originated, the provisions of Article IV, Section 9 shall govern the acceptance of those specific recommendations except that such recommendations may be accepted only by a record vote of two-thirds of the members elected to each house of the General Assembly, regardless of the bill's date of passage or effective date.

For purposes of this subsection, the term "benefit increase" means a change to any pension or other law that results in a member of a pension or retirement system receiving a new benefit or an enhancement to a benefit, including, but not limited to, any changes that (i) increase the amount of the pension or annuity that a member could receive upon retirement, or (ii) reduce or eliminate the eligibility requirements or other terms or conditions a member must meet to receive a pension or annuity upon retirement. The term "benefit increase" also means a change to any pension or other law that expands the class of persons who may become a member of any pension or retirement system or who may receive a pension or annuity from a pension or retirement system. An increase in salary or wage level, by itself, shall not constitute a "benefit increase" unless that increase exceeds limitations provided by law.

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(b) No ordinance, resolution, rule, or other action of the governing body, or an appointee or employee of the governing body, of any unit of local government or school district that provides an emolument increase to an official or employee that has the effect of increasing the amount of the pension or annuity that an official or employee could receive as a member of a pension or retirement system shall be valid without the concurrence of three-fifths of the members of that governing body. For purposes of this subsection, the term "emolument increase" means the creation of a new or enhancement of an existing advantage, profit or gain that an official or employee receives by virtue of holding office or employment, including, but not limited to, compensated time off, bonuses, incentives, or other forms of compensation. An increase in salary or wage level, by itself, shall not constitute an "emolument increase" unless that increase exceeds limitations provided by law.

(c) No action of the governing body, or an appointee or employee of the governing body, of any pension or retirement system created or maintained for the benefit of officers or employees of the State, any unit of local government or school district, or any agency or instrumentality thereof that results in a beneficial determination shall be valid without the concurrence of three-fifths of the members of that governing body. For the purposes of this subsection, the term "beneficial determination" means an interpretation or application of pension or other law by the governing body, or an appointee

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or employee of the governing body, that reverses or supersedes a previous interpretation or application and either (i) results in an increase in the amount of the pension or annuity received by a member of the pension or retirement system or (ii) results in a person becoming eligible to receive a pension or annuity from the pension or retirement system. The term "beneficial determination" shall not include a beneficial determination mandated by a final decision of a court of competent jurisdiction.

(d) Nothing in this Section shall prevent the passage or adoption of any law, ordinance, resolution, rule, policy, or practice that further restricts the ability to provide a "benefit increase", "emolument increase", or "beneficial determination" as those terms are used under this Section.

SCHEDULE

This Constitutional Amendment takes effect on January 9, 2013. This was First Reading of House Joint Resolution Const... Constitutional Amendment 49."

Clerk Hollman: "House Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill 6151, offered by Speaker Madigan, a Bill for an Act concerning appropriations. House Bill 6152, offered by Speaker Madigan, a Bill for an Act concerning finance. Senate Bill 3337, offered by Representative Mell, a Bill for an Act concerning children. First Reading of this Senate Bill."

Clerk Hollman: "House Perfunctory Session will come to order. Approved for consideration, referred Second Reading is House Bill 3859, House Bill 4211 and House Bill 4866. There

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being no further business, the House Perfunctory Session  
will stand adjourned."