

23rd Biennial  
New Members' Conference

Preface to  
**LAWMAKING**

2010



Illinois General Assembly

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A staff of researchers handles inquiries from legislators, legislative committees, and partisan staff. The staff's areas of expertise include law generally, science and technology, taxation, education, local government, economics and fiscal affairs, and the political and social history of Illinois.

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**LAWMAKING**

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# CHAPTER 1

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## PERSONAL INFORMATION FOR LEGISLATORS

Before new legislators begin serving, they must deal with many practical details related to legislative service. These include enrolling in state benefit plans; setting up offices in their districts and Springfield; and taking actions necessary to be reimbursed for travel on legislative business.

Legislators are also subject to special tax rules, ethical standards, and legal provisions that do not apply to other officials or the general public.

Finally, legislators can name students to receive state scholarships, and help constituents who are having problems with state agencies. All of these subjects are discussed in this chapter. Chapter 7 (“Taxes, Campaign Finance, and Ethics Laws”) gives more detailed information on some of these topics.

### Legislative Emoluments

Legislators get a salary, travel and lodging expenses, health and life insurance, a pension, and other benefits.

Salary Legislators’ salaries were last increased on July 1, 2008, when they rose to \$67,836 per year.<sup>1</sup> Legislative leaders, and those who chair or are minority spokespersons on committees, get extra amounts ranging from \$10,326 to \$27,477 per year.

Until the Compensation Review Act was enacted in 1984, salaries of legislators and other major state officers were set directly by law. Under the Act, the Compensation Review Board made salary recommendations, which took effect automatically unless both houses of the General Assembly disapproved them within 30 session days.<sup>2</sup> The Board’s 1990 recommendation, which was allowed to take effect, provided for salaries to be adjusted for inflation each year thereafter, using an index named in that 1990 report.<sup>3</sup> A 2009 law abolished the Compensation Review Board,<sup>4</sup> but implied that the automatic inflation adjustments called for in the Board’s 1990 report were to continue except as otherwise provided.<sup>5</sup> That 2009 act barred inflation adjustments in fiscal 2010 (July 2009 to June 2010); a 2010 act barred them in fiscal year 2011 (July 2010 through June 2011).<sup>6</sup>

Legislative salaries are paid monthly. After providing the necessary information to the Comptroller’s office, each legislator is paid without further action. This may be done by direct deposit to the legislator’s bank account. If a legislator prefers to be paid by checks, the Comptroller’s office mails them early enough to arrive by the last working day of each month.

**Travel Allowances** While the General Assembly is in session, each legislator is entitled to be reimbursed for one round trip per week between the district and Springfield (provided that the legislator makes the trip). The amount reimbursed will be either (1) an amount per mile if the legislator travels by automobile, or (2) the cost of public transportation if the legislator uses it and it costs more. The mileage reimbursement for automobile travel is set at what the federal government pays its employees for such travel.<sup>8</sup> That amount fell to 50¢ on January 1, 2010.<sup>9</sup> However, the 2010 act mentioned above set the rate for Illinois legislators at 39¢ per mile in fiscal year 2011 only.<sup>10</sup> Members using public transportation must submit original receipts to the fiscal officer for their house.

During weeks in which the General Assembly is *not* in session, each senator is entitled to reimbursement for up to 2 days' lodging and up to 4 days of meals and incidentals in Springfield per month, plus mileage for such trips between the district and Springfield; reimbursement rates are based on the federal travel regulations.<sup>11</sup> Representatives are reimbursed for only one round trip to Springfield, and one day's lodging and other expenses, per year while out of session as provided by the Speaker of the House. Rates currently paid (though subject to change) are \$70 per day for lodging and \$28 per day for meals and incidentals.<sup>12</sup> All members must provide documentation for their lodging and other expenses to get reimbursement for out-of-session travel to Springfield. The tax status of these reimbursements is discussed in chapter 7 of this book.

**Living Expenses** While attending the General Assembly, each legislator is eligible for an allowance to cover each day's lodging, meals, and incidental expenses.<sup>13</sup> That amount is normally based on the amount allowed to federal employees who are serving away from home in Springfield; but the 2010 act mentioned earlier set it at \$111 for fiscal year 2011 only.<sup>14</sup> No documentation beyond being counted as attending a legislative session is needed to get this reimbursement. Legislators whose homes are more than 50 miles (by road) from the State House can avoid having to report this reimbursement for income tax purposes by making an "election" to treat their homes in their districts as their tax homes; this topic also is discussed in chapter 7.

**Housing and Parking in Springfield** Many legislators rent apartments or houses in Springfield—often jointly with one or two other legislators. For those who prefer to obtain lodging in Springfield only during session times, many hotels and motels offer reduced rates to state personnel.

A parking space near the State House is assigned to each legislator at no charge. Assignments are made by each house's caucus leadership.

**License Plates** Each legislator is entitled to buy legislative license plates for one or two vehicles. If a legislator buys them for two vehicles, both sets get the same number. They can be used on owned or leased cars. A set of plates is valid only during the member's service in that General Assembly. A legislator who resigns during the term must return the plates to the Secretary of State.

By law, the number on a Senate license plate is the senator's district number; House license plate numbers are assigned using seniority in legislative service.<sup>15</sup> The administrative staffs of the House and Senate coordinate plate

assignment with the Secretary of State's office. Retired legislators can buy special plates.

#### Health Insurance

Legislators have available the same health-care benefits as state employees. The following options are available in some or all areas of the state:

- (1) The Quality Care Health Plan (QCHP), a fee-for-service indemnity plan administered by CIGNA, available statewide.
- (2) Six health maintenance organizations (HMOs), covering various areas of the state.
- (3) One open-access plan (OAP), in central and southern Illinois.

All plans are funded mostly by the state's contribution but require monthly "health care contributions" that are deducted from pay. Dependent coverage, partly subsidized by the state, is also available for additional monthly deductions. Contributions deducted from pay are tax-exempt. Those for QCHP are higher than for the other plans.

The QCHP offers a comprehensive package of benefits, including some features not offered by HMOs. It allows a member to choose any medical provider, and to change providers at any time. But members are given incentives to use preferred provider organizations (PPOs) and networks for major procedures such as surgery.

HMOs are managed-care plans that offer comprehensive benefits, including many preventive services. Each participating member must choose a primary-care physician who participates in the plan to coordinate all of the member's care. Each HMO works with particular provider networks and hospitals.

The OAP is basically a fee-for-service plan, but with three levels of copayments and annual cost limits that vary depending on which provider the patient uses for each service.

More information on these plans is in three important publications from the Department of Central Management Services (CMS). The first is a rather thick 8½ x 11-inch paperbound book titled:

## **STATE OF ILLINOIS**

### **BENEFITS HANDBOOK**

It is dated July 1, 2004 but remains in effect (with some changes, as stated below). It provides a detailed overview of all benefits, other than salary and expense reimbursements, that are available to state officers and employees.

The second document is a fold-out brochure called "Benefits Handbook Amendment 1" and dated May 1, 2007. It lists a number of changes since 2004 to specific provisions in the State of Illinois Benefits Handbook.

The third important publication is a thin 8½ x 11 booklet. The fiscal year 2011 edition, which applies to new legislators in January 2011, has the following on its cover (among pictures):

## **Benefit Choice Options Period**

Enrollment Period May 1 - May 31, 2010

## **State of Illinois**

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Effective July 1, 2010 - June 30, 2011

This booklet gives details on medical and other benefits—including actual copayments and other patient costs of each plan. It is especially important to consult when starting state service, and during the Benefit Choice Period in late spring of each year.

All three publications will be given to new legislators by CMS representatives at the New Members' Conference. They can also be downloaded as PDF files from this CMS Internet site:

**[www.benefitschoice.il.gov](http://www.benefitschoice.il.gov)**

(To get to the page for downloading them, click in that page on this link:

**[State Employees Group Insurance Program](#)**

On the page that will open, look about halfway down the page under

**Benefit Program Books**

and click on the link for the document needed.)

Inquiries about benefits can be sent to one of these CMS phone numbers:

(800) 442-1300 (All benefits provided through CMS)

(217) 782-2548 (Health-related benefits specifically)

Other major benefits for state personnel are described briefly below. The “Benefits Handbook Amendment 1” brochure of May 1, 2007 changed a number of benefits listed in the “State of Illinois Benefits Handbook” of 2004, and so should be checked along with it.

*Enrollment periods* The Internal Revenue Service requires, for purposes of deductibility of member contributions, that each member choose from the available medical care options when entering state employment, or during an enrollment period (usually each May). That choice cannot be changed until the next enrollment period unless the member has a qualifying change in status, such as a change in number of dependents; marriage; divorce; birth; or need for spousal coverage. Details are in the State of Illinois Benefits Handbook (2004) on pages 21-22.

*Pharmacy benefit* All health plans include a pharmacy benefit using pharmacy networks to fill prescriptions for members and covered dependents at negotiated discounts. The patient is charged a deductible when getting the first prescription(s) of the plan year filled, and co-payments when getting additional prescription fills. Co-payments vary by type of health plan and the formulary level of the drug. All plans require higher co-payments for brand-name drugs than for generic drugs. Details of the QCHP Prescription Benefit are in the State of Illinois Benefits Handbook on pages 77-79, as updated by the Benefit Choice booklet for the current fiscal year on pages 16-18.

*Dental care* The state provides dental insurance to officers and employees through a single dental plan: the Quality Care Dental Plan, which is available to members and dependents who are covered by any state group health plan. Under this plan, a member can choose any provider, but pays a small amount by payroll deduction to cover part of the plan's cost. The plan reimburses dentists a predetermined amount per covered service, subject to annual and lifetime benefit limits for orthodontic, prosthetic, and periodontic services. Officers and employees can decline to elect Dental Insurance Coverage at initial enrollment or at the annual Benefit Choice Period; re-enrollment is allowed only during the next Benefit Choice Period. Information on the Quality Care Dental Plan is in the State of Illinois Benefits Handbook on pages 91-95 and the Benefit Choice booklet for this fiscal year on page 20.

*Vision care* State personnel also get vision insurance, administered by EyeMed. A member can get a vision exam as often as every 12 months (with a \$10 co-payment), and frames and lenses as often as every 24 months (for a \$10 co-payment for each). (The plan pays up to \$175 for frames; members pay any remaining amount for frames, and for any optional lens treatments.) These benefits are described in the State of Illinois Benefits Handbook on pages 97-98, and in the Benefit Choice booklet for this fiscal year on page 19.

*Flexible Spending Account Program* The Flexible Spending Account Program is an optional, tax-free benefit that consists of two plans. The Medical Care Assistance Plan (MCAP) allows members to pay eligible out-of-pocket medical, dental, and vision expenses; the Dependent Care Assistance Plan (DCAP) allows members to pay eligible child and/or adult day care expenses. Eligible employees may set aside up to \$5,000 tax-free each year for MCAP (for a potential combined annual maximum of \$10,000 per household), and/or \$5,000 per household for DCAP. An overview is in the State of Illinois Benefits Handbook on pages 115-16. Enrollment forms, and the 2010-2011 FSA Booklet, are available at [www.benefitschoice.il.gov](http://www.benefitschoice.il.gov) by clicking on the first link under the heading "Benefit Information" (currently named "[State Employees Group Insurance Program](#)") and, when its page opens, clicking on the "[Optional Pre-Tax Programs](#)" link.

*myFBMC Visa Card*

All MCAP participants receive a myFBMC Visa card to pay for eligible medical expenses that are not covered by insurance. There is no fee for the card. Since it is a value-loaded card, there is no possibility of overspending or exceeding account limits. If the entire annual amount has already been spent, payment will be denied.

Deferred Compensation

Legislators can also participate in the State Employees' Deferred Compensation Plan established under section 457 of the Internal Revenue Code. Those who will *not* be at least age 50 by the end of the year in which they are contributing can have up to \$16,500, and those who *will* be at least 50 by the end of that year can have up to \$22,000, deducted from their pretax salaries per year to go into their accounts in the Plan.<sup>16</sup> (These amounts are changed in \$500 increments as needed to adjust for inflation in the preceding year.<sup>17</sup>) Amounts so deducted, and earnings on them, do not incur federal or state income tax while kept in accounts in the Plan.

Participants can enroll; stop deferrals; change amounts to be deferred in the future; or re-enroll in any month. Changes in future investment allocations may be made at any time. Changes in the allocation of existing investments can be made as often as desired, but some restrictions on frequent trading may apply.

Money deferred into the Plan can be allocated to one or more of over a dozen investment vehicles. They include several mutual funds that invest in various sectors of the stock, bond, or money market; a group of 'targeted retirement'-type funds that automatically adjust investment allocations as the retirement year that was chosen approaches; and a portfolio of guaranteed investment contracts (GICs) and GIC alternatives from insurers, banks, and other issuers. The Department of Central Management Services administers the program. The Illinois State Board of Investment exercises financial oversight, but each participant chooses the investment vehicles to use.

Except in cases of extreme financial hardship, money already in a participant's account cannot be withdrawn while the participant remains in state service. Upon leaving state service, a participant can choose the time period over which to take a distribution of the account's assets. They can be rolled over into an Individual Retirement Account (IRA); paid out in a number of installments; or distributed in a lump sum 30 days after leaving state service. The beginning of distributions can be delayed to a specific future date, which may be as late as when the person reaches age 70½. Distributions are subject to federal income tax at the recipient's regular rate; they are currently exempt from Illinois income tax.

Life Insurance

The state also provides basic term life insurance for each officer or employee, with a death benefit equal to 1 year's salary, at no charge to members. Under the Internal Revenue Code, premiums paid by the state for this coverage, to the extent they exceed enough to fund a \$50,000 death benefit, are reported on the insured's Form W-2 and taxed. At age 60, the amount of life insurance falls to \$10,000 (\$5,000 if retired). An officer or employee can also buy additional optional life insurance having a death benefit of 1 to 8 times annual salary.

Legislators can also buy (1) coverage for accidental death and dismemberment in either the basic amount provided by the state or the combined total

amount of state-provided plus optional life insurance; and (2) \$10,000 in life insurance on a spouse or a child. Premiums for these policies are not tax-exempt. Adding or increasing member Optional Life, or adding Spouse Life and/or Child Life coverage, requires prior approval by the Life Insurance Plan Administrator. Members must send a Statement of Health form to the Administrator and be approved before coverage will begin. More information on the life plan is on pages 99-100 of the State of Illinois Benefits Handbook.

Commuter Savings Program (CSP)

Under this program, members (along with employees working at least half-time who are paid through the Comptroller's office) can save on eligible commuting and parking expenses by having them deducted from pay without being taxed. Transit passes are mailed to the person's home; parking providers can be paid directly, or the employee can enroll in the parking reimbursement option. At publication time, the maximums set by the IRS are \$230 per month for transit and/or parking. These monthly maximums can change at the start of each calendar year; the current amounts are available at [www.benefitschoice.il.gov](http://www.benefitschoice.il.gov). The plan administrator's Internet site ([www.myFBMC.com](http://www.myFBMC.com)) can be used to enroll, change, or cancel deductions. Page 117 of the State of Illinois Benefits Handbook has more information.

Other Insurance Programs

CMS offers various commercial insurance master policies to cover some risks. It also administers self-insurance plans for auto liability, general liability, fidelity and surety, and indemnification. Details are available from CMS.

For More Information

Information on all the benefits described above is available from CMS. Specific House and Senate Operations staff are also designated as Group Insurance Representatives or Deferred Compensation Liaisons. They are responsible for all administrative functions related to enrollment, premium payment, and coordination with CMS.

**General Assembly Retirement System**

All legislators, plus the Governor and the other five elected executive officers, are automatically enrolled in the General Assembly Retirement System (GARS). However, any of them can elect, within 24 months after becoming members, not to participate in the System.

Legislators can get GARS credit for service in a number of other public entities before they became legislators. The GARS sends all new legislators information on this.

Public Act 96-889 (2010) changed the retirement benefits for legislators who take office in 2011 or later. The sections below describe the different benefits available to members entering office before or after that date, and to all members.

Members Who Joined GARS Before 2011

The amount for which a member will be eligible at retirement depends on the member's "highest salary for annuity purposes," which means the rate of salary being paid on the legislator's last day as a legislator or statewide executive officer.<sup>18</sup> Subject to an 85% limitation stated below, a retired member's annual pension will be the sum of the following percentages of the member's "highest salary for annuity purposes:"

- 3% for each of the first 4 years of service;
- 3½% for each of the next 2 years;
- 4% for each of the next 2 years;
- 4½% for each of the next 4 years; and
- 5% for each year beyond 12.

Regardless of length of service, a pension cannot exceed 85% of “highest salary for annuity purposes.”<sup>19</sup>

*Eligibility ages*

A participant retiring with at least 4 years of service credit is entitled to a pension at age 62; a participant retiring with at least 8 years’ service credit is entitled to a pension at age 55.<sup>20</sup> A participant with at least 8 years of service credit who becomes permanently disabled is also entitled to a pension.<sup>21</sup> Vesting in a survivor’s pension is discussed below.

*Automatic pension increases*

Pensions increase automatically each year, starting at age 60 or the first anniversary after retirement, whichever is later. Each annual increase is 3% of the amount that was paid the preceding year.<sup>22</sup> Thus it is a compounded 3% rather than merely increasing each year by 3% of the initial amount.

*Survivors’ annuities*

A survivor’s annuity is paid to the qualified surviving spouse of a member who dies in service with at least 2 years of service credit; dies after ending service with at least 4 years of credit; or dies while receiving a GARS pension. The basic survivor’s annuity is two-thirds of the pension to which the member was entitled at death, subject to a minimum of 10% of “salary” (the last annual salary paid<sup>23</sup>). It is payable to the surviving spouse starting at age 50—or at any age if that spouse is caring for one or more unmarried children under age 18 (22 if full-time students) or disabled.

If there is no surviving spouse, or the surviving spouse dies, each child who is under 18 (22 if a full-time student) or is disabled is entitled to 20% of the highest salary for annuity purposes, subject to a combined limit of 50% of that salary amount.

The survivors’ benefits described above are subject to a limit of 75% of the member’s earned retirement annuity at death—unless the member is survived by a dependent disabled child, in which case the survivor receives 100% of the amount to which the member was entitled at death. Also, all survivors’ benefits automatically increase each year by 3% of the amount paid the preceding year.<sup>24</sup>

*Members Who Join GARS in 2011 or Later*

A member’s retirement benefit is based on a member’s “final average compensation” at retirement. That term is defined as the average monthly compensation received during the 96 most highly compensated months of service within the last 120 months of service. Subject to the 60% limitation stated below, a retired member’s annual pension will be 3% of the member’s “highest salary for annuity purposes” (either the highest salary in 8 consecutive years out of the last 10 years of service, or average salary during service if less than 4 years, subject to adjustments for inflation) per year of GARS service credit. Regardless of length of service, a pension cannot exceed 60% of final average compensation.<sup>25</sup>

<i>Eligibility ages</i>	A participant retiring with at least 8 years of service credit is entitled to a pension at age 67. Or a participant may retire with at least 8 years of service credit at age 62, but the pension will be reduced by 0.5% for each month the member is under age 67 at retirement. A participant with at least 8 years of service credit, who becomes permanently disabled, is entitled to a pension without reduction. Vesting in a survivor's pension is discussed below.
<i>Automatic pension increases</i>	Pensions will increase each year starting at age 67 or the first anniversary after retirement, whichever is later. Each annual increase will be equal to the lesser of 3% or the annual change in the Consumer Price Index for All Urban Consumers (CPI-U), compounded on the last year's amount. <sup>26</sup>
<i>Survivors' annuities</i>	A survivor's annuity is paid to the qualified surviving spouse of a member who dies in service with at least 2 years of service credit; dies after ending service with at least 4 years of credit; or dies while receiving a GARS pension. The basic survivor's annuity is two-thirds of the pension to which the member was entitled at death, increased each year by the lesser of 3% or the annual change in the CPI-U. It is payable to the surviving spouse starting at age 50—or at any age if that spouse is caring for one or more unmarried children under the age of 18 (22 if full-time students) or disabled. <sup>27</sup>
All Members	
<i>Optional reversionary annuity</i>	Before retiring, a member can elect to take a reduced retirement annuity to provide, on an actuarially equated basis, an annuity to a spouse, parent, child, brother, or sister. That benefit will be in addition to any survivor's annuity. <sup>28</sup>
<i>Financing</i>	The state makes contributions to the system <sup>29</sup> for members, but reduces their pretax income by corresponding amounts. The effect is that members do not pay federal income tax on the part of their salaries that is used to pay those contributions. Those contributions total 11½% of salary: 8½% for a pension, 2% <sub>30</sub> for a survivor's annuity, and 1% to fund the 3% annual annuity increases.
<i>Refunds</i>	Upon leaving state service, a member can get a refund of the member's contributions without interest. A member can elect not to contribute toward a survivor's annuity; and a participant who has no eligible survivor's annuity beneficiary can get a refund of the amount of contributions made for the survivor's annuity, without interest. But no refund of survivor's annuity contributions is payable if a member's spouse dies after the member retires with an annuity. <sup>31</sup>
<i>Obligation to pay pensions</i>	The state is constitutionally obligated to pay at least the amount of a public pension that was called for by law while each member <sup>32</sup> was in service, even if amounts in pension funds are insufficient to do that.
For More Information	More detailed information on all the provisions described above is available from the General Assembly Retirement System at (217) 782-8500.

## Springfield and District Offices

Each legislator has a Springfield office, operated with state funds. Legislators who do not live in or near Springfield also maintain one or more district offices, financed by the so-called “district office allowance” described later.

### Springfield Office

Each legislator is assigned an office in either the State House or the Stratton Building immediately west of it. Leadership offices are in the State House. Caucus leaders set the policy for assigning other offices; it is usually by seniority. In the House, the policy on secretarial assignments is made by the caucus leadership and implemented by the Clerk’s office. In the Senate, such assignments are made by the caucus leader.

The telephones in each member’s office can be used for local and long-distance calls within Illinois. House members are also assigned cell phones for use on the house floor. Members may take phones with them, but they are for legislative business use only. The Senate has telephones for senators only at the rear of the chamber. A doorman will call a senator to these phones for incoming calls.

### District Office(s)

Each legislator can spend for office expenses an annual amount that in recent years has been \$69,409 for a representative and \$83,063 for a senator.<sup>33</sup> (This is commonly called the “district office allowance” because legislators use it mostly for offices in their districts, although the law authorizing it does not prevent its use to pay extra expenses in Springfield offices.) It can be used to rent space; pay workers; travel in the district and to legislative conferences; buy postage (using special stamps issued by the Department of Central Management Services with a perforated “I” that are limited to official state business, and/or through an account at a local post office); and (subject to some conditions) buy equipment for a district office. The law prohibits use of this allowance in connection with political campaigns,<sup>34</sup> or to pay anything to the legislator’s spouse, parent, grandparent, child, grandchild, aunt, uncle, niece, nephew, brother, sister, first cousin, brother-in-law,<sup>35</sup> sister-in-law, mother-in-law, father-in-law, son-in-law, or daughter-in-law.

Any contract using the district office allowance, such as to rent office space, must be made through the Clerk of the House or Secretary of the Senate. The conditions for buying equipment basically require the legislator to certify that buying is less expensive than renting or leasing; to make the purchase through the Clerk of the House or Secretary of the Senate; and to offer the equipment to the legislator’s successor upon leaving office. (If the successor does not want it, it will be transferred to the Office of the Clerk or Secretary.) Another law requires all “agencies” (including state officers) to inquire with CMS before buying any single item of furniture costing at least \$500 to determine whether any surplus furniture is suitable; and if surplus furniture is available, to file an affidavit saying why it is unsuitable before buying new furniture.<sup>36</sup>

A person working for a legislator and paid using the district office allowance can be put on the state payroll, or in some cases can work on a contractual basis. If a person is on the state payroll, both Social Security taxes and contributions to the State Employees’ Retirement System are charged against the legislator’s district office allowance. (Payment of the employer retirement contribution to the System is temporarily suspended in fiscal years 2010 and

2011.) A part-time employee has pro-rated amounts deducted. An employee on the state payroll, if working more than half-time, is also eligible for state health insurance. If the person is on a contractual payroll, Social Security and Medicare taxes (7.65%) must be withheld. (Under the Internal Revenue Code and Treasury regulations, a contractual employee who contributes at least 7.5% of pay to an account in Illinois' Deferred Compensation Plan apparently can avoid Social Security coverage, and thus have only the 1.45% Medicare tax withheld.<sup>37</sup>) A legislator who wants to pay a person as an independent contractor should consult a tax advisor, because the Internal Revenue Service carefully examines claims that an assistant is an independent contractor. Independent contractors are not covered by the State Employees' Retirement System or state health insurance.

In fiscal years in which a new General Assembly is to convene, the appropriation for district office allowances is divided so that no more than half of it can be spent by a legislator in the first half of the fiscal year (July through December). All members of the new General Assembly then start with half a year's district office allowance for the January-June half of the fiscal year.

**Note: Legislators-elect should not obligate any expenditures to be made from their district office allowance until they are sworn in, because such expenditures will not be paid.**

New legislators should carefully examine the section of law on district office allowances (25 ILCS 115/4). It—like all Illinois statutes—can be viewed by going to <http://www.ilga.gov> and clicking on “**Illinois Compiled Statutes**” in the upper-right area of that page (although not underlined, it is a hyperlink).

Each legislator also gets an allowance for letterhead stationery and envelopes, obtainable from the Legislative Printing Unit.

Vouchers      A voucher is a documentary record of a financial transaction, which makes a claim for payment for specific goods or services. Legislators' offices normally use only two kinds of vouchers: travel vouchers (Form C-10) and invoice vouchers (Form C-13).

Payments to vendors or employees are made from each legislator's district office allowance using those kinds of vouchers. Each legislator receives an informational packet with instructions on how to submit vouchers. Vouchers should be filled in and sent to the proper fiscal office as soon as practical after an invoice is received or travel occurs, due to the time needed to process and submit them to the Comptroller for issuance of a warrant or check.

The Clerk of the House usually holds a 1-day training seminar in late January for new district staff personnel on processing vouchers for district office expenses. The Secretary of the Senate usually holds such training in conjunction with the Legislative Research Unit's District Office Staff Training Seminar (expected to be in June 2011).

## Constituent Services

Honors and assistance that legislators can give to constituents are described below.

### Legislative Scholarships

Every year, each legislator can award two 4-year scholarships at any state-supported university(ies). In lieu of each 4-year scholarship, a legislator can award two 2-year scholarships or four 1-year scholarships.<sup>38</sup> These scholarships cover tuition and other academic fees—but not housing, medical care, books, and the like.<sup>39</sup> Candidates for legislative scholarships must meet the academic standards for admission like other applicants.<sup>40</sup>

To award a scholarship, the legislator must file the name and address of the recipient, and the length of the scholarship, with the State Superintendent of Education by the opening day of the term when the scholarship is to be used.<sup>41</sup> By that date, the legislator must also file a notarized statement from the scholarship recipient consenting to public disclosure of his or her name, domicile address, university to be attended, degree program, and amount of tuition waived, along with a statement that the recipient is domiciled in the legislative district of the legislator making the nomination. Forms for recipients' statements are available from the Illinois Student Assistance Commission.<sup>42</sup>

If a recipient declines an award or is ineligible, the legislator can nominate another student for the scholarship. If a recipient leaves school or fails to register, another person can be designated to receive the remainder of the scholarship under statutory procedures.<sup>43</sup>

A legislator's failure to make a selection for a scholarship in any year does not cause the scholarship to lapse; a nomination for it can be made at any time before the end of that legislative term.<sup>44</sup>

A legislator can delegate authority to name recipients of legislative scholarships to the Illinois Student Assistance Commission, or ask the Commission to evaluate candidates and make recommendations to the legislator. In either case the legislator must advise the Commission of the criteria to be used in making the evaluation.<sup>45</sup>

### Certificates of Recognition

Any legislator can request certificates of recognition, to be signed by the member and attested by the Clerk or Secretary of the Senate, to recognize any person, organization, or event worthy of public commendation. The form of these certificates is determined by the Clerk or Secretary with leadership approval.<sup>46</sup>

### Other Constituent Services

The Legislative Research Unit's book *Constituent Services Guide* has information on how legislators' office staffs can help constituents with problems they have with major state agencies. Two copies of it are sent to each legislator. The Legislative Research Unit's "Constituent Service Form" can be used by legislative office staff to record a constituent contact and their actions on the constituent's behalf. Supplies are available from the Legislative Printing Unit.

- Notes
1. Note from Chris Bell, Comptroller's office, June 18, 2010.
  2. P.A. 83-1177 (1984), sec. 5.
  3. Report of the Compensation Review Board, April 25, 1990, p. 5. The April 1990 report allows automatic annual increases in the salaries of state officers, including legislators, to compensate for intervening inflation. Each salary is to increase by the same percentage as the increase during the latest *calendar* year in the Employment Cost Index, Wages and Salaries for State and Local Government Workers issued by the U.S. Department of Labor—limited to a maximum of 5% per year (Report of the Compensation Review Board, April 25, 1990, p. 12). The Illinois Constitution provides that no change in compensation may take place during a legislator's term of office (Ill. Const., Art. 4, sec. 11). But such automatic increases in salary, based on an objective measure of inflation or other objective standard, appear to be constitutional if they are enacted or otherwise provided for *before* the term of office of the persons to whom they apply (1978 Ops. Atty. Gen., p. 125). The purpose behind the constitutional prohibition is to prevent government officers from having discretion to raise their salaries *during* their terms of office.
  4. P.A. 96-800 (2009).
  5. Chris Bell note. See P.A. 96-800, sec. 35, adding 25 ILCS 120/5.6 (barring inflation adjustment for fiscal year 2010).
  6. 96-958, sec. 35-5 (2010), adding 25 LCS 120/5.7.
  7. 25 ILCS 115/1, second paragraph, second sentence.
  8. 25 ILCS 115/1, second paragraph, first sentence.
  9. "Privately Owned Vehicle (POV) Mileage Reimbursement Rates" (downloaded July 23, 2010 from U.S. General Services Administration Internet site). These amounts will also be published in 41 Code of Fed. Regs. sec. 30-10.303.
  10. 25 ILCS 115/1, second paragraph, last sentence, added by P.A. 96-958, art. 30, sec. 5 (2010).
  11. E-mail message from Carla Smith, Senate Fiscal Officer, July 21, 2010.
  12. Telephone conversation with Mark Mahoney, Clerk of the House, July 27, 2010.
  13. 25 ILCS 115/1, second paragraph, second to last sentence, says that each legislator is to get food and lodging allowances "equal to the amount per day permitted to be deducted for such expenses under the Internal Revenue Code." A provision in the Internal Revenue Code allows state legislators to deduct an amount set by the state, which may be up to 1.1 times the maximum per diem for federal employees when away from home on federal business in Springfield (26 U.S. Code subsec. 162(h)(1)(B)). That federal limit is now \$139 (downloaded from the page for Illinois on the U.S. General Services Administration's Internet site showing per diems allowed by state and locality).
  14. 25 ILCS 115/1, second paragraph, last sentence, added by P.A. 96-958, art. 30, sec. 5 (2010).
  15. 625 ILCS 5/3-606.
  16. 26 U.S. Code sec. 457. The annual contribution limits are set by subsecs. 457(e)(15) and (18), and 414(v).
  17. 26 U.S. Code subsecs. 457(e)(15)(B) and 415(d).
  18. 40 ILCS 5/2-108.1(a)(1) and (2), and 5/2-105 (first paragraph).
  19. 40 ILCS 5/2-119.01(b).

20. 40 ILCS 5/2-119(a).
21. 40 ILCS 5/2-119(b).
22. 40 ILCS 5/2-119.1(a), (b), and (e).
23. 40 ILCS 5/2-108(1) defines the term as total compensation paid by the state “for one year of service” but does not specify which year.
24. 40 ILCS 5/2-121 and 5/2-121.1.
25. 40 ILCS 5/2-108.1(a) and 5/2-119.01(c) as amended by P.A. 96-889, sec. 10 (2010).
26. 40 ILCS 5/2-119.1(b-5), added by P.A. 96-889, sec. 10.
27. 40 ILCS 5/2-121.1(d-5).
28. 40 ILCS 5/2-120.
29. See 40 ILCS 5/2-126.1.
30. 40 ILCS 5/2-126 and 5/2-126.1.
31. 40 ILCS 5/2-123.
32. Ill. Const., Art. 13, sec. 5.
33. See 25 ILCS 115/4, first paragraph. The statute authorizing the allowance says the amounts are to be adjusted for inflation each year, with no year’s increase exceeding 5%. But in recent years the General Assembly has appropriated only enough to pay the amounts stated in the text. (That appropriation for fiscal year 2011 is in P.A. 96-956, article 70, sec. 5.)
34. 25 ILCS 115/4, first paragraph, first sentence.
35. 25 ILCS 115/4.2.
36. 30 ILCS 605/7a.
37. 26 U.S. Code subsec. 3121(b)(7)(F) (introductory paragraph) and 26 Code of Fed. Regs. subpar. 31.3121(b)(7)-2(e)(2)(iii)(A).
38. 105 ILCS 5/30-9.
39. 105 ILCS 5/30-13.
40. 105 ILCS 5/30-10 and 5/30-13.
41. 105 ILCS 5/30-10.
42. 105 ILCS 5/30-12.5.
43. 105 ILCS 5/30-11.
44. 105 ILCS 5/30-9, fourth paragraph.
45. 105 ILCS 5/30-9, third paragraph.
46. Senate Rule 6-4 and House Rule 48, 95th General Assembly.

# CHAPTER 2

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## THE JOB OF MAKING LAWS

Every action by the General Assembly is affected by constitutional provisions, and by legislative rules and practices based on centuries of parliamentary and political tradition. This chapter provides a brief overview of how the General Assembly works. Chapters 3, 5, and 6 give more specifics.

### Legislative Power

In the American system of government, each state government and the national government are sovereign—meaning that each has independent power to enact and enforce laws that bind persons within its territorial jurisdiction. The motto on the State Seal is “State Sovereignty, National Union.” In this “federal” form of government, conflicts between national and state laws are resolved under the U.S. Constitution. The following is a brief comparison between the powers of a state legislature and those of Congress and the national government generally.

#### Powers of General Assembly

Unlike Congress, which has only the powers affirmatively given it by the U.S. Constitution and whatever additional powers are necessary to exercise those stated powers, a state legislature has all legislative powers that are not denied by the state or federal constitution. The Legislative Article of the Illinois Constitution says “The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives . . . .”<sup>1</sup> This broad grant means essentially that the General Assembly can make laws on all subjects that are within the state’s powers. The Revenue Article has a similarly broad grant: “The General Assembly has the exclusive power to raise revenue by law except as limited or otherwise provided in this Constitution.” Most other articles of the Constitution list more specific powers and/or duties of the General Assembly.

Of course, both the U.S. and the Illinois Constitution put various restrictions on the kinds of laws that can be enforced. These exceptions to the broad grant of authority to the legislative body protect against specific kinds of laws that are considered unfair to classes of persons, or harmful to the general public.

#### Powers of National Government

The U.S. Constitution of 1787 established a national government of limited powers. State laws were expected to govern the vast majority of matters that needed legal attention, with the national government largely confining itself to defending the nation, promoting interstate and international commerce, and settling disputes among states. The Civil War and its aftermath brought a fundamental change in the relationship between national and state powers. With ratification of the “post-Civil War” amendments (the 13th through 15th) to the U.S. Constitution, Congress and later the federal courts began to exert power over matters formerly seen as purely state or local. The immediate purpose of those amendments was to protect newly freed

slaves against denial of citizenship rights; but the amendments eventually were used to support both Congressional and judicial economic and social regulatory measures.

Beginning in about the 1930s, Congress further extended the reach of national authority by using its taxing and spending powers to encourage states to set up and administer various programs under national standards. Such monetary inducements have led states to adopt many programs to get federal funds. These programs include unemployment insurance, medical assistance (Medicaid), and highway spending programs, among many others.

With this background, it is not always easy to find the boundary line between national and state powers in a given field. Congress has assumed major powers over business, commerce (whether interstate or merely “affecting” interstate commerce), and the national economy generally. Partly under the Commerce Clause<sup>2</sup> and partly under the 14th Amendment (which prohibits, among other things, denial by any state of rights of citizens of the United States), Congress has enacted many laws restricting various kinds of economic transactions by private businesses. Most such laws that were challenged have been upheld by federal courts. Congress has also imposed some requirements directly on state governments (such as applying minimum-wage and maximum-hour laws to state employees—which has been upheld by a slim majority of the U.S. Supreme Court<sup>3</sup>).

When Congress enacts a comprehensive law or laws in a field of activity, courts often say that it has “pre-empted” that field. This means that Congress has occupied that field, preventing states from enacting laws in it. Sometimes Congress clearly says how much it intends to pre-empt state laws on a subject on which it enacts a law; at other times judges must decide whether the federal law is so comprehensive that it pre-empts the field.

#### Relation of State to Local Governments

In relation to county and municipal governments, and special-purpose units of government, the state—with one exception—has complete sovereignty. That exception is home rule, exercised by Cook County and about 175 municipalities. The Illinois Constitution authorizes home-rule units to enact ordinances dealing with matters of local, as opposed to regional or state, concern. But even as to matters of local concern, the General Assembly can supersede home-rule powers by a law passed by a large enough majority in each house.

For more information on the powers of the General Assembly in specific areas, including home rule, legislators may want to consult another Legislative Research Unit publication: *1970 Illinois Constitution Annotated for Legislators* (4th edition, updated in 2005).

### Legislative Structure

The General Assembly consists of a 59-member Senate and a 118-member House of Representatives. Each of Illinois’ 59 legislative (Senatorial) districts is divided into two representative districts. One senator is elected from each legislative district, and one representative from each representative district. These districts are redrawn after each decennial Census to have approximately equal populations. They were last redrawn in 2001. All House seats are up for election every 2 years. All Senate and House seats will be up

for election in 2012. Senate seats are divided by law into three groups; each group is assigned by lot to a sequence of terms consisting of two 4-year terms and one 2-year term over the 10 years until the next redistricting.<sup>4</sup> Those three groups were as follows for the five elections held in 2002 through 2010 (during which legislators were elected for terms through 2012):<sup>5</sup>

Elected in 2002, 2004, and 2008 (terms of 2, 4, and 4 years):

Districts 2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38, 41, 44, 47, 50, 53, 56, 59

Elected in 2002, 2006, and 2008 (terms of 4, 2, and 4 years):

Districts 3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 42, 45, 48, 51, 54, 57

Elected in 2002, 2006, and 2010 (terms of 4, 4, and 2 years):

Districts 1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52, 55, 58

## The Legislative Biennium

The first year and the second year of each General Assembly are devoted to somewhat different legislative purposes, as explained in the paragraphs below. The Illinois Constitution says that any bill finally passed after May 31 may not take effect until June 1 of the *next* year, unless the bill declares an earlier effective date *and* was passed by at least three-fifths of the total membership of each house.<sup>6</sup> This provision is intended to encourage legislative adjournment by May 31. Another effect of this provision is to increase the minority party's leverage in June if the majority lacks the votes to pass a budget to take effect by July 1, when the state's fiscal year begins.

In 2000 the General Assembly adjourned its spring session on April 15. More recent adjournments have followed the more typical pattern of adjourning in May (2006 and 2008), or running into June (2002 and 2009) or even July (2004). (Due to disagreements over budget issues in 2004, the General Assembly adjourned without passing a budget, but completed action in a series of 17 special sessions called by the Governor in July.) The 2007 session ran intermittently, along with numerous special sessions through the months of July, August, and September. The table "Important Dates for the 97th General Assembly" near the end of this chapter gives approximate expected dates of actions in the 97th General Assembly.

Regular Session,  
Odd Year

The General Assembly convenes on the second Wednesday in January each year, as provided by the Illinois Constitution.<sup>7</sup> After electing officers at the beginning of its two-year existence and hearing the Governor's "State of the State" message, it meets rather infrequently for its first month. During that time, committees organize and bills are introduced and assigned to committees. Some committees may also begin holding hearings on bills. The Governor's budget message must be presented by the third Wednesday in February.<sup>8</sup> The appropriations process then begins, with introduction of bills to fund the state for the upcoming fiscal year that begins July 1.

Under legislative rules, bills must be introduced by early March to be considered during the spring session. The pace of committee work then accelerates. By late March, committee work begins to decline and floor sessions become longer. From late March through adjournment (usually in May) is the period of heaviest floor activity in each house.

Rules of each house authorize its leader to set deadlines by which bills that have passed the other house must be introduced, or be out of committee, in the second house.<sup>9</sup> The purpose is to avoid a “logjam” of bills at the end of the session. As a result, each house spends most of May on bills that have passed the other house, which involves further committee hearings and floor debate. Legislative efforts to reconcile differences between versions of bills as passed by both houses dominate the last week of the spring session. When work on the budget and other important bills is done, the General Assembly adjourns the spring session.

*Veto Session*

Consideration of the Governor’s vetoes dominates the “veto session” in the fall (usually in November). Each vetoed bill is returned to the house where it originated, which has up to 15 days to consider the veto.<sup>10</sup> The practice is for both houses to convene in perfunctory session for 1 day at the start of the veto session to receive the Governor’s veto messages as transmitted by the Secretary of State. They then reconvene for the last 3 of the 15 days to act on override or other motions; and adjourn and reconvene on the last 3 of the next 15 days to consider veto actions taken by the other house.

Either house can also act during the veto session on bills that it had not passed when the spring session adjourned, if (1) they had moved far enough along in the legislative process to escape death under the deadlines for that year, or (2) that house votes to waive the deadlines for a specific bill.

Regular Session,  
Even Year

The General Assembly reconvenes in the second (even-numbered) year on the second Wednesday in January. The Governor usually delivers the “State of the State” message then. The even-numbered session is often called a limited session because of House and Senate rules limiting what kinds of bills can be considered. These rules allow the hearing only of revenue or appropriation bills; bills of importance to the operation of state government; and emergency bills.<sup>11</sup> The Rules Committee of the House, and the Committee on Assignments in the Senate, determine which bills are eligible.

After the Governor’s “State of the State” message in January, the General Assembly will do little work until after the March primary election, unless some matter requires early legislative attention. Thus the second-year session for practical purposes will begin in late March. From then the schedule is about the same as in the first year—heavy committee work, followed by extended floor sessions, ending with agreement on budget issues and differences in substantive bills between the two houses. In 2000 that schedule was accelerated, with the General Assembly meeting frequently in February and March and adjourning in mid-April. That pattern was not followed in 2002 or 2004, probably due to state budget problems. The 2006 session ended in typical fashion in May. In 2008 (when the primary election was held in early February) the session also ended in May; but the Governor called a few special sessions in July and August. The 2010 session ended on May 27.

*Veto Session* The fall veto session in each even-numbered year begins after the November election. After adjournment of the veto session, legislators return for a brief session in January to finish the work of that General Assembly; then they adjourn *sine die* (“without day”—setting no date for that General Assembly to return).

*Special Sessions* In addition to its regular sessions, the General Assembly is sometimes called into special session to address specific issues. These sessions are called by either a proclamation of the Governor, or a joint proclamation by the President of the Senate and Speaker of the House. A proclamation by the Governor describes the specific subject(s) for legislative deliberation during that special session; no other matters, except impeachments and confirmations of appointments, may be considered during the session.<sup>12</sup> Calling a special session thus gives the Governor the advantage of defining an exclusive agenda and directing the attention of the public and legislators to it. This advantage achieves its greatest effect if the special session is called while the General Assembly is in recess (usually in the fall). But that effect is offset somewhat by the constitutional requirement that a bill passed after the intended session cutoff date (May 31) must have a three-fifths majority to take effect before June 1 of the following year.<sup>13</sup> Special sessions can also be called during a regular session, in which case legislators’ attention is less concentrated on the Governor’s agenda.

When a special session is convened, the first order of business is to pass resolutions adopting rules for the special session (usually the same as those of the regular session), and naming the officers and committees of the regular session as those of the special session. There are no limits on the number of days a special session can last. Nor is there any requirement that it act on the Governor’s agenda. In 2004 the Governor called a then-record 17 special sessions after adjournment of the regular session; that record was broken in 2007 when he called 18 special sessions.

The table “General Assembly Workloads, 1989 to 2009” at the end of this chapter gives statistics on legislative workloads and action on vetoes in the last 11 General Assemblies. The General Assembly has not yet acted on all of the Governor’s 2010 vetoes; thus the table goes through 2009 only.

## Legislative Organization

The opening day of a new legislative session marks a new beginning. A festive mood pervades each house. Families and friends of legislators fill the galleries. Flowers are on legislators’ desks. The Governor presides in the Senate, and the Secretary of State presides in the House, as the roll of members of the new General Assembly is taken, and justices of the Supreme Court administer the oath of office. The taking of the oath culminates a successful political campaign and begins a legislator’s term in office.

*Election of Officers* The first order of business is organization of each house—election of the President of the Senate and the Speaker of the House. In most years, these elections are routine matters requiring only one ballot. The members-elect meet in party caucuses sometime before inauguration of the new General Assembly, and elect their candidates for Speaker or President. Then after the nominating and seconding speeches on opening day, the candidate of the majority party in each house is elected. As provided in the Constitution, the

leader of the second most numerous party in each house is then designated as its Minority Leader.

After installation of the presiding officers, the next order of business is adoption of a resolution naming the other permanent officers of the legislative body—in the Senate, the Secretary and Assistant Secretary, Sergeant at Arms, and Assistant Sergeant at Arms; in the House, the Clerk, Assistant Clerk, and Doorkeeper. (None of these officers are legislators.) Each house then notifies the other that it is organized and ready for business. The four elected leaders also designate their assistants in the leadership. The President and Minority Leader of the Senate each names a main assistant leader, other assistant leaders, and a caucus chairperson. The Speaker of the House names a majority leader, deputy majority leaders, assistant majority leaders, and a majority caucus chairperson. The House Minority Leader names deputy minority leaders, assistant minority leaders, and a minority conference chairperson.

**Selection of Seats** Before the opening-day ceremonies are concluded, members select their permanent seats in their chamber. Usually the party leaders get the first choice of seats, followed by other legislators based on seniority. If two or more members have equal seniority, the choice is determined by lot. Offices in the State House complex are assigned on a similar basis.

**Adoption of Rules** One of the first orders of business in each house is adopting rules. These rules are normally based on the preceding General Assembly's rules, but have some changes in each new General Assembly. Among other things, the rules determine the number, size, composition, and subject matter of committees, and set procedures for bill introduction, committee consideration, and final passage.

**Appointments to Committees** There are two main types of committees: (1) service committees, such as the Committees on Rules in the House and Assignments in the Senate, manage the legislative process but do not specialize in bills on particular subjects. (2) Standing (substantive) committees consider bills on particular subjects. Special committees may also be created to deal with specific issues.

The Senate President, House Speaker, and Minority Leaders name committee members from their houses and parties.

The Speaker and President name persons to chair committees in their respective houses, and the minority leader in each house names minority spokespersons for committees. In naming other members to committees, the appointing authorities consider legislators' preferences, seniority, and occupational experience. The total size of each committee varies, but the majority party in each house has a majority on each committee.

## **Constitutional Provisions**

The legislative article of the Illinois Constitution establishes several requirements for legislative procedures.

**Open Meetings** Sessions of each house, and of their committees and commissions, must ordinarily be open to the public. A session of a house or one of its committees can be closed to the public if two-thirds of the members elected to that house determine that the public interest requires it. A meeting of a joint

committee or commission can be closed if two-thirds of the members of both houses so vote.<sup>14</sup> (These constitutional requirements govern legislative meeting in lieu of the Open Meetings Act.<sup>15</sup> The Act excludes the General Assembly and its committees and commissions from its definition of “Public body,”<sup>16</sup> so the Act’s open-meetings requirements do not apply to them.)

Public Notice of Meetings

Committees of each house, joint committees, and commissions must provide reasonable notice of their meetings, including the subjects to be considered. The rules of each house establish procedural details for giving notice.<sup>17</sup>

Witnesses and Records

Either house, and any of its committees,<sup>18</sup> may subpoena witnesses and records relevant to a legislative purpose.<sup>18</sup> (However, a 1974 Illinois Appellate Court decision, which the Illinois Supreme Court declined to review, held that despite the subsection so providing, a legislative committee does not have authority to subpoena witnesses without a specific delegation of authority from its house.<sup>19</sup>) If the power to issue a subpoena is authorized by either house, it is signed by the presiding officer of that house or the chairperson of the committee issuing the subpoena. Unlike Congress, in which the subpoena power is used with some frequency, its use by the General Assembly is uncommon. A statute enacted under this provision also permits legislative committees to take testimony under oath.<sup>20</sup>

Passage of Bills

Several requirements in the Constitution apply to bills specifically.

- Laws can be enacted only by bills—not by resolutions or other measures. Each bill must begin with this enacting clause: “Be it enacted by the People of the State of Illinois, represented in the General Assembly.”<sup>21</sup>
- Each bill must be read by title on three different days in each house before passage.<sup>22</sup> These events are called First Reading, Second Reading, and Third Reading. Third Reading is the most important stage in the passage of a bill; Second Reading can also be important, if one or more proposed amendments to the bill are considered on the floor.
- Except for appropriation and revisory bills, each bill must be limited to one subject. Appropriation bills must be limited to appropriations.<sup>23</sup>
- Bills and any amendments must be printed or copied, and on legislators’ desks before final passage.<sup>24</sup> This is usually done by making them available on laptop computers provided to members, although paper copies are available on request.<sup>25</sup> Legislators can also view and download current bills and amendments from a table of contents available at this site:

**[www.ilga.gov](http://www.ilga.gov)**

- Any bill to amend a law must set forth the entire text of any section that it proposes to amend.<sup>26</sup>
- Final passage must be by record vote, entered in the Journal of that house. On any other occasion, two senators or five representatives can require a record vote in their house. An ordinary bill can be passed only if approved by a majority of the members elected to that house.<sup>27</sup>
- To incur major state debt, a three-fifths vote of the members elected to each house is required (unless the voters in a referendum approve issuance).<sup>28</sup>

- The Speaker of the House and President of the Senate certify that all procedural requirements have been met in the passage of any bill.<sup>29</sup> The signatures of the legislative leaders are strong evidence that the *procedural* requirements have been followed, and the courts so far have not accepted evidence to the contrary.<sup>30</sup> But the leaders' signatures do not establish compliance with *substantive* requirements, such as the one limiting each bill to a single subject;<sup>31</sup> the courts examine challenged laws to determine compliance with those requirements.<sup>32</sup>
- Each bill passed goes to the Governor for approval or veto.<sup>33</sup>

## Other Legislative Functions

### Senate Confirmation of Governor's Nominations

If a nomination by the Governor requires confirmation by the Senate, the Constitution says the Senate is to act on the nomination within 60 session days or it will automatically take effect. If the Senate is in recess when a vacancy occurs, the Governor can make a temporary appointment, followed by a regular nomination when the Senate reconvenes. Senate rules require each nomination<sup>34</sup> to be assigned immediately to the Executive Appointments Committee. The nominee must appear before the committee unless a majority of all members of the committee waives an appearance. Traditionally the senator from the nominee's home district presents the nominee to the committee. The committee reports its recommendation to the full Senate for its decision.

### Election Contests

The Constitution<sup>35</sup> and the Election Code<sup>36</sup> both provide for each house to judge election contests involving its members. The election of any person to the General Assembly can be challenged by any voter in that district. The voter must give notice within 30 days after the State Board of Elections announces the result. Thereafter either party to the challenge may take testimony, after giving the required notice to the other party or parties, and send depositions to the State Board of Elections,<sup>37</sup> which transmits them to the legislative house whose seat is involved.

When an election contest is filed with either house, the matter is referred to a committee to hear the contest and report its findings and recommendations to the full body, which decides the issue.<sup>38</sup> House rules have detailed procedures for dealing with election contests.<sup>38</sup> The Senate has no rules on the subject.

### Impeachments

The Illinois Constitution gives the House sole power to investigate possible cause for impeachment of, and to impeach, executive and judicial officers. The vote of a majority of members elected is required to impeach. If an officer is impeached, the case moves to the Senate for trial. Two-thirds of senators elected are required to convict; judgments on conviction may include removal from office and disqualification to hold any public office in the state. Impeachment, whether or not followed by conviction,<sup>39</sup> does not prevent regular criminal prosecution for the same conduct.

In 1997, a Special Investigative Committee of the 90th General Assembly adopted 20 rules to govern the impeachment procedures for then-Chief Justice James D. Heiple of the Illinois Supreme Court.<sup>40</sup> The rules were adopted specifically for that investigation, which did not result in impeachment.

On December 15, 2008 the House of Representatives created a Special Investigative Committee to investigate allegations of misconduct by Governor Rod Blagojevich.<sup>41</sup> On December 17, 2008 the Committee adopted rules to govern its proceedings.<sup>42</sup> The Committee's report recommended that the Governor be impeached.<sup>43</sup> The House (of the 95th General Assembly) adopted articles of impeachment on January 9, 2009,<sup>44</sup> and affirmed that action after the 96th General Assembly convened on January 14, 2009.<sup>45</sup> The Senate on January 14, 2009 adopted rules to govern an impeachment trial.<sup>46</sup> On January 29, 2009, the Senate convicted the Governor, removing him from office and disqualifying him from holding any future public office in the State of Illinois.<sup>47</sup>

Caucus or Party Conference

In Illinois, party caucuses or conferences are important bodies. They are the basis for electing legislative leadership and organizing a legislative body. In each house, each party has a caucus or conference chairman who presides at caucuses, held at various times during the spring or other sessions. The full House or Senate sometimes recesses to permit one or both parties to confer on a pending action. Caucus or conference meetings are closed to the public.

The general purpose of caucuses is to develop legislative strategies, compromise internal differences on policy, develop party discipline, and establish a party position on particular legislative matters. Sometimes a party caucus deems a matter to be of such importance that the caucus binds its members to its position on that issue.

**Legislative Behavior**

Decorum and Discipline

Whatever private opinion any senator or representative may hold of any colleague, on the floor of the Senate and House they are all considered to be honorable ladies and gentlemen. This courtesy helps keep floor debate civil.

The rules of debate require that matters before the body be considered on their merits. Personal derogation is out of order.<sup>48</sup> Any member slighted in discussion on the floor may rise on a point of personal privilege and respond to the derogatory remarks.

The Constitution gives each house authority to discipline its members for breach of decorum and more serious misconduct. This discipline can range from calling a member to order, to censure, to expulsion from that house. Members can be expelled only by a two-thirds vote<sup>49</sup> of the members elected to that house, and only once for the same offense. Rules of each house govern other issues of decorum and discipline.

Legislative Immunities

The Illinois Constitution gives two kinds of legislative immunity. The first, immunity from arrest while traveling to or from or sessions of the General Assembly except in cases of treason, felony, or breach of the peace,<sup>50</sup> is almost meaningless today because "breach of the peace" is interpreted to include ordinary offenses such as speeding. Thus this immunity in effect applies only to civil arrest, which almost never occurs today.

The other kind of immunity is more important. The Constitution says:

A member shall not be held to answer before any other tribunal for any speech or debate, written or oral, in either house. These immunities shall apply to committee<sup>51</sup> and legislative commission proceedings.

This protects legislators from suits for defamation for their statements made in the course of official legislative duties. But it apparently does not protect statements made outside of legislative activity, such as in press conferences, election campaigns, and newsletters.

## Important Dates for the 97th General Assembly (projected)

(The actual session calendar will be established by the legislative leaders early in the session.)

Month	Day	
<b>2011</b>		
January	12	97th GENERAL ASSEMBLY CONVENES—MEMBERS SWORN IN
February	16	Governor’s budget address
February	28	Last day to introduce bills in house of origin
March	11	Last day for committees to report bills in house of origin
	31	Last day to pass bills in house of origin
April	24	Easter
May	6	Last day for committees to report Senate bills in the House and House bills in the Senate
	20	Last day to pass Senate bills in the House and House bills in the Senate
	30	Memorial Day
	31	Spring session adjournment
July	1	Fiscal year 2012 begins
Nov.	14-18	Veto session (first part)
Dec.	5-9	Veto session (second part)

## 2012

January	11	97th GENERAL ASSEMBLY RECONVENES Governor’s State of the State address (traditional date)
February	15	Governor’s budget address
March	20	Primary election
April	8	Easter
	20	Last day to pass bills in house of origin
	30	Last day for committees to report Senate bills in the House and House bills in the Senate
May	18	Last day to pass Senate bills in the House and House bills in the Senate
	28	Memorial Day
	31	Spring session adjournment
July	1	Fiscal year 2013 begins
Nov.	6	General Election
	12-16	Veto session (first part)
Dec.	3-7	Veto session (second part)

## 2013

January	9	97th GENERAL ASSEMBLY ENDS; 98th CONVENES
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- Notes
1. Ill. Const., Art. 4, sec. 1.
  2. U.S. Const., Art. I, sec. 8, clause 3.
  3. See *Garcia v. San Antonio Metropolitan Transit Auth.*, 469 U.S. 528, 105 S. Ct. 1005 (1985) (5-4 decision), overruling *National League of Cities v. Usery*, 426 U.S. 833, 96 S. Ct. 2465 (1976) (5-4 decision).
  4. 10 ILCS 5/29C-15.
  5. 10 ILCS 5/29C-5; table provided by Cristina Cray, State Board of Elections, October 27, 2004.
  6. Ill. Const., Art. 4, sec. 10.
  7. Ill. Const., Art. 4, subsec. 5(a).
  8. 15 ILCS 20/50-5(a).
  9. House Rule 9(b) and Senate Rule 2-10(a), 96th General Assembly.
  10. Ill. Const., Art. 4, subsec. 9(c).
  11. House Rule 18(b) and Senate Rule 3-7(b), 96th General Assembly.
  12. Ill. Const., Art. 4, subsec. 5(b).
  13. See Ill. Const., Art. 4, sec. 10.
  14. Ill. Const., Art. 4, subsec. 5(c).
  15. 5 ILCS 120/1 ff.
  16. 5 ILCS 120/1.02, definition of “Public body.”
  17. House Rule 21(a) and Senate Rule 3-11(e), 96th General Assembly.
  18. Ill. Const., Art. 4, subsec. 7(c).
  19. *Murphy v. Collins*, 20 Ill. App. 3d 181, 312 N.E.2d 772 (1974), review denied by Ill. Sup. Ct.
  20. 25 ILCS 5/4.
  21. Ill. Const., Art. 4, subsecs. 8(a) and (b).
  22. Ill. Const., Art. 4, subsec. 8(d), first paragraph.
  23. Ill. Const., Art. 4, subsec. 8(d), second paragraph.
  24. Ill. Const., Art. 4, subsec. 8(d), first paragraph.
  25. Use of computer versions of bills is permitted under House Rule 39 and Senate Rule 2-7(b)(3), 96th General Assembly.
  26. Ill. Const., Art. 4, subsec. 8(d), third paragraph.
  27. Ill. Const., Art. 4, subsec. 8(c).
  28. Ill. Const., Art. 9, subsec. 9(b).
  29. Ill. Const., Art. 4, subsec. 8(d), fourth paragraph.
  30. But see the Illinois Supreme Court’s admonitions about compliance with the three-readings requirement in *Geja’s Cafe v. Metropolitan Pier & Exposition Auth.*, 153 Ill. 2d 239 at 260, 606 N.E.2d 1212 at 1221 (1992) and *Friends of Parks v. Chicago Park Dist.*, 203 Ill. 2d 312 at 329, 786 N.E.2d 161 at 171 (2003).
  31. See Ill. Const., Art. 4, subsec. 8(d), second paragraph.
  32. See *People ex rel. Kirk v. Lindberg*, 59 Ill. 2d 38, 320 N.E.2d 17 (1974) and *Benjamin v. Devon Bank*, 68 Ill. 2d 142, 368 N.E.2d 878 (1977). Cases striking down acts of the General Assembly for violation of the single-subject requirement include *Johnson v. Edgar*, 176 Ill. 2d 499, 680 N.E.2d 1372 (1997); *People v. Wooters*, 188 Ill. 2d 500, 722 N.E.2d 1102 (1999); *People v. Sypien*, 198 Ill. 2d 334, 763 N.E.2d 264 (2001); and *People v. Burdunice*, 211 Ill. 2d 264, 811 N.E.2d 678 (2004).
  33. Ill. Const., Art. 4, subsec. 9(a).
  34. Senate Rules 3-6(b) and 10-1(a), 96th General Assembly.
  35. Ill. Const., Art. 4, subsec. 6(d).
  36. 10 ILCS 5/23-2.
  37. 10 ILCS 5/23-12 to 5/23-18.
  38. House Rules 83 to 88, 96th General Assembly.
  39. Ill. Const., Art. 4, sec. 14.

40. Rules of Special Investigative Committee of the 90th General Assembly Investigating Supreme Court Chief Justice James D. Heiple (filed April 29, 1997); 90th General Assembly H. Res. 89 (1997).
41. H. Res. 1650 (2008)
42. Illinois House of Representatives, Final Report of the Special Investigating Committee (January 8, 2009) p. 1.
43. House of Representatives, Final Report of the Special Investigating Committee (January 8, 2009) p. 61.
44. H. Res. 1671 (2009)
45. H. Res. 5 (2009).
46. S. Res. 6 (2009).
47. Illinois Senate, Judgment of Conviction and Disqualification (January 29, 2009)
48. House Rule 51(a) and Senate Rule 7-3(a), 96th General Assembly.
49. Ill. Const., Art. 4, subsec. 6(d).
50. Ill. Const., Art. 4, sec. 12, first sentence.
51. Ill. Const., Art. 4, sec. 12, second and third sentences.

**General Assembly Workloads, 1989 to 2009**

	<i>86th</i> <i>1989-90</i>	<i>87th</i> <i>1991-92</i>	<i>88th</i> <i>1993-94</i>	<i>89th</i> <i>1995-96</i>	<i>90th</i> <i>1997-98</i>	<i>91st</i> <i>1999-2000</i>	<i>92nd</i> <i>2001-02</i>	<i>93rd</i> <i>2003-04</i>	<i>94th</i> <i>2005-06</i>	<i>95th</i> <i>2007-08</i>	<i>96th</i> <i>2009</i>
<b>Bills introduced</b>	6,569	6,505	6,128	5,734	5,863	6,748	8,756	10,754	9,073	9,816	7,242
<b>Senate</b>	2,321	2,247	1,854	1,958	1,952	1,979	2,436	3,395	3,204	3,082	2,500
<b>House</b>	4,248	4,258	4,274	3,776	3,911	4,769	6,320	7,359	5,869	6,734	4,742
<b>Sent to Governor</b>	1,687	1,528	775	746	947	1,015	936	1,195	1,148	1,100	891
<b>Senate</b>	655	623	325	354	439	487	451	549	539	535	345
<b>House</b>	1,032	905	450	392	508	528	485	646	609	565	546
% of bills introduced	25.7%	23.5%	12.6%	13.0%	16.2%	15.0%	10.7%	11.1%	12.7%	11.2%	12.3%
<b>Approved*</b>	1,393	1,264	671	679	830	925	858	1,060	1,095	973	827
<b>Senate</b>	527	527	286	325	384	445	416	474	511	496	321
<b>House</b>	866	737	385	354	446	480	442	586	584	477	506
% of bills sent to Gov.	82.6%	82.7%	86.6%	91.0%	87.6%	91.1%	91.7%	88.7%	95.4%	88.5%	92.8%
<b>Reduction or item-vetoed</b>	40	26	0	0	0	1	2	16	0	6	3
<b>Senate</b>	22	14	0	0	0	0	1	1	0	4	1
<b>House</b>	18	12	0	0	0	1	1	15	0	2	2
% of bills sent to Gov.	2.4%	1.7%	0.0%	0.0%	0.0%	0.1%	0.2%	1.3%	0.0%	0.5%	0.3%
<b>Totally vetoed</b>	154	174	54	21	68	50	44	82	40	62	12
<b>Senate</b>	79	64	18	12	30	24	24	43	22	24	5
<b>House</b>	75	110	36	9	38	26	20	39	18	38	7
% of bills sent to Gov.	9.1%	11.4%	7.0%	2.8%	7.2%	4.9%	4.7%	6.9%	3.5%	5.6%	1.3%
<i>Overridden</i>	19	14	4	2	16	2	3	14	11	32	1
<b>Senate</b>	8	8	3	2	8	2	2	10	7	17	0
<b>House</b>	11	6	1	0	8	0	1	4	4	15	1
% of total vetoes	12.3%	8.0%	7.4%	9.5%	23.5%	4.0%	6.8%	17.1%	27.5%	51.6%	8.3%
<b>Amendatorily vetoed</b>	140	90	50	46	49	34	34	53	13	65	52
<b>Senate</b>	49	32	21	17	25	18	11	32	6	32	19
<b>House</b>	91	58	29	29	24	22	23	21	7	33	33
% of bills sent to Gov.	8.3%	5.9%	6.5%	6.2%	5.2%	3.9%	3.6%	4.4%	1.1%	5.9%	5.8%
<i>Accepted</i>	70	64	16	36	33	27	23	17	11	14	7
<b>Senate</b>	24	23	9	9	20	12	7	9	1	5	3
<b>House</b>	46	41	7	27	13	15	16	8	0	9	4
% of amend. vetoes	50.0%	71.1%	32.0%	78.3%	67.3%	67.5%	67.6%	32.1%	7.7%	21.5%	13.4%
<i>Overridden</i>	8	2	1	1	0	0	2	11	7	37	21
<b>Senate</b>	1	0	0	1	0	0	1	7	2	21	7
<b>House</b>	7	2	1	0	0	0	1	4	5	16	14
% of amend. vetoes	5.7%	2.2%	2.0%	2.2%	0.0%	0.0%	5.9%	20.8%	53.8%	56.9%	40.4%
<i>No action (died)†</i>	62	24	33	9	16	13	9	25	5	14	24
<b>Senate</b>	24	9	12	7	5	6	3	16	3	6	9
<b>House</b>	38	15	21	2	11	7	6	9	2	8	15
% of amend. vetoes	44.3%	26.7%	66.0%	19.6%	32.7%	32.5%	26.5%	47.2%	38.5%	21.5%	46.2%
<b>LAWS ENACTED</b>	1,490	1,280	692	718	819	954	886	1,102	1,113	1,056	856
% of bills introduced	22.7%	19.7%	11.3%	12.5%	14.0%	14.1%	10.1%	10.2%	12.3%	10.8%	11.8%
% of bills sent to Gov.	88.3%	83.8%	89.3%	96.2%	86.5%	94.0%	94.7%	92.2%	97.0%	96.0%	96.1%

\* “Approved” bills include appropriation bills reduction or item-vetoed, and bills that became law without the Governor’s signature.

† “No action (died)” reflects all amendatorily vetoed bills whose amendatory vetoes were neither accepted nor overridden, causing them to die.

Sources: Compiled by LRU from *Laws of Illinois; Legislative Synopsis and Digest*; and General Assembly Internet site.

## CHAPTER 3

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## PASSING A BILL

Legislative work is done mainly through motions, resolutions, and bills. Motions control the internal operations of a legislative house. Resolutions are ways of expressing opinions or doing a variety of things except enacting laws. Bills are used to enact laws. This chapter describes the handling of bills, and to some extent resolutions. Specific floor procedures for those purposes are described in Chapter 6: House (or Senate) Manual of Procedures.

### Kinds of Bills

Bills, and the laws that result from them, can be classified into three types: substantive, revisory, and appropriations.

*Substantive* bills propose to enact new laws, or to amend or repeal existing ones, in ways that would change the state's permanent body of law.

*Revisory* bills propose nonsubstantive changes, and/or correct minor errors, in existing laws. They replace obsolete references with current ones, rearrange provisions, or resolve inconsistent changes in the same section. They are exempt from the constitutional single-subject requirement,<sup>1</sup> so a revisory bill can address many laws on a variety of subjects, and may be hundreds of pages long.

*Appropriations* bills propose to authorize spending of public funds by state agencies, in specific amounts, for specific purposes—usually for only 1 fiscal year. Under the Constitution, appropriations<sup>2</sup> bills must be limited to that subject; they cannot contain substantive matter.

### Form of Bills

Regardless of their purpose, all bills are printed in the same general format. Each bill has a cover page giving its number (starting with Senate Bill 1 and House Bill 1 in each General Assembly), and listing its sponsor(s); any statutory sections it proposes to amend; and a synopsis of its contents. (Note: The synopsis on the cover page summarizes the bill only as it was introduced; it does not change to reflect any amendments later made to the bill.)

The second page begins with the bill's official (long) title and the enacting clause. Then, if it is an amendatory bill, its first section may name an existing law and list the section(s) of that law to be amended. The bill may have more

than one amendatory section, which may propose amendments to different existing laws. Immediately above each section of existing law that is shown with proposed changes, a citation in parentheses tells where that section is in the Illinois Compiled Statutes. Proposed additions to existing laws are underlined and text to be deleted is ~~struck through~~. But there is no underlining or striking through of parts of a bill that propose entire new acts.

If a bill proposes to repeal an entire section or an entire act, it does not reprint the text to be repealed. Instead, it simply names the act and says that one or more of its sections, listed by number, are repealed.

A bill proposing a new appropriation does not refer to acts or sections to be amended. Rather, it names the agency to which the appropriation is to be made and lists amounts to be spent for each purpose. On the other hand, a supplemental appropriation amends an existing appropriation, and thus is written as an amendatory bill.

Each line of a bill is numbered in its left margin to help in referring to parts of it when amending it. Near the end of a bill, often in its last section, may be the date(s) it is to take effect if enacted.

If a bill is passed by the first house with one or more amendments, it is “engrossed”—meaning that all changes made by amendment(s) in the first house are consolidated into its text. If both houses have approved a bill, it is “enrolled”—printed in its final legislative version, which will go to the Governor.

Bills, amendments, and conference committee reports are available to legislators on laptop computers used in the House and Senate chambers and elsewhere. However, individual legislators may still use paper versions of those documents in some situations. Printed bills and amendments show a bar code identifying each document by its “LRB” number (referring to the Legislative Reference Bureau, which drafts bills), and a stamp saying “adopted” if a committee amendment has been adopted.

## Overview of Bill Procedure

The following paragraphs provide a broad overview of how bills are passed. The remainder of this chapter gives more detail on those procedures.

### Three Readings

The Illinois Constitution requires any bill to be read by title on three different days in each house before it can become law.<sup>5</sup> When a bill is introduced, the Clerk of the House or Secretary of the Senate gives it a number and reads its title a first time. It is then referred to the Rules Committee in the House, or the Committee on Assignments in the Senate, for possible assignment to a standing (substantive) committee—unless at least three-fifths of the members elected vote to suspend the rule requiring that, and allow it to go directly to a standing committee (which is rarely done). If the substantive committee to which a bill has been assigned votes, by a majority of persons appointed to the committee, to recommend that it “do pass,” the bill will be returned to the full house and put on the order of Second Reading. When a bill is on Second Reading, amendments to it can be proposed on the floor. But such “floor amendments” cannot be considered by the full

body unless they are first approved by the Rules Committee or Committee on Assignments. After completion of this order, the bill is ready for Third Reading, at which it can be debated and either approved or rejected.

If a bill passes the first house, it goes to the second house—where the three readings, with committee review, amendment, and debate are repeated. If the second house approves it with no changes, it is then sent to the Governor.

If, on the other hand, the second house amends the bill and passes it in amended form, the bill is returned to the first house for agreement (“concurrence”) with those changes. If the first house concurs with the changes, the bill has passed both houses in the same form and will be sent to the Governor. But if the first house instead refuses to concur with some or all of the changes, it so advises the second house. If the second house refuses to withdraw (“recede”) from its changes, it may ask that a conference committee be appointed. That committee, consisting of equal numbers of members from each house, will try to resolve the two houses’ differences on the bill. If the conference committee is able to resolve those differences, it sends a report recommending its proposed version to both houses. If both houses accept the report, the bill has been passed and will go to the Governor. If either house rejects the conference report, a second conference committee may be appointed and similar procedures followed. However, conference committees have rarely if ever been used in recent years.

The Governor can sign the bill—the final step in enacting a law—or return it to the General Assembly with any of four kinds of vetoes allowed by the Constitution. The General Assembly can then accept the veto, or override it and enact its earlier version over the Governor’s objections.

#### Deadlines for Action

The rules set deadlines for getting bills past major hurdles in the legislative process—out of committee, passed by the house of origin, out of committee in the second house, etc. The General Assembly created these deadlines to reduce a problem that plagued legislative procedure for the first two-thirds of the 20th century—logjams of bills at the end of session.

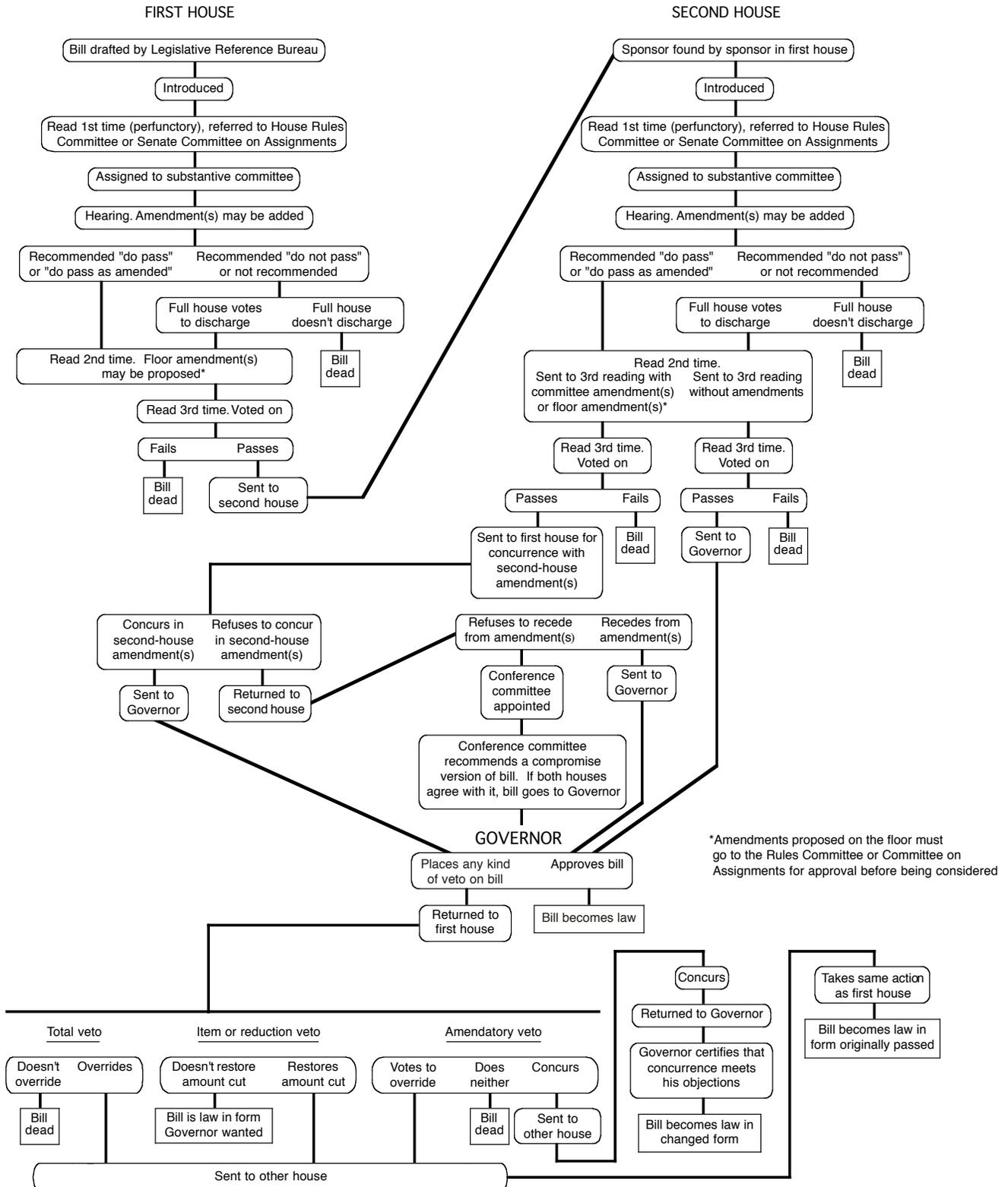
Until the deadlines were established in 1967, bills could be introduced and considered until the last days of a session. This allowed a large number of bills to be at various stages of the legislative process, even in the last month. Because there were so many bills to be considered in a short time, legislators felt overwhelmed, and sometimes gave the benefit of the doubt to bills they might have questioned if given more time.

The deadlines have not totally eliminated the long hours and heavy calendars at the end of each session. But they do help smooth out the workload, and allow a somewhat more deliberative consideration of bills and amendments.

The chart on page 4 shows in pictorial form the steps a bill must go through to become a law.



## How A Bill Becomes Law in Illinois



## Introduction, Sponsor, First Reading

To be introduced in either house, a bill must be sponsored by a member of that house. The sponsor usually gets the bill drafted by the Legislative Reference Bureau (LRB). The LRB provides enough additional copies of the bill to meet the filing requirements of that house (currently 12 in the Senate and 6 in the House).<sup>4</sup> The sponsor sends the required number of copies to the Clerk of the House or Secretary of the Senate. Then on a session day, when the order of business of First Readings of bills arrives, the Clerk or Secretary reads aloud the bill's number, principal sponsor, and title.

### Duties of the Sponsor

The sponsor of a bill is its chief proponent and guide through that house.<sup>5</sup> The sponsor arranges for it to be heard in committee and for witnesses to testify on its behalf; solicits a favorable vote from committee members; tries to accommodate any acceptable objections to it with modifying amendments; defends it against unfriendly amendments in committee and on the floor; controls its call on the calendar on Second and Third Readings; opens and closes debate on it; and takes other steps useful in managing it on the floor. If the bill passes the first house, its sponsor should arrange with a member of the second house to sponsor it there; otherwise any member of the second house can sponsor it. The sponsor in the first house will sometimes testify for the bill in committee in the second house, and usually helps the sponsor there to promote passage. Rules of each house allow the sponsor of a bill in the first house to ask the second house to replace its sponsor there; such requests go to the Rules Committee or Committee on Assignments of the second house for consideration.<sup>6</sup>

### Other Sponsors

The principal sponsor of a bill controls its movement, but it can have either or both of two kinds of additional sponsors. The first are "chief co-sponsors" or "joint sponsors" (commonly called "hyphenated" sponsors because their names follow hyphens, like the last two names in "Adams-Baker-Carr"). One principal sponsor and up to four chief co-sponsors are allowed in each house. The other kind of sponsors are regular co-sponsors, whose names are listed after commas or the word "and" (like the final three names in "Adams-Baker-Carr, Jones, Miller and Smith"). A principal sponsor often tries to get other sponsors who are of the other political party (to suggest bipartisan support) and/or get sponsorship from senior legislators—especially those with reputations for knowledge on the subject. But before agreeing to be a sponsor, a legislator needs to know what groups support or oppose the bill; who would benefit from and be harmed by it; and whether these interests are compatible with the legislator's political bases. Legislators also try to make sure that a bill they plan to help sponsor is not contrary to a position their party's leadership will take.

### Committee Sponsorship

Occasionally a committee decides, by majority vote, to introduce and sponsor a bill itself. In such cases the committee chairman controls the bill, and the committee is listed as its sponsor. Bills sponsored by a committee cannot have individual co-sponsors.

## To Committee

After being introduced and read a first time, a bill goes to the Rules Committee or Committee on Assignments, which may assign it to a standing committee for consideration. The chairman of each committee has principal responsibility for organizing and managing the work of the committee. A committee clerk keeps the committee records and takes the roll.

### Committee Schedules

Standing committees meet at regular times and places each week. As circumstances require during the session, they schedule additional meetings at other times.

### Committee Business

After bills are assigned to a standing committee, its chairman arranges for notices of all meetings, together with a list of bills scheduled for those meetings, to be posted at least the amount of time before each meeting that the rules require. The chairman arranges with sponsors to schedule hearings on their bills; conducts meetings and sees that minutes are taken by the clerk; and at the end of each meeting sends the committee report on the bills to the Clerk of the House or Secretary of the Senate. The report includes a record of all roll calls taken on bills, and committee recommendations for action on them, along with any amendments to them that the committee has adopted. Reports of House committees also include names of proponents and opponents testifying on them, and audio recordings of hearings.

If amendments are proposed in committee, the vote required to adopt each of them is a majority of the members appointed to the committee.

### Committee Recommendations

The rules allow a standing committee to make any of the following recommendations to the full house on each bill it considers:

“Do pass” recommends that the bill pass in the form it was assigned to the committee.

“Do pass as amended” recommends that the bill pass with one or more amendments adopted in committee.

“Do not pass” recommends that the bill be tabled and receive no further consideration.

“Do not pass as amended” recommends that the bill with one or more amendments adopted in committee be tabled.

“Without recommendation.”

“Tabled” (in the House) or “re-referred to the Committee on Assignments” (in the Senate).<sup>10</sup>

Such recommendations can be made only upon concurrence of a majority of those appointed to the committee.<sup>11</sup> Reports “without recommendation” are rarely if ever made. Any of the last four kinds of reports effectively kills a bill,<sup>12</sup> unless its sponsor can get the full house to revive it. To do that, the sponsor files a motion to “take [the bill] from the table.” If that motion gets the votes of three-fifths of the members elected (36 in the Senate or 71 in the

House)—or if the Rules Committee or Committee on Assignments has recommended that the bill be taken from the table and it gets 30 votes in the Senate or 60 in the House—it is put on the calendar on the order it had before it was tabled.<sup>13</sup> But there is a strong tendency in both houses to sustain a committee’s “do not pass” recommendation.

If a bill is on the Agreed Bill list (described later), the committee usually votes at the beginning of the hearing that it “Do Pass.” This gets noncontroversial bills out of the way before witnesses testify on other bills.

**Motion to Discharge  
Committee**

Committees do not act on all bills sent to them. A bill that is controversial, or appears to have problems, may be allowed to sit in committee until the deadline for committee action on bills—when it will be automatically re-referred to the Rules Committee or Committee on Assignments, and likely will see no further action.

If a committee has not reported back unfavorably on a bill assigned to it, any member may file on the floor a motion in writing to discharge the committee from further consideration of the bill. (This is often tried if the sponsor wants to remove the bill from an unfriendly committee. It can also be attempted if the sponsor failed to present the bill in committee before the deadline for committee action.) If enough members (a majority of members elected in the House or three-fifths in the Senate) vote to discharge, the bill is taken out of committee and advanced to Second Reading.<sup>14</sup> However, this does not often happen.

**Subcommittees**

A committee may create a subcommittee to consider particular matters, such as a bill or group of bills on some subject.<sup>15</sup> Reasons for this range from considering several bills on the same subject in the hope of sending a composite bill to the floor, to using a subcommittee to bury a bill. A subcommittee can make recommendations to its committee; but only a committee can report bills to the full house.

**Second Reading**

After committee action on a bill, the Clerk of the House or Secretary of the Senate reads the committee report into the record on the next legislative day. Bills reported favorably are put on the order of Second Reading.

Second Reading can be a significant stage for a bill, especially if it is controversial. Debate on amendments may give a preview of debate on final passage. Opponents sometimes try to weaken a bill with amendments, or “improve it to death” with amendments strengthening it but multiplying its opposition. The sponsor defends the bill against hostile amendments. The sponsor may also try to amend the bill to compromise with opponents, or to make its meaning clearer.

In decades past, Second Reading was sometimes used to propose surprise amendments or to reintroduce amendments defeated in committee. At times it was used by the minority party in each house to stall the proceedings and prolong debate. But the tactical importance of Second Reading has been reduced by changes in the rules. They now require that amendments proposed

on the floor (“floor amendments”) be automatically referred to the Rules Committee or Committee on Assignments upon filing. They cannot be considered by the full house unless allowed by the Rules Committee or Committee on Assignments. The Rules Committee or Committee on Assignments, in turn, can refer floor amendments to standing committees for review and consideration.<sup>16</sup>

Proposal of Amendments

Each amendment must be in writing, and must be confined to the subject of the bill (described as being “germane” to it). Any member can offer an amendment to a bill while it is on Second Reading by taking the proposed amendment to the office of the Clerk of the House or Secretary of the Senate, where it will be filed in the proper order. But as noted above, it must then go to the Rules Committee or Committee on Assignments for a decision on whether the full house can consider it.

Each proposed amendment must be on members’ desks before it can be voted on.<sup>17</sup> This is normally done using members’ laptop computers.<sup>18</sup>

Amendments approved in committee are considered automatically adopted. Such “committee” amendments must be available to members at their desks when a bill is called for Second Reading.<sup>19</sup>

Amendments are numbered in the order offered, and an amendment’s number never changes. Any floor amendments approved by the Rules Committee or Committee on Assignments for consideration by the full house are taken up on the floor in numerical order. They may be adopted on the floor by a voice vote (“All in favor vote ‘aye’ . . . all opposed vote ‘nay’ . . .”). Or if there is a request for a “roll call” (showing how each member voted), members vote using the switches on their desks, which are connected to the electronic voting board.

After all amendments have been considered, the bill has had its Second Reading and advances to the order of Third Reading.

**Third Reading**

Third Reading is the pass-or-fail stage in each house. The Illinois Constitution requires a recorded vote showing how each member voted on a bill at this stage.<sup>20</sup>

Recall to Second Reading

Bills cannot be amended while on Third Reading. But with the consent of the body, a bill can be returned from Third Reading to the order of Second Reading to add an amendment. Such an amendment is a floor amendment, and thus must go to the Rules Committee or Committee on Assignments for approval. With the amendment added, the bill can return to Third Reading. This is a common procedure. It is done if technical errors are found in a bill, or the sponsor discovers the need for an amendment to aid its passage.

By tradition in the Senate, if a bill is returned to Second Reading, after the bill is restored to Third Reading there must be at least one act of intervening business before the bill can be considered again. A sponsor may ask leave of the body to take a bill back to Second Reading at any time before completion of a vote on Third Reading.

At any time before a final vote on a bill, the sponsor can have it tabled with leave of the full house. If it is a committee bill, the vote must be by a majority of all members elected (a “constitutional majority,” discussed below).<sup>21</sup>

#### Floor Debate

If a bill is on Third Reading, and its sponsor is ready to take it up, the sponsor will be recognized to describe the bill and its purposes, and ask for its passage.

After the sponsor has opened debate, any member may seek recognition from the chair, and when recognized, speak for or against the bill. No senator may speak more than 5 minutes on a question without the consent of the body;<sup>22</sup> speak more than once until every senator wanting to speak has spoken once; or speak more than twice on the same question.<sup>23</sup> No representative may speak more than 5 minutes at a time, or more than once on a question, without the consent of the House—except that if a bill is on “unlimited debate” status, the principal sponsor has 10 minutes to open debate and 5 minutes to close.<sup>24</sup> In either house, members may yield part or all of their allotted time to other members, allowing them to speak longer. Yielding debate time is permitted by rule in the House<sup>25</sup> and by custom in the Senate.

After all the members who want to speak have addressed the bill, the sponsor is allowed to close debate. Or if debate is lengthy, a member may “move the previous question” (that is, propose that debate be stopped and the bill be voted on immediately). A motion for the previous question is nondebatable; a vote on it must be taken immediately.<sup>26</sup> But it is used sparingly, since if successful it will prevent any additional speakers from addressing the issue.

#### Majorities Required for Passage

To pass on Third Reading, a bill must have the favorable vote of a so-called “constitutional majority.”<sup>27</sup> This means a majority of all the members who were elected (30 in the Senate or 60 in the House). To have some kinds of effects, a bill must be passed by three-fifths of the members elected (36 in the Senate or 71 in the House). Those effects are:

- Making a bill passed after May 31 take effect before June 1 of the following year.<sup>28</sup>
- Restricting powers of home-rule units if the state itself does not exercise those powers.<sup>29</sup>
- Incurring long-term state debt without a statewide referendum.<sup>30</sup>

If a session continues beyond May 31, and a constitutional majority (but fewer than three-fifths) of the members elected to a house vote for a bill that contains an effective date before June 1 of the next year, the bill is not declared passed. But its sponsor can take it back to Second Reading and offer an amendment (which needs approval of the Rules Committee or Committee on Assignments, or a substantive committee) to delete the clause calling for an early effective date. If that amendment succeeds, the bill can be returned to Third Reading for a vote.<sup>31</sup> There are similar provisions for bills proposing to restrict home-rule powers that fail to get a three-fifths majority.<sup>32</sup>

Postponing  
Consideration

In either the House or the Senate, if the electronic voting board's running total shows that a bill is failing to get a constitutional majority but has the votes of approximately two-fifths of all members elected (24 in the Senate or 47 in the House), then *before* the presiding officer announces its fate, the sponsor can move that consideration of it be postponed. If leave is granted to postpone consideration, the bill is taken "out of the record" and no roll call is recorded in the Journal. The bill is then put on the calendar on the order of bills on postponed consideration. This lets the sponsor halt further action on the bill, and then call it for passage at a later time when that order of business is taken up. No bill may be put on postponed consideration more than once.<sup>33</sup>

Verification

A parliamentary tactic often used at the end of a roll call is a motion to verify the roll call. This is done if opponents question whether all the members shown as having voted for the bill were actually on the floor and voting. To verify the roll call, the Clerk or Secretary calls the name of each member listed as voting for the bill. (If the roll call is on a question that had to be decided by a majority of those voting on the question, it may also be necessary to verify the negative roll call.) As each member's name is called, the member calls out his or her vote, and the recording officer repeats the name and the vote. The name of any member who fails to respond is removed from the affirmative roll call. If enough votes are removed to reduce the majority below that needed for passage, the bill is defeated (unless the sponsor gets its consideration postponed). A vote that has been removed will be restored to the affirmative roll call if the member returns to the floor and is recognized by the presiding officer before the final result of the verification is announced.

The rules prohibit members from changing their votes during verification.<sup>34</sup>

"Lock-up" Motion

In each house one other kind of motion, commonly called a "lock-up" motion, can be made within 1 legislative day after a roll call, but only by a person who voted with the majority on it. In a lock-up motion, that member moves to reconsider the vote by which the bill passed (or failed). Then another member who also voted with the majority immediately moves to table the first member's motion.<sup>35</sup>

In the case of a bill that passed, this motion (if successful) prevents any reconsideration of the bill in that house; it will leave that house and go to the other house. In the case of a bill that failed, the "lock-up" motion for practical purposes buries it after it has been killed on the roll call.<sup>36</sup>

(Any bill described here as "killed" or "buried" during a session of the General Assembly suffers only a tentative death until that General Assembly itself adjourns at the end of its 2 years. Rules can be suspended or amended, tabling motions can be reconsidered, and bills can be resurrected—if the votes are there to do so.)

**Special Calendars**

Not every bill is a matter of deep partisan division or confrontation between strong interests. Most bills generate less conflict, and many are almost non-controversial. Each house has procedures to allow such bills to pass without unnecessary consumption of time.

## House Consent and Short Debate

The House has devised two orders of business to identify and dispose of noncontroversial bills expeditiously: the Short Debate Calendar and the Consent Calendar.

If a bill in the House receives no negative votes in committee, the committee may put it on the Consent Calendar. A bill on that calendar is assumed to have no opposition, and cannot be amended or debated on the floor. But members may ask questions about it and the sponsor may answer them. No bill or resolution requiring an extraordinary majority may be put on the Consent Calendar. All bills at passage stage on the Consent Calendar each day are moved and voted in a single roll call.<sup>37</sup>

A bill may be removed from the Consent Calendar before passage if its placement on that calendar is challenged by any one of six members appointed by the Speaker and Minority Leader to examine the Consent Calendar; by any four members of the House; or by the principal sponsor. A bill so removed cannot be put on the Consent Calendar again in that session without the consent of the person(s)<sup>38</sup> who had it removed. A bill so removed goes to the Short Debate Calendar.

If three-fifths of the members of a committee who are present and voting (including those voting “present”) vote for a bill, it is to be given Short Debate status.<sup>39</sup> The Short Debate Calendar is a method for limiting debate at times during the session when the regular calendar, and the daily times in session, are growing longer.

Bills on the Short Debate Calendar are moved and voted individually like those on the regular calendar. But debate time is limited to 5 minutes per bill. The sponsor, or a proponent designated by the sponsor, gets 2 minutes to open; an opponent gets 2 minutes; and the sponsor gets 1 minute to close. At the request of seven members<sup>40</sup> before the close of debate, the bill will be opened to standard debate.

The House also has an “Agreed Bill list.” This is a list of noncontroversial bills that are given expedited consideration in committee and on the floor.

The Senate has neither a short debate calendar nor an Agreed Bill list.

## Out of the First House, Into the Second

If a bill survives hostile witnesses, criticism in committee, and debate in the first house, it goes to the second house for more of the same.

When the bill arrives in the second house, the Secretary or Clerk reads a message saying that the bill has passed the first house and asking the second house to give it favorable consideration. The bill is then ordered printed and put on the order of First Reading. Each bill retains its original number when it moves to the second house. For example, Senate Bill 1234 is still Senate Bill 1234 while it is in the House, and House Bill 2468 is still House Bill 2468 while in the Senate. After a member of the second house sponsors the bill, it is officially read a first time and referred to committee.

From that point on, the procedure in the second house is essentially the same as in the first house.

If a bill passes the second house without change, it has achieved final legislative passage and will be sent to the Governor.

Concurrence;  
Conference  
Committees

If the House and Senate pass different versions of a bill, a way must be found to resolve their differences, or the bill will die. The first effort at such a resolution is made when the second house returns the bill to the first house and requests concurrence in its amendment(s). If the first house concurs in each amendment by the second house, the bill has achieved final passage and will be sent to the Governor.

If the first house refuses to concur, it sends a message to the second house asking it to recede from its amendment(s). If the second house recedes, the bill has achieved final passage and will go to the Governor.

If the second house refuses to recede, it can request appointment of a conference committee to seek a compromise. (The rules still provide for conference committees, but they have fallen out of use in recent General Assemblies.) If a conference committee is to be appointed, the leadership in each house will appoint five persons to the committee—three from the majority party and two from the minority party.<sup>41</sup> A majority of all members of the committee must sign a conference report for it to go to the two houses for adoption.<sup>42</sup> The report of a conference committee cannot be amended when sent to the floor; it must be either adopted (subject to minor correction) or rejected.

If a conference committee says that it cannot agree on a report, or one house rejects its report, a second conference committee can be appointed. No more than two conference committees can be appointed for one bill.<sup>43</sup> However, a second conference committee report can be “corrected” if some imperfection is found in it, the correction of which can bring adoption. This informal procedure was developed outside the rules.

Bills returned to the first house for concurrence with the second house’s changes, along with conference committee reports, are first referred to the Rules Committee or Committee on Assignments of the first house for approval before being considered by the whole body. The Rules Committee or Committee on Assignments can in turn refer the changes or conference committee reports to a standing committee for its approval.<sup>44</sup> If both houses adopt a conference committee report on a bill, the bill has achieved final passage and will go to the Governor.

After final passage of a bill, it is “enrolled” by its house of origin. This means that it is compiled in its final legislative version. As required by the Constitution, the President of the Senate and Speaker of the House sign the bill to certify that all procedural requirements have been met.<sup>45</sup> The bill is then ready to go to the Governor.

## Governor's Action on Bills

Within 30 days after final passage, a bill must be sent to the Governor.<sup>46</sup> If he approves the bill, he signs it, enacting a Public Act. If the Governor does not approve the bill, he vetoes it by returning it with objections to the house where it originated. (If the General Assembly is not in session then, he files it with the Secretary of State, who forwards it and the veto message when the General Assembly returns.) If the Governor does not act on a bill within 60 days after it is presented to him, it becomes law without his signature.<sup>47</sup>

The Illinois Constitution allows the Governor to make any of four kinds of vetoes to a bill: total, amendatory, item, or reduction. The last two apply only to appropriation bills. In practice, amendatory vetoes are used only on substantive bills. The following discussion describes each kind of veto, the possible legislative responses to it, and the effective date of the resulting law if the General Assembly repasses the bill.

### Total Veto

The Governor may reject an entire bill and return it with a statement of objections to the house where it originated. That house enters the objections on its journal. It may then, within 15 calendar days after receiving the bill, vote on an override. If it, by vote of at least three-fifths of the members elected to it (71 in the House, 36 in the Senate), repasses the bill despite the veto, the bill goes to the second house. If the second house within 15 calendar days repasses the bill by vote of at least three-fifths of the members elected to it, the bill becomes a law. Otherwise it is dead.<sup>48</sup>

### Amendatory Veto

A Governor who approves the general purpose of a bill, but finds fault with one or more of its details, can return the bill "with specific recommendations for change" to the originating house. In practice, this has meant that the Governor returns the bill with a proposed 'amendment' setting forth the exact text of each suggested change. The Constitution says such an amendatorily vetoed bill is to be considered the same way as a vetoed bill, except that each house can accept the Governor's recommendations by a mere constitutional majority (60 votes in the House and 30 in the Senate).<sup>49</sup>

Thus the General Assembly can respond to an amendatory veto in any of three ways:

- (1) Overriding the veto by three-fifths of the members elected to each house. In that case the bill becomes law in the same version in which the General Assembly originally passed it.
- (2) Accepting the Governor's recommendations, by only a majority of the members elected to each house. In that case the bill is returned to the Governor, and if he certifies that it conforms to his recommendations, it becomes a law. The Constitution does not say how long the Governor has to certify a bill (or to return it as a vetoed bill).
- (3) Neither accepting the Governor's proposed changes, nor overriding the amendatory veto. In this case the bill is dead.

### Item and Reduction Vetoes

Item and reduction vetoes allow a Governor to cut parts ("line items") from appropriation bills without vetoing them entirely. In an item veto, the Governor eliminates an entire line item; in a reduction veto, he merely reduces

the amount of a line item. In either event, the amounts in the bill not eliminated or reduced become law immediately upon the Governor's transmission of his veto message saying what amounts he has cut. But the majorities needed to restore those amounts differ. A line item that has been vetoed is treated like a completely vetoed bill: a three-fifths majority in each house is needed to restore it. On the other hand, an item that has been reduced can be restored<sup>50</sup> to its original amount by a mere constitutional majority in each house.

House and Senate rules set forth the formats of motions to respond to vetoes.<sup>51</sup>

#### Effective Dates of Laws

A law does not necessarily take effect immediately upon enactment. A law is enacted as soon as the last step required for its enactment has been taken. That may be (1) the Governor's signing it; (2) failure of the Governor to act on it within 60 days after receiving it; (3) override of a veto; or (4) certification by the Governor that the bill conforms to the recommendations in an amendatory veto. If any of those things happens, a new law has been enacted and the Secretary of State will assign it a Public Act number.

However, when the new law will take effect depends on several facts. The Constitution says that a bill passed in any calendar year before the intended session end (midnight May 31), that does not state an effective date in its text, will take effect on a uniform date set by statute.<sup>52</sup> A statute sets that date as January 1 of the next year.<sup>53</sup> Or a bill passed before midnight May 31 may set an effective date in its text, which can be earlier or later than January 1.<sup>54</sup> Many bills say that they are to take effect upon becoming law; others state effective dates; and still others do not address when they are to take effect.

In the case of a bill passed after May 31, the Constitution says the resulting law (if it becomes law) cannot take effect until June 1 of the following year, *unless* it sets a specific earlier effective date *and* is passed by three-fifths of the members elected to each house.<sup>55</sup>

If a bill is totally vetoed but the veto is overridden, its effective date is determined as if the Governor had approved it. That is, if it passed both houses in the same form before midnight May 31, it will take effect on its stated effective date if any; or if none is stated, on the following January 1.<sup>56</sup>

Determining the effective date of a law resulting from an amendatorily vetoed bill is more complex. The result depends on when the bill was "passed" as that term is used in the Constitution. If the General Assembly accepts the Governor's recommended changes, the bill is "passed" for effective-date purposes on the day those changes are accepted by the second house. If that is after May 31 and the recommended changes are accepted by a majority but fewer than three-fifths of the members elected in each house, the effective date of the law will be June 1 of the next year.<sup>57</sup> Thus if a law resulting from acceptance of an amendatory veto is to take effect earlier, it must contain an earlier effective date *and* be repassed after the Governor's amendatory veto by three-fifths of the members elected to each house.

On the other hand, if the General Assembly *overrides* the amendatory veto, the bill becomes law in the version in which it originally left the General

Assembly. It apparently will then be treated for effective-date purposes as if it had been totally vetoed and the veto overridden.<sup>58</sup> If it originally passed both houses (in the same form) before midnight May 31, it will then take effect on its stated effective date if any, or otherwise on the following January 1.

In the case of item and reduction vetoes, there is no similar complexity regarding effective dates. But some temporary confusion can be caused by the constitutional provision that line items not reduced in an otherwise item- or reduction-vetoed bill become law immediately.<sup>59</sup>

All these rules on effective dates are subject to one final rule: A law's effective date cannot precede the day it becomes law.<sup>60</sup> For example, if a bill is passed before midnight May 31, and says that it will take effect immediately, but it is signed by the Governor (and thus becomes law) on August 15, its effective date is August 15. (However, on at least one occasion, in 1984, the Illinois Supreme Court did apply a change in law that had been passed by the General Assembly but was not yet effective when the relevant events took place. Shortly before the murder involved in that case was committed, the General Assembly passed a bill to change the criteria for the death penalty; but its enactment was delayed by an amendatory veto on a different issue. Applying the change to the defendant benefited him by making him ineligible for the death penalty.<sup>61</sup>)

#### Votes Necessary to Respond to Vetoes

The following table summarizes the legislative majorities needed to act on each kind of veto.

<i>Veto type</i>	<i>Result desired</i>	<i>Majority required</i>	<i>Votes needed</i>	
			<i>House</i>	<i>Senate</i>
Total	Override	3/5	71	36
Amendatory	Override	3/5	71	36
	Accept	Constitutional majority*	60*	30*
Item	Restore	3/5	71	36
	Accept	(No action needed)	0	0
Reduction	Restore	Constitutional majority	60	30
	Accept	(No action needed)	0	0

\* If the General Assembly, after May 31, accepts the Governor's recommendations, the law that results cannot take effect until June 1 of the next year, unless (1) it states an earlier effective date and (2) at least a three-fifths majority in each house votes to accept the Governor's recommended changes.

## Other Kinds of Measures

### Constitutional Amendment Resolutions

The General Assembly can send proposed amendments of the Illinois Constitution to the voters for their approval. This is done by a joint resolution beginning in either the House or Senate. After introduction in either house, such a joint resolution follows a legislative path like that of a bill: First Reading, assignment to committee, report to the floor, Second Reading, Third Reading, and passage or defeat. If passed in the first house, it then follows a similar path in the other house. But there are two major ways in which constitutional amendment resolutions are handled differently from bills: (1) The vote required in each house to pass a proposed constitutional amendment is three-fifths of the members elected to that house. (2) A proposed constitutional amendment does not go to the Governor for approval. It goes onto the ballot at the next general election occurring at least 6 months after final passage by the General Assembly.<sup>62</sup> Thus, a proposed constitutional amendment originating in the General Assembly must pass both houses by early May of an even-numbered year if it is to get on the ballot at that year's November election. The General Assembly cannot propose amendments to more than three articles of the Constitution for consideration at any one election.<sup>63</sup>

A proposed amendment is approved and becomes part of the Constitution if it gets the favorable votes of either (a) three-fifths of the persons who vote on it at the election or (b) a majority of all persons who vote in the election.<sup>64</sup>

Another method is also provided for amending the Illinois Constitution: an initiative to amend the Legislative article. A petition signed by at least 8% of the number of voters who voted for candidates for Governor in the last election can propose amendments, limited to "structural and procedural" subjects in that article.<sup>65</sup> This method has been successful only once, in the so-called "Legislative Cutback Amendment" that was approved in 1980. It reduced the size of the House by one-third and eliminated cumulative voting, which had been used in House elections.

### Constitutional Convention Proposals

Also by vote of three-fifths of the members elected to each house, the General Assembly can send to the voters the question whether to call a constitutional convention. A referendum on this question will then be held at the first general election occurring at least 6 months after adoption of that resolution. If three-fifths of those voting on the question, or a majority of persons voting at the election, approve this proposal, the next General Assembly must enact a law providing for electing delegates and organizing the convention. The Constitution also requires the Secretary of State to put the question of calling a constitutional convention to the voters once every 20 years if the General Assembly has not done so during that period.<sup>66</sup> The first time that question was put on the ballot under the 1970 Constitution was in 1988, when it was not approved by voters. It was put on the ballot again in 2008, when it also was not approved.

Proposed amendments to the U.S. Constitution, sent by Congress to the states for ratification, are also handled as House or Senate joint resolutions. Under the rules, they are referred to a committee in each house, and if favorably reported by committee and adopted by three-fifths of members

elected, are ratified.<sup>67</sup> States cannot amend proposed amendments to the U.S. Constitution.

### Executive Reorganization Orders

Under the previous (1870) Illinois Constitution, reorganization of executive agencies under the Governor was possible only by legislative revision of the laws creating those agencies. The 1970 Constitution streamlined this procedure, allowing the Governor to reorganize by executive order. Until then, internal management reorganizations of an agency could take place only if they were consistent with the statute establishing the agency. Under the 1970 Constitution, the Governor can contravene such statutes by executive order if the General Assembly does not disapprove.

Whenever the Governor issues an executive order proposing a reorganization that would contravene a statute, a copy of the order is filed with the General Assembly. This must be done by April 1 in an annual session for the proposal to be considered during that session; otherwise the proposal will be considered at the start of the next annual session. If neither house disapproves of the order within 60 calendar days, it takes effect. A majority of the members elected to either house is needed to disapprove an executive reorganization order.<sup>68</sup>

Upon receipt in the House and Senate, an executive reorganization order is referred to the Rules Committee or Committee on Assignments for assignment to a standing committee for hearing and recommendation. No floor action can occur on an executive reorganization order unless it is reported by committee, or the committee is discharged from considering it.<sup>69</sup>

A statute on this subject attempts to limit the Governor's reorganization authority to reassignment of existing duties and functions among agencies under him. He cannot invent new responsibilities or repeal existing ones by executive order; that must still be done by statute. But the Governor can provide for creation of a new department to consolidate or separate some or all functions of some existing agencies. The statute also prohibits the Governor from reorganizing some independent regulatory boards by executive order.<sup>70</sup> Nothing in the constitutional section on executive reorganization prevents the General Assembly from reorganizing departments by statute. Statutory duties of other executive-branch officers can be reorganized *only* by statute.

If the General Assembly does not reject an executive reorganization order, the Legislative Reference Bureau drafts a revisory bill incorporating the provisions of the order,<sup>71</sup> and the General Assembly routinely passes it. Thus the statutes will reflect the changes made by the executive reorganization.

### Resolutions

Resolutions are the main method the General Assembly uses to declare itself on a subject. Such a resolution typically states the grounds for its declaration in a series of "Whereas" clauses, then states a position by saying "Be it resolved that . . . ."

The most common uses of resolutions are setting a date for adjournment for the week and the date for reconvening the next session week; adopting rules; expressing congratulations or condolences; creating committees or commissions; urging some public official or body to do something; or proposing a constitutional amendment. Resolutions in each General Assembly are

indexed by type and subject in the *Legislative Synopsis and Digest* and listed on the legislative Web site ([www.ilga.gov](http://www.ilga.gov)).

There are House resolutions, Senate resolutions, House joint resolutions, and Senate joint resolutions. A House or Senate resolution, if passed, expresses the will of that house. A joint resolution, if passed by both houses, expresses the will of the General Assembly.

A resolution can be adopted by a majority of those voting, unless it proposes a constitutional amendment or calls for the spending of state funds.<sup>72</sup> Non-controversial resolutions, such as those expressing congratulations or condolences, are put on a consent calendar and moved on one roll call in either house.

Substantive resolutions in either house are referred to a standing committee for its recommendation before going to the floor for a vote. Resolutions can be amended and debated on the floor before adoption or rejection.

#### Adjournment

The Constitution says that neither house may adjourn for more than 3 days without the other's consent.<sup>73</sup> This is a common constitutional provision in states with two-house legislatures<sup>74</sup> to compel the houses to coordinate their working schedules. Thus the two houses must agree on any period of adjournment exceeding 3 days. This is done by adopting a joint "adjournment resolution." Such a joint resolution, which can originate in either house, says that when one house adjourns on a particular date it will stand adjourned until a particular date and time, and when the second house adjourns on a particular date it will stand adjourned until a particular date and time.

A joint resolution on adjournment is usually adopted each week the General Assembly is in session, until late in the session when the two houses may meet longer than a week with no breaks of as long as 3 days.

On rare occasions the two houses have gotten into such disagreement with each other that they could not agree on adjournment. In that case, if one house certifies to the Governor that a disagreement exists between the houses as to the time of adjourning a session, the Governor can adjourn them—but not to a time later than the beginning of the next annual session.<sup>75</sup>

### Legislative History

As a bill is passed, it leaves a trail of records that can be examined later by legal researchers and historians. These records are described below.

#### Journals

The Illinois Constitution requires each house to keep and publish a journal of its proceedings, and to keep and make available a transcript of its debates.<sup>76</sup> This work is done by the Clerk of the House and the Secretary of the Senate.

The journal of each house is prepared from a variety of printed forms that are filled in as actions take place. The journals are printed during the night, for distribution to members before the next day's session. Late in the session, when bills are rapidly advancing or passing, the printed journal may not be ready until late the following day or even on the second day after its date. At

the opening order of business for reading the journal of the previous day, members can call attention to any errors in it and move their correction.

After the close of the session, the daily journals are bound with indexes by bill number, sponsor, and subject. This is done by the Secretary of State's office and the Legislative Information System.

All floor debate is recorded on audiotape, and verbatim transcripts are prepared and kept by the Clerk of the House and Secretary of the Senate. Once they are transcribed, they are also posted on the General Assembly's Internet site. Copies are kept by those offices, and by the Secretary of State's Index Department and the State Library. (Transcripts of debate are available back to the fall of 1971, when legislative debates were first recorded.)

#### Calendars

The discussion earlier in this chapter described bills as being on the legislative calendar on some order of business. Each house prints a calendar for each session day. The printed daily calendar is prepared by the Clerk or the Secretary and put on members' desks before each session. It lists all bills in numerical order, with sponsors' names and brief subjects, under the order of business each bill is at in the legislative process (such as Second Reading or Third Reading). Appropriation bills are listed in boldface type; each bill that has been amended has an "A" next to it. Substantive resolutions are also listed on the calendar. Bills, substantive resolutions, and formal motions in writing then pending before the whole house for disposition are on the daily calendar. The calendar also lists committee meetings that are scheduled, and bills set for a hearing in each committee that day. Daily calendars are distributed and are available in the House and Senate bill rooms. When the legislative workload becomes heavy, a supplemental calendar is printed. This happens most often in the late days of a session when there is much traffic in concurrences and conference committee reports between the houses.

#### *Legislative Synopsis and Digest*

The Legislative Reference Bureau prepares the weekly *Legislative Synopsis and Digest*. At the start of each year, the "*Digest*" is a slim paperbound book; by the end of the spring session it grows to four to six thick paperbound volumes. It contains a brief summary of each bill and resolution introduced, in numerical order. It also summarizes amendments that are adopted, and the content of any note (such as a fiscal note) on the bill. After each such bill's digest is a brief synopsis showing every legislative action taken on it to date. The last line of the bill's synopsis shows its latest status. The last volume of each *Digest* contains indexes to bills and resolutions by subject matter and sponsor, and by the parts of the Illinois Compiled Statutes they propose to add, amend, or delete.

The *Digest* is issued each week during the session, showing action through the previous Friday. It is cumulative for that year's session. In the second year of a General Assembly it also shows bills still active from the first year. A Final edition of the *Digest* is issued after the close of the session. The *Digest* is provided without charge to legislators and some other government offices; other persons can subscribe to it for \$55 per year.

Up-to-date information on legislative actions on bills is available on the General Assembly's Internet site maintained by the Legislative Information System (LIS), and in daily LIS reports. These are valuable services to legislators and the general public.

**Session Laws** After the Governor has acted on all bills from an annual session of the General Assembly, the Secretary of State publishes the bound *Laws of Illinois* for that year, containing all of the year's Public Acts and executive orders.

**Statutory Compilation** The Illinois Compiled Statutes is the official codification of Illinois laws. It classifies by subject all Illinois laws of a permanent nature; but does not include annual appropriations. The citation for each section contains three numbers: (1) the chapter of Illinois Compiled Statutes being cited, followed by "ILCS" (Illinois Compiled Statutes); (2) the act within that chapter being cited, followed by a slash; and (3) the section being cited within that act. In addition to printed versions from private legal publishers, the Illinois Compiled Statutes are available on the General Assembly's Internet site, and on private legal publishers' Internet-based legal research sites. These computer databases make it possible to search the statutes for particular words or combinations of words.

- Notes**
1. Ill. Const., Art. 4, subsec. 8(d), second paragraph.
  2. Ill. Const., Art. 4, subsec. 8(d), second paragraph.
  3. Ill. Const., Art. 4, subsec. 8(d), first paragraph.
  4. House Rule 37(e) and Senate Rule 5-1(e), 96th General Assembly.
  5. See House Rule 37(b) and Senate Rule 5-1(b), 96th General Assembly.
  6. House Rule 37(c) and Senate Rule 5-1(c), 96th General Assembly.
  7. See House Rule 37(a) and Senate Rule 5-1(a), 96th General Assembly.
  8. House Rule 37(b) and Senate Rule 5-1(b), 96th General Assembly.
  9. House Rule 40(b) and Senate Rule 5-4(b), 96th General Assembly.
  10. House Rule 22(a) and Senate Rule 3-11(a), 96th General Assembly.
  11. House Rule 22(a) and Senate Rule 3-11(a), 96th General Assembly.
  12. House Rule 24(a) and Senate Rule 3-12(a), 96th General Assembly.
  13. House Rule 61(a) and (b) and Senate Rule 7-11(a) and (b), 96th General Assembly.
  14. House Rule 58 and Senate Rule 7-9(a), 96th General Assembly.
  15. House Rule 14(a) and Senate Rule 3-3(b), 96th General Assembly.
  16. House Rule 18(e) and Senate Rule 3-8(b), 96th General Assembly.
  17. House Rule 40(d) and Senate Rule 5-4(d), 96th General Assembly.
  18. See House Rule 39 and Senate Rule 2-7(b)(3), 96th General Assembly.
  19. House Rule 40(d) and Senate Rule 5-4(d), 96th General Assembly.
  20. Ill. Const., Art. 4, subsec. 8(c).
  21. House Rule 60(b) and Senate Rule 7-10(b), 96th General Assembly.
  22. Senate Rule 7-3(g), 96th General Assembly.
  23. Senate Rule 7-3(g), 96th General Assembly.
  24. House Rule 52(e) and (a)(4), 96th General Assembly.
  25. House Rule 52(e), 96th General Assembly.
  26. See House Rule 59 and Senate Rule 7-8, 96th General Assembly.
  27. Ill. Const., Art. 4, subsec. 8(c).
  28. Ill. Const., Art. 4, sec. 10.
  29. Ill. Const., Art. 7, subsec. 6(g).
  30. Ill. Const., Art. 9, subsec. 9(b).
  31. House Rule 69(b) and Senate Rule 7-19(b), 96th General Assembly.

32. House Rule 70 and Senate Rule 7-20, 96th General Assembly.
33. House Rule 62 and Senate Rule 7-12, 96th General Assembly.
34. House Rule 50 and Senate Rule 7-6(e), 96th General Assembly.
35. House Rule 65(a) and (c), and Senate Rule 7-15(a) and (c), 96th General Assembly.
36. House Rule 65(c) and Senate Rule 7-15(c), 96th General Assembly.
37. House Rule 42(b) to (e), 96th General Assembly.
38. House Rule 42(f), 96th General Assembly.
39. House Rule 22(h), 96th General Assembly.
40. House Rule 52(a)(1), 96th General Assembly.
41. House Rule 73(c) and Senate Rule 8-2(c), 96th General Assembly.
42. House Rule 74(b) and Senate Rule 8-3(b), 96th General Assembly.
43. House Rule 76(c) and Senate Rule 8-5(b), 96th General Assembly.
44. House Rule 18(e) and Senate Rule 3-8(b), 96th General Assembly.
45. Ill. Const., Art. 4, subsec. 8(d).
46. Ill. Const., Art. 4, subsec. 9(a).
47. Ill. Const., Art. 4, subsecs. 9(a) and (b).
48. Ill. Const., Art. 4, subsecs. 9(b) and (c).
49. Ill. Const., Art. 4, subsec. 9(e).
50. Ill. Const., Art. 4, subsec. 9(d).
51. See House Rule 80 and Senate Rule 9-4, 96th General Assembly.
52. Ill. Const., Art. 4, sec. 10, first sentence.
53. 5 ILCS 75/1 ff.
54. Ill. Const., Art. 4, sec. 10, second sentence.
55. Ill. Const., Art. 4, sec. 10, last sentence.
56. *City of Springfield v. Allphin*, 74 Ill. 2d 117, 384 N.E.2d 310 (1978).
57. *People ex rel. Klinger v. Howlett*, 50 Ill. 2d 242, 278 N.E.2d 84 (1972); *Mulligan v. Joliet Regional Port Dist.*, 123 Ill. 2d 303, 527 N.E.2d 1264 (1988).
58. *People ex rel. AFSCME v. Walker*, 61 Ill. 2d 112, 332 N.E.2d 401 (1975) seems to support this conclusion, but is not entirely clear on it (since the amendatory veto there was overridden by more than three-fifths in each house). However, Attorney General's Opinion S-890 (1975 Ops. Atty. Gen., p. 77) and the Illinois Supreme Court's reasoning in other effective-date cases support the conclusion stated in the text.
59. See Ill. Const., Art. 4, subsec. 9(d).
60. See 5 ILCS 75/1 and 75/2.
61. *People v. Kellick*, 102 Ill. 2d 162, 464 N.E.2d 1037 (1984).
62. Ill. Const., Art. 14, subsec. 2(a).
63. Ill. Const., Art. 14, subsec. 2(c).
64. Ill. Const., Art. 14, subsec. 2(b).
65. Ill. Const., Art. 14, sec. 3.
66. Ill. Const., Art. 14, subsecs. 1(a) to (d).
67. House Rule 47 and Senate Rule 6-3, 96th General Assembly.
68. Ill. Const., Art. 5, sec. 11.
69. House Rule 16(d) and Senate Rule 3-6(c), 96th General Assembly.
70. 15 ILCS 15/1 ff.
71. 15 ILCS 15/10.
72. See House Rule 45(c) and Senate Rule 6-1(b), 96th General Assembly.
73. Ill. Const., Art. 4, subsec. 15(a).
74. Nebraska, alone among the states, has a single-house (unicameral) legislature.
75. Ill. Const., Art. 4, subsec. 15(b).

- 76. Ill. Const., Art. 4, subsec. 7(b).
- 77. 25 ILCS 135/5.02.

# CHAPTER 4

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## THE MEDIA

On each side of the rostrum at the front of the House and Senate chamber are boxes reserved for the press. On good days and bad, they cover the General Assembly. What they report largely determines how the public will perceive the General Assembly's work.

**The Press Corps** The press corps operates through the Illinois Legislative Correspondents' Association (ILCA). The Association consists of reporters from radio and TV stations, newspapers, magazines, and wire services who cover the General Assembly and state government generally. They work from assigned spaces in the press room on the State House mezzanine. Names and pictures of reporters assigned to Springfield are in the *Illinois Blue Book*.<sup>1</sup>

Besides covering floor sessions, reporters may attend committee hearings, commission meetings, press conferences, and other newsworthy events. Some members of the press corps are full-time residents of Springfield; others come to town when the General Assembly is in session; still others visit only occasionally. During sessions, interns in the University of Illinois at Springfield's Public Affairs Reporting Program join the career reporters.

**Floor Coverage** The rules of each house prohibit access to the floor itself by members of the press during sessions. The areas reserved for use of the press are the boxes along the floor and the sections of the gallery set aside for cameras and sound equipment.<sup>2</sup> Televising sessions, making recordings, or taking photographs in the Senate is by tradition done only with permission from the President, which is usually granted unless there is an objection.

**The Press Room** The press room, in the State House mezzanine, is managed by a press secretary, who besides supervising its physical facilities also distributes press releases, posts notices of interest to members of the press, and schedules use of its facilities for press conferences. The area reserved for press conferences has a platform for speakers, seating for reporters, and facilities for electronic recording. Most meetings between reporters and legislators are less formal than actual press conferences, and are arranged by mutual convenience.

**Legislative Press Offices** Each leadership staff has a press office. These press officers help legislators prepare press releases and other matters relating to the media, and constituent newsletters.

**Illinois Information Service**      The Illinois Information Service (IIS), part of the Illinois Office of Communication and Information in the Department of Central Management Services, has radio and television recording facilities (remote and studio) available to legislators to prepare reports or programs for distribution to broadcasting stations of their choice. The agency operates a satellite system capable of audio or video transmission; users may send live or taped programs to radio and television stations around the state. A number of legislators send weekly reports to radio stations in their districts for broadcast. Video recordings are typically broadcast only if requested by a station, or for use on cable-access programming. Live video uplink facilities allow users to participate interactively in live broadcast programs. Users must pay for all tapes or DVDs, and postage. IIS can supply mailing lists. Arrangements for using the IIS facilities are usually handled through the Senate and House leadership press staffs.

- Notes
1. See *Illinois Blue Book* 2009-2010, pp. 132-135.
  2. See House Rule 30(a) and Senate Rule 4-3(a), 96th General Assembly.

# CHAPTER 5

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## GENERAL ASSEMBLY PROCEDURES

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## GENERAL ASSEMBLY PROCEDURES

### House and Senate Rules

A legislative body must have rules before it can make laws. At the beginning of each General Assembly, each house usually adopts as temporary rules its rules from the previous General Assembly. Later in the session, permanent rules are proposed for adoption by the full house.

A thorough knowledge of the rules is crucial to getting a bill passed. There are also some customs, especially in the Senate, that it is helpful for new legislators to know. This chapter gives an overview of these matters. The House or Senate Manual of Procedures (chapter 6 of this publication) gives more specific information on the procedures of each house.

The rules provide a method for a majority to work its will. They also guarantee some rights to the minority party and to individual legislators. Also, rules exist to promote the flow of business, not to obstruct it. Thus they can be suspended with the consent of the body—except those whose requirements come from the Illinois Constitution.

Sometimes a rule's purpose is simply to establish order where there could be confusion. An example of this kind of rule is the one in each house ranking the precedence of kinds of motions while debate is underway.

When there is a question about the application of the rules, the presiding officer decides it. In ruling on procedural questions, the presiding officer is aided by the parliamentarian—a staff person who is usually present during legislative proceedings. The rules also establish a recent edition of *Robert's Rules of Order* as the authority on questions not specifically covered by the rules.

Rulings by the presiding officer are not always final. If a number of members disagree with the officer's ruling, they can “appeal the ruling of the chair.” If three-fifths of members vote to sustain the appeal, the ruling of the chair is overturned.<sup>3</sup> A warning should be noted: Motions to appeal the ruling of the chair are most often used by the minority party to challenge the majority leadership. A vote by a member of the majority party to sustain such a motion is taken as a vote against that party's leadership.

Daily Order Each house has a daily order for considering items of business on regular session days.<sup>4</sup> Not every item on it is taken up every day, and under the rules the order can be varied on a particular day. The daily orders for the 96th General Assembly are shown at the end of this chapter.

*Special orders* The House sometimes takes up a special order of business, set by either the Rules Committee or the Speaker.<sup>5</sup> A special order is set on the calendar for a particular date. When its time comes, the body can consider only the subject of the special order. (An example of a special order might be to consider bills to address an emergency that has arisen.)

## Motions

Several types of motions often made during sessions are described below.

Suspend a Rule This motion is made to suspend temporarily the operation of the rule cited in the motion, clearing the way for a proposed action.

Previous Question This is a motion to cut off debate and proceed immediately to a vote on the question under debate. This motion itself is not debatable. If it fails, debate continues; but if it succeeds, a vote on the question that was under debate follows immediately. It requires 60 votes in the House or 30 in the Senate.<sup>6</sup>

Point of Order This inquiry questions the procedural appropriateness of something that has been done.

Lay a Matter on the Table This motion—to “table” a measure such as a bill or amendment—puts it aside without a vote on its substance.<sup>7</sup> On rare occasions, it may be later “taken from the table” and considered again. Unless that happens, it has effectively been buried.

Take a Matter From the Table This motion can apply to any item that is on the Speaker’s table in the House or on the Secretary’s desk in the Senate. The motion is used to revive a bill that was reported unfavorably by a standing committee and thus is “lying on the table.” A motion to take from the table requires the approval of a majority of members elected if it is recommended by the Rules Committee in the House or the Committee on Assignments in the Senate; otherwise it requires three-fifths of those elected.<sup>8</sup>

Discharge a Committee This motion is made by the sponsor of a bill or resolution to remove it from the committee to which it was assigned and bring it to the floor for Second Reading.<sup>9</sup> Such an action requires 60 votes in the House or 36 in the Senate, and is seldom taken in either house.

The last two motions described above make exceptions to normal legislative procedure. Thus there is a predisposition against them. Also, in parliamentary procedure some motions are debatable but others are not. Simple motions on procedure are not debatable; those on substantive questions are.<sup>10</sup> If a type of motion is nondebatable, the rule governing it usually so states.

In addition to the House and Senate rules, further guidance on procedure can be found in parliamentary manuals such as *Robert’s Rules of Order* and *Mason’s Manual of Legislative Procedure*.

## Relationship Between Houses

In a legislature of two houses, either house can stop a bill; both houses are needed to pass it. While each house is independent and guards its powers against encroachment by the other, they must have a working relationship to get bills to the Governor. The following are the major ways this can be done.

### Messages Between Houses

The two houses communicate formally by messages transmitted between them. Whenever one house has taken an action that requires action by the other to complete it, the Clerk or Secretary of the house taking that action sends a written message to the corresponding officer of the other house, notifying it of the action and requesting its concurrence. The most common such messages say that the other house has passed a bill or adopted a weekly adjournment resolution.

### Joint Sessions

The House and Senate occasionally meet in joint session at ceremonial times, to hear the Governor deliver his State of the State message or another address, or to hear a distinguished visitor. These are held in the House chamber.

### Joint Rules

The two houses in past times adopted joint rules to govern their joint business. That has not been done since 1977.

### Notes

1. See House Rule 55 and Senate Rule 7-5, 96th General Assembly.
2. House Rule 99 and Senate Rule 12-2, 96th General Assembly.
3. House Rule 57(a) and Senate Rule 7-7(a), 96th General Assembly.
4. House Rule 31 and Senate Rule 4-4, 96th General Assembly.
5. House Rule 44, 96th General Assembly.
6. House Rule 59 and Senate Rule 7-8(a), 96th General Assembly.
7. House Rule 60 and Senate Rule 7-10, 96th General Assembly.
8. House Rule 61 and Senate Rule 7-11, 96th General Assembly.
9. House Rule 58 and Senate Rule 7-9, 96th General Assembly.
10. See House Rules 59, 60, and 66, and Senate Rules 7-8, 7-10, and 7-16, 96th General Assembly.

## **DAILY ORDERS OF BUSINESS IN THE 96th General Assembly**

- House*
1. Call to order, invocation, pledge of allegiance, and roll call
  2. Approval of the Journal (of the last session day)
  3. First Reading of House bills
  4. Reports from committees (the Rules Committee can report at any time)
  5. Presentation of resolutions, petitions, and messages
  6. Introduction of House bills
  7. Messages from the Senate (except reading Senate bills a first time)
  8. Second Reading of House bills
  9. Third Reading of House bills
  10. Third Reading of Senate bills
  11. Second Reading of Senate bills
  12. First Reading of Senate bills
  13. House Bills on the order of concurrence
  14. Senate Bills on the order of non-concurrence
  15. Conference committee reports
  16. Motions in writing
  17. Constitutional amendment resolutions
  18. Motions on vetoes
  19. Resolutions
  20. Motions to discharge committee
  21. Motions to take from the table
  22. Motions to suspend the rules
  23. Consideration of bills on postponed consideration

- Senate*
1. Call to order, invocation, and pledge of allegiance
  2. Reading and approval of the Journal (of the last session day)
  3. First Reading of Senate bills
  4. Reports from committees (the Committee on Assignments can report at any time)
  5. Presentation of resolutions, petitions, and messages
  6. Introduction of Senate bills
  7. Messages from the House (except reading House bills a first time)
  8. Second Reading of Senate bills
  9. Third Reading of Senate bills
  10. Third Reading of House bills
  11. Second Reading of House bills
  12. First Reading of House bills
  13. Senate Bills on the order of concurrence
  14. House Bills on the order of non-concurrence
  15. Conference committee reports
  16. Motions in writing
  17. Constitutional amendment resolutions
  18. Motions on vetoes
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# CHAPTER 6

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## MANUAL OF HOUSE PROCEDURES

**Introduction** This manual, prepared for new members of the House of Representatives, is intended to provide an introduction to the most common House floor procedures. It offers examples of dialog used to transact routine legislative business. Commentary is provided either on the right-side page beside the dialog, or within brackets below the dialog, to which it relates.

Details on procedures are in the House Rules. Major rules governing floor procedure in the 96th General Assembly are cited in endnotes following this manual (chapter 6 of *Preface to Lawmaking*). A few procedural requirements are imposed by the Illinois Constitution. Where those sources do not specifically cover a point, *Robert's Rules of Order* is used as a parliamentary authority. In addition, some unwritten traditions and practices have developed over the years. The most important are reflected in this manual.

The first edition of this manual was written in 1966 by Annabelle Lewis Patton. It has been revised through the years by the Legislative Research Unit staff with help from parliamentarians and members of the House. This 2010 revision reflects the 96th General Assembly House Rules.

## PRELIMINARY MATTERS

### Call to Order, Invocation, Pledge of Allegiance

Speaker: [GAVEL.] The House will be in order and the members will please be in their seats.

Speaker: We will be led in prayer today by \_\_\_\_\_.  
[GAVEL, members rise.]

[Prayer]

Speaker: Representative \_\_\_\_\_ will lead us in the pledge of allegiance.

Representative: [Leads pledge]

### Attendance Roll Call

Speaker: Roll call for attendance.

[Representatives press the buttons at their desks to show their presence.]

### Excuses of Absence and Leaves of Absence

Speaker: The Majority Leader is recognized to report any excused absences on the \_\_\_\_\_ side of the aisle.

Majority Leader: Mr. Speaker, I ask that the Journal show that Representative \_\_\_\_\_ be excused because of \_\_\_\_\_.

Speaker: The Journal will so show. [The procedure is repeated, with the Minority Leader reporting excused absences from that side of the House.]

Speaker: Mr. Clerk, take the record. There being \_\_\_\_ members answering the roll, a quorum is present.

## COMMENTARY

### **Order of Business**

House Rule 31 establishes the daily order of business. This order is followed unless decided otherwise by the Speaker or Presiding Officer, who can decide the order of business before the House.<sup>1</sup>

### **Attendance Roll Call**

The roll call for attendance determines entitlement to the legislative per diem. The electronic voting machine is used to save time. Members arriving late must add their names to the roll call.

### **Quorum**

A quorum is a majority of the members elected to the House (60 members). A quorum, after having been established, is presumed still present unless it is questioned.

## **BILLS**

### **Introduction and First Reading**

Speaker: First Reading of House Bills.

Clerk: House Bill 6001; by the Speaker and Minority Leader. A bill for an Act making a supplemental appropriation for the printing of bills. First Reading of the bill. House Bill 6002; by Representative \_\_\_\_\_. A bill for an Act to regulate \_\_\_\_\_.

Speaker: The bills are referred to the Rules Committee.

### **Second Reading**

Speaker: House Bills on Second Reading. House Bill 2501.

Clerk: House Bill 2501. A bill for an Act to amend section 7-10 of the Election Code. Second Reading of the bill. Amendment No. 1 adopted in Committee.

Speaker: Any floor amendments approved for consideration?

Clerk: Amendment No. 2, by Mr. \_\_\_\_\_.

Speaker: The gentleman from \_\_\_\_\_, Mr. \_\_\_\_\_.

Member: Mr. Speaker, ladies and gentlemen of the House, Amendment No. 2 [explains changes, argues for adoption.] I move the adoption of Amendment No. 2.

Speaker: Is there any discussion on the amendment?

If not, the question is on the gentleman's motion for adoption of Amendment No. 2. All in favor say aye; all opposed nay. The ayes have it.

[Afterward there may be an inquiry about other necessary matters.]

Speaker: Has a fiscal note been filed?

Clerk: A fiscal note has been filed.

Speaker: Third Reading.

## COMMENTARY

### First Reading of Bills

Bills and resolutions are filed with the Clerk by members before or during each year's session. They are assigned numbers in the order in which they are filed. When this order of business is called, they are introduced and read a first time by number, sponsor, and title, and referred to the Rules Committee,<sup>2</sup> which may then assign them to substantive committees for hearing.<sup>3</sup>

### Amendments

An amendment can be offered either in committee (a "committee amendment") or on the floor while a bill is on Second Reading (a "floor amendment"). However, a floor amendment can be considered only if it has first been approved by a committee, as described below. All proposed House amendments to a given bill, regardless of where they are offered, are numbered in a single sequence, and the number of each such amendment stays the same regardless of what happens to it or to other amendments.

#### Committee Amendments

Normally only the principal sponsor of a bill, or a member of the committee that is considering it, can offer an amendment to it in committee. Amending a bill in committee requires the favorable vote of a majority of all members appointed to the committee.<sup>4</sup> If a committee votes to recommend that a bill "do pass as amended," it goes to the House floor with the committee amendment(s) separate from it but already adopted.<sup>5</sup>

#### Floor Procedure for Amendments

Committee amendments, having already been adopted in committee, are normally not debated on the floor. A member can move on the floor to table a committee amendment, thus deleting it from the bill; but such a floor motion is first automatically referred to the Rules Committee to be either considered by it or re-referred to another committee.<sup>6</sup> If it is approved for floor consideration, such a tabling motion requires 60 votes.<sup>7</sup>

After any motions to table committee amendments are disposed of, the House can consider any floor amendments. No floor amendment is in order unless it has first been approved by the Rules Committee, or by another committee to which the Rules Committee referred it.<sup>8</sup>

Debate on a floor amendment is limited to a 3-minute presentation by the principal sponsor or a designee; debate by one proponent and by two members in response; and 3 minutes for the principal sponsor to close debate or yield to other members.<sup>9</sup> The vote required to adopt a floor amendment is a majority of those voting.<sup>10</sup>

### Advancing Bills to Third Reading

After all amendments offered are disposed of, by votes or by withdrawal, the Presiding Officer always orders the bill advanced to the order of Third Reading. There it will appear on the calendar the next legislative day, when it can be called for passage.

## DEBATE ON BILLS

### Third Reading

Speaker: House Bills on Third Reading. [Rings a bell on voting machine to alert members to Third Reading—the passage stage.]

Clerk: House Bill 1501, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the bill.

Speaker: The lady from \_\_\_\_\_, Representative \_\_\_\_\_ [sponsor] is recognized.

Sponsor: Mr. Speaker, ladies and gentlemen of the House, . . . . [Explains and opens debate on bill.]

### Question of the Sponsor

Member: Will the sponsor yield?

Sponsor: [Nods assent.]

Speaker: She indicates she will.

Member: Thank you. Ms. \_\_\_\_\_, will this bill \_\_\_\_\_?  
[Any other member can seek recognition to debate the bill.]

Member: Mr. Speaker, I would like to speak to the bill.

Speaker: You may proceed.

### Closing Debate

Speaker: Is there any further discussion? Representative \_\_\_\_\_ [sponsor] is recognized to close.

Sponsor: [Closes debate.] . . . I ask for a favorable roll call on this bill.

[Or if debate has continued a considerable time, any member may “move the previous question” to cut off debate. This motion is nondebatable.]

Member: Mr. Speaker, I move the previous question.

Speaker: The gentleman has moved the previous question. The question is: “Shall the main question now be put?”

All those in favor vote aye; all opposed vote no. . . .

## COMMENTARY

### Debate

Matters are placed before the House either by motion of a member, or by being called by the Presiding Officer under a regular order of business, such as “House Bills on Third Reading.”

The sponsor of the bill or resolution is always recognized to present the proposal (or the maker of a motion to state the motion and argue it), and is allotted a maximum of 2 minutes to speak in short debate, 5 minutes in standard or extended debate, or 10 minutes in unlimited debate. Other members may then speak on the matter unless it is nondebatable under the House Rules or *Robert’s Rules of Order*. The House Rules allow the following numbers of persons to speak:

Short debate: The principal sponsor and one member in response.

Standard debate: The principal sponsor, two other supporters, and three opponents.

Extended debate: The principal sponsor, four other supporters, and five opponents.

Unlimited debate: Any member who seeks recognition.<sup>11</sup>

Except for the principal sponsor or a designee, no member may speak more than 5 minutes at a time, or more than once on the same question, without leave of the House. A member can yield time to another member.<sup>12</sup>

The sponsor has the right to “close debate” for 3 minutes in standard debate, or 5 minutes in extended or unlimited debate.<sup>13</sup>

A member wanting to ask the sponsor a question about the bill must address the Chair and ask whether the sponsor will yield. Members may question the sponsor only if the sponsor yields. However, such questions of sponsors are routine, and it is extremely rare for a sponsor to decline to answer a question. The time consumed by questions and answers comes out of the questioner’s allotted debate time.

### The Debate Timer

The House has an automatic debate timing mechanism consisting of a countdown clock on the voting board. Use of the system is optional with the Presiding Officer, who has the controls at his console. When it is used, the Presiding Officer starts the timer when recognizing the member.

When the clock reaches zero, the Presiding Officer interrupts if necessary and directs the member to finish. The Presiding Officer can also set an automatic cutoff switch, which disconnects the microphone when the time is expired.

### Closing Debate

Any member who thinks debate has gone on long enough can “move the previous question” (the one last put to the House—in this case, whether the bill should pass). This motion itself is nondebatable, and requires 60 votes to pass. If it succeeds, the bill is immediately put to a vote. If a motion for the previous question fails, debate on the bill continues.<sup>14</sup>

## ROUNDING UP VOTES

### Voting Procedure for Roll-Call Votes

Speaker: The question is: “Shall \_\_\_\_\_ pass?” All in favor vote aye; all opposed vote no. Voting is open.

[Voting board is opened by Clerk; the bell rings; members can begin voting.]

Have all voted who wish? Have all voted who wish? Take the record.

[Votes on the voting board are frozen.]

On this question there are \_\_\_\_ ayes, \_\_\_\_ noes, \_\_\_\_ voting present. This bill, having received (failed to receive) a constitutional majority, is hereby declared passed (lost).

[Announcement of the numerical vote precedes announcement of the result.]

### Verification

Speaker: For what purpose does the gentleman from \_\_\_\_\_ [an opponent of the measure] rise?

Rep. Adams: Mr. Speaker, I request a verification of the affirmative vote.

Speaker: A verification has been requested. The members will please be in their seats. The Clerk will verify the affirmative votes.

[Clerk reads names of all members recorded as “aye.”]

Speaker: Mr. Adams, are there challenges to the aye vote?

Rep. Adams: Mr. \_\_\_\_\_.

Speaker: Mr. \_\_\_\_\_ is in his seat.

Rep. Adams: Ms. \_\_\_\_\_.

Speaker: Ms. \_\_\_\_\_ is not in her seat. Is Representative \_\_\_\_\_ in the chamber? Ms. \_\_\_\_\_ is not in the chamber. Mr. Clerk, take her off the roll call.

Speaker: Mr. \_\_\_\_\_ asks leave to be verified. Is leave granted?

Members: Yes.

Speaker: Are there further challenges? Any further questions of the affirmative? If not, the vote is \_\_\_\_ ayes, \_\_\_\_ noes, and \_\_\_\_ voting present; and this bill, having received a constitutional majority, is hereby declared passed.

## COMMENTARY

### Use of Roll Calls

Roll-call votes (normally using the electronic voting system) are required for final passage of all bills. This includes votes on concurrence with amendments added by the Senate, adoption of conference committee reports, and all dispositions of vetoed bills. Resolutions proposing to amend the Constitution and some other substantive resolutions also require roll calls.

Voice votes (in which all members favoring a proposition say “aye” together, and all who oppose it say “no” together) are used for other motions and procedures, unless the Rules require a specific number of votes—usually a “constitutional majority” (60) or a three-fifths majority (71). In those cases, a roll call must be used to prove that enough “aye” votes were cast.

Any five members can require a roll call if none is required by the Constitution or House Rules. This is sometimes done on hotly disputed issues or as a delaying tactic. The Presiding Officer can also order a roll-call vote.<sup>15</sup>

### Verification

If a measure passes, verification may be demanded to insure the presence of all who were recorded as voting for it. A statute prohibits a member’s switch from being voted by anyone who is not a member of the House.<sup>16</sup> However, members sometimes leave the floor after voting their switches. While verification is taking place, any member can announce his or her presence on the floor and be verified as having voted.<sup>17</sup>

Verification can be requested after both the vote *and* the result are announced—until the Presiding Officer calls the next item before the House.<sup>18</sup>

### Returning Bills to Second Reading

Sometimes a bill already on the order of Third Reading requires an amendment. Someone may have found an error in it, or the sponsor may need to compromise a point to get additional support, so the bill must be returned to Second Reading to be amended.

The House Rules mention two other kinds of situations in which a bill needs to be returned from Third Reading to Second Reading for an amendment:

- (1) A bill’s Third Reading occurs after May 31, and it contains an effective date earlier than June 1 of the following year, but it does not receive the three-fifths vote (71 votes) needed to make that effective date valid.<sup>19</sup>
- (2) A bill seeks to limit home-rule powers, but lacks the three-fifths vote needed to do so.<sup>20</sup>

In either kind of situation, the bill is not declared passed, and the sponsor has the right to have it returned to Second Reading for an amendment deleting the provision that required a three-fifths vote. Leave can also be given for bills to be returned to Second Reading for other kinds of amendments. But all such proposed amendments (since they are floor amendments) must have approval from the Rules Committee or another committee.<sup>21</sup>

## **Rounding Up Votes (cont'd)**

### **Postponed Consideration**

- Speaker: On this question there are \_\_\_\_ ayes, \_\_\_\_ noes, \_\_\_\_ voting present, and this bill having failed—The lady from \_\_\_\_\_ [sponsor].
- Member: Mr. Speaker, I request that this bill be placed on Postponed Consideration.
- Speaker: The bill, having received at least 47 affirmative votes, will be placed on Postponed Consideration.

## **INTERRUPTING PROCEEDINGS**

### **Recognition Out of Pending Order**

- Speaker: For what purpose does the gentleman from \_\_\_\_\_ rise?
- Member: Mr. Speaker, ladies and gentlemen of the House, I rise to \_\_\_\_\_.

### **Recognition During Debate**

- Speaker: The lady from \_\_\_\_\_ is recognized on House Bill \_\_\_\_\_.
- Member: Mr. Speaker, ladies and gentlemen of the House, I rise in support of (in opposition to). . . .

[A member may seek recognition or interrupt the debate on the floor by rising and addressing the Presiding Officer. The Presiding Officer determines who will speak first. The Presiding Officer inquires for what purpose the member rises so as to determine the precedence of the motions. A member who has the floor may be interrupted for the following purposes:]

### **Point of Personal Privilege**

- Rep. Baker: Mr. Speaker.
- Speaker: For what purpose does the gentleman from \_\_\_\_\_ rise?
- Rep. Baker: I rise to a point of personal privilege.
- Speaker: State your point.
- Rep. Baker: I would like to apologize to one of my colleagues for a statement I made in debate . . . [for example]

## COMMENTARY

### Postponed Consideration

If a bill fails to pass, but gets at least 47 “aye” votes, the principal sponsor can have consideration postponed. It is the sponsor’s privilege.<sup>22</sup> The sponsor must make the request before the result is announced, but it can be after the vote and even after verification.<sup>23</sup>

If consideration is postponed, no official roll call is recorded. However, the sponsor may informally ask the Clerk to provide a copy of the discarded roll call sheet, if it is available. The bill goes on the order of Postponed Consideration—from which it may be called only once, and it cannot again be postponed.<sup>24</sup> During busy session times, the order of Postponed Consideration is not likely to be called soon or during prime time, since priority will normally be given to bills that have not yet had their first votes.

### Obtaining Recognition

Members address the House only when recognized by the Presiding Officer, who is always addressed as Mr. (or Madam) Speaker. The microphones are controlled by the House electrician, who turns them on and off in accordance with the Presiding Officer’s recognition.

To obtain recognition, a member presses the “speak” button on the desk, causing a light to flash on the console at the Speaker’s table. During busy debate, several lights may be flashing simultaneously and a member may decide to rise and signal the Presiding Officer. This is frowned on during debate, unless the member has a legitimate reason for interrupting.

A member interrupting an item of business should always state the purpose of the interruption before actually making the procedural point, objection, or motion. This helps the other members follow the events. It also saves time by permitting an objection to be voiced or permitting the Chair to rule the member in or out of order with a minimum of distraction.

The Rules say that questions “affecting the rights, reputation, and conduct of members of the House in their representative capacity” are matters of personal privilege.<sup>25</sup>

## **Interrupting Proceedings (cont'd)**

### **Point of Order**

A point of order may be raised at any time by any member and requires an immediate ruling. It is not a motion, and is not debatable.

Member: Mr. Speaker.

Speaker: For what purpose does the lady from \_\_\_\_\_ rise?

Member: I rise to a point of order.

Speaker: State your point.

Member: There is no fiscal note with this bill, and I object to its consideration until the rule is complied with.

[for example, or]

The amendment is not germane to the bill.

[The Presiding Officer then rules on the point of order and may state the reason.]

Speaker: The point is well taken (or not well taken).

### **Appeal Ruling of the Chair**

Any member can appeal a ruling of the Chair on a point of order unless an intervening item of business has already occurred. Such an appeal can be briefly debated (2 minutes by the proponent, 2 minutes by another member in response, and 1 minute by the proponent to close). Such a motion is not made lightly. Some consider it a personal affront to the Presiding Officer. It is used occasionally to highlight frustration at being in a minority position, or to make a point to the news media. Overruling the Chair requires 71 votes.<sup>26</sup>

Member: Mr. Speaker, I appeal the ruling of the Chair. [Explains.]

Speaker: The question is, "Shall the ruling of the Chair be sustained?" All those in favor will signify by voting aye; those opposed vote no. . . .

[Announces result.]

## **Interrupting Proceedings (cont'd)**

### **Parliamentary Inquiry**

A member who wants information about the issue before the House can seek the floor for a parliamentary inquiry. It is not a motion, but only a request for information, so is not debatable or amendable.

Member: Mr. Speaker.

Speaker: For what purpose does the lady from \_\_\_\_\_ rise?

Member: I rise on a point of parliamentary inquiry.

[or]

I rise on a point of information.

Speaker: State your point.

Member: Mr. Speaker, I would like to be advised by the Chair what the required vote is on the question.

[or]

Mr. Speaker, does the amendment offered conflict with the amendment just adopted?

### **Motion for Previous Question**

This motion, to end debate, is not debatable and requires 60 votes to pass.<sup>27</sup>

Member: Mr. Speaker.

Speaker: For what purpose does the gentleman from \_\_\_\_\_ rise?

Member: I move the previous question.

Speaker: The question is, "Shall the main question be put?" All those in favor vote aye; all opposed vote no. . . . The previous question prevails. [Proceeds to hold vote on the main question.]

[or]

The motion is lost. Is there further discussion?

## FREQUENT MOTIONS

Motions (except to adjourn, recess, or postpone consideration) must be made in writing if the Presiding Officer so requires. The Presiding Officer may refer a motion to the Rules Committee.<sup>28</sup>

### Table a Bill

Member: Mr. Speaker, I move to table House Bill 6002. [The sponsor of a bill can move to table it at any time with leave of the House.]

Speaker: The gentleman moves to table House Bill 6002. Is leave granted?

Members: [Indicate assent.]

### Suspend a Rule

A motion or request to suspend a rule must specify the rule sought to be suspended. The movant should state the reason for seeking suspension. A rule can be suspended with the unanimous consent of members present, or on a motion supported by 60 votes—unless the rule to be suspended requires more votes.<sup>29</sup>

Member: Mr. Speaker, I move to suspend Rule 67 for the purpose of \_\_\_\_\_.

Speaker: The lady has moved to suspend Rule 67 for the purpose of \_\_\_\_\_.

Are there any objections?

[If there are objections, the motion must be put to a vote.<sup>30</sup>]

Speaker: The lady has moved the suspension of Rule 67. This requires 71 votes. Those in favor please signify by voting aye; those opposed vote no. [States result]

### Discharge a Standing or Special Committee

This motion must be in writing, and must be on the calendar for one legislative day. It needs 60 votes to pass.<sup>31</sup>

Member: Mr. Speaker, I move that the \_\_\_\_\_ Committee be discharged from further consideration of House Bill 3002 and that the bill be placed on the calendar on the order of Second Reading. [The maker of the motion may state support from the committee chairman and minority spokesman. The chairman and spokesman will be recognized for their positions on the motion.]

Speaker: The question is whether the \_\_\_\_\_ Committee be discharged from further consideration of House Bill 3002. Those in favor signify by voting aye; opposed vote no. [States result.]

## Frequent Motions (cont'd)

### Take From Table and Put on Calendar

This motion requires 60 votes if the Rules Committee has recommended that the bill be taken from the table; otherwise it requires 71 votes.<sup>32</sup>

Member: Mr. Speaker, I move to take House Bill 3579 from the table and place it on the calendar on the order of Second (or Third) Reading.

Speaker: The gentleman has moved that House Bill 3579 be taken from the table and placed on the calendar on the order of Second (Third) Reading. The question is on the motion. Those in favor signify by voting aye; opposed vote no. The ayes are \_\_\_\_\_, the noes are \_\_\_\_\_. The motion is carried (or lost).

### Reconsider a Vote

Speaker: For what purpose does the gentleman from \_\_\_\_\_ rise?

Member: Mr. Speaker, having voted on the prevailing side, I move that the vote by which the amendment (or bill) was adopted (or passed) be reconsidered.

Speaker: The question is on the motion to reconsider. Those in favor signify by saying aye; those opposed vote no. The motion prevails (or fails).

### Technique to *Prevent* a Vote From Being Considered Again

Member: Mr. Speaker, having voted on the prevailing side, I now move that the vote by which the amendment to House Bill 2501 was adopted be reconsidered.

Other Member: [After recognition by the Speaker.] I move that the motion lie upon the table.

Speaker: The gentleman from \_\_\_\_\_ moves that the vote by which the amendment to House Bill 2501 was adopted be reconsidered. The lady from \_\_\_\_\_ moves that the motion lie upon the table. The question is on the motion to table. Those in favor signify by saying aye; those opposed vote no. [States result.]

[This technique prevents a vote from being considered again, because no further motions to reconsider can be entertained if a first one has been tabled.<sup>33</sup>]

## JOINT ACTION BETWEEN THE HOUSES

### Senate Bills

Senate bills arriving in the House are read a first time and referred to the Rules Committee, like House bills.<sup>34</sup> Their Senate sponsors must find sponsors for them in the House, just as House sponsors must in the Senate.

Procedures on Second and Third Reading are the same as for House bills. But the deadlines in the spring legislative session allow Senate bills to be heard in the House later than House bills, since House bills need to be passed and sent to the Senate in time to be considered there.

### House Bills Amended in the Senate

If a bill passed the House but was amended in the Senate, when it returns to the House its House sponsor can move to concur or non-concur in each Senate amendment. Each motion to concur will be referred to the House Rules Committee or another committee.<sup>35</sup> If that committee refers the bill to the full House, it is put on the order of Concurrence.

Speaker: On the order of Concurrence. House Bill 901. Read the bill, Mr. Clerk.

Clerk: House Bill 901. The motion to concur in Senate Amendments 1 and 2 has been filed by Representative \_\_\_\_\_ and has been approved for consideration.

Speaker: The chair recognizes Representative \_\_\_\_\_ [House sponsor].

Sponsor: Mr. Speaker, I move that the House concur (or refuse to concur) in Senate Amendments No. 1 and 2 to House Bill 901. [Explains Senate amendments.]

### Conference Reports

If the House refuses to concur with one or more Senate amendments, the House will ask the Senate to recede from them. If the Senate refuses, the bill's sponsor can ask for appointment of a conference committee. A conference committee has five members from each house—three of the majority and two of the minority party. Conference Committee reports are automatically sent to the Rules Committee, which may refer them to substantive committees.<sup>36</sup> However, conference committees have rarely if ever been used in recent years.

Speaker: On the order of Conference Committee Reports. The Conference Committee Report on House Bill 601. Read the bill, Mr. Clerk.

Clerk: House Bill 601. The motion to adopt the Conference Committee Report has been filed by Representative \_\_\_\_\_ and has been approved for consideration.

Speaker: The chair recognizes Representative \_\_\_\_\_ [House sponsor].

Member: Mr. Speaker, I move that the House adopt (or refuse to adopt) the Conference Committee Report on House Bill 601.

[If a conference committee report is not adopted, a second conference committee can be appointed and the process followed a second time. If a second conference committee is unsuccessful, the bill is dead.<sup>37</sup>]

## RESOLUTIONS

### Constitutional Amendment

Constitutional amendment resolutions require action by both houses, but do not go to the Governor. Procedurally they are handled much like bills, with First Reading, committee hearing, Second Reading, and passage or failure on Third Reading.<sup>38</sup>

The following actions are all done by joint resolution:

- Proposed amendments to the Illinois Constitution.
- Calls for an Illinois constitutional convention.
- Ratification of amendments to the U.S. Constitution proposed by Congress.
- Petitions to Congress to call a U.S. constitutional convention.

### General

Other kinds of resolutions address housekeeping matters such as setting the time for the next week's session (the adjournment resolution); creating special committees or task forces; urging some other body to do or not to do something; requesting investigations or audits; or making pronouncements on public issues. Except for adjournment resolutions, these normally go to committees for hearings.

Resolutions usually require only a simple majority of those voting to pass. But the Rules require 60 votes to pass any resolution that would require spending of state funds,<sup>39</sup> and 71 votes to pass a resolution related to amending the U.S. Constitution.<sup>40</sup> In addition, the Illinois Constitution requires the vote of three-fifths of the members elected (71) to send the voters a proposed amendment to the Illinois Constitution.<sup>41</sup> Roll calls are required in all these cases.

Speaker: The gentleman from \_\_\_\_\_ is recognized in regard to House Resolution 372.

Sponsor: I move to suspend Rule 16 for the immediate consideration of House Resolution 372. The subject of the resolution is . . . .

Speaker: The question is on the suspension of Rule 16 for immediate consideration of House Resolution 372. Those in favor vote aye; those opposed vote no.

[Unless that rule is suspended, the resolution is sent to the Rules Committee, which may in turn refer it to another committee or back to the full House. If the rule is suspended, the following dialog may occur.]

Member: I move the adoption of House Resolution 372. [Proceeds to explain resolution.]

Speaker: The gentleman offers and moves the adoption of House Resolution 372. The question is on the motion. Those in favor signify by saying aye; opposed vote no. The resolution is adopted (or lost).

### **Congratulatory**

Any member can file a congratulatory resolution, but must pay a fee to the Clerk for the cost of producing it. These resolutions are generally adopted in groups, and are identified in the Journal only by number, sponsorship, and subject.<sup>42</sup>

### **Death**

Death resolutions for former members of the General Assembly, and former statewide officers,<sup>43</sup> are traditionally taken up as the last item of business of the day. The members rise, the death resolution is read in full by the Clerk, and the House adjourns after adopting the resolution.

- Notes
1. House Rule 4(c)(3) and (20), and House Rule 31 (introductory clause), 96th General Assembly.
  2. House Rules 18(a) and 37(d), 96th General Assembly.
  3. See House Rule 18(b), 96th General Assembly.
  4. House Rule 40(b), 96th General Assembly.
  5. House Rule 40(g), 96th General Assembly.
  6. House Rule 18(e), 96th General Assembly.
  7. House Rule 60(e), 96th General Assembly.
  8. House Rules 18(e) and 40(e), 96th General Assembly.
  9. House Rule 52(a)(5), 96th General Assembly.
  10. House Rules 40(b) and 102(11), 96th General Assembly.
  11. House Rule 52(a)(1) to (4), 96th General Assembly.
  12. House Rule 52(e), 96th General Assembly.
  13. House Rule 52(a)(2) to (4), 96th General Assembly.
  14. House Rule 59, 96th General Assembly.
  15. House Rule 49, 96th General Assembly.
  16. 25 ILCS 20/1.
  17. House Rule 56(c), 96th General Assembly.
  18. House Rule 56(a), 96th General Assembly.
  19. House Rule 69(b), 96th General Assembly.
  20. House Rule 70, 96th General Assembly.

21. See House Rules 40(e); 69(b) (last sentence); and 70 (last sentence), 96th General Assembly.
22. House Rule 62, 96th General Assembly.
23. House Rules 50 and 56(a), 96th General Assembly.
24. House Rule 62, 96th General Assembly.
25. House Rule 51(b), 96th General Assembly.
26. House Rule 57(a), 96th General Assembly.
27. House Rule 59(a), 96th General Assembly.
28. House Rule 54(a)(1), 96th General Assembly.
29. House Rule 67(e), 96th General Assembly.
30. House Rule 67(e), 96th General Assembly.
31. House Rule 58, 96th General Assembly.
32. House Rule 61(a), 96th General Assembly.
33. House Rule 65(c), 96th General Assembly.
34. House Rules 18(a) and (b), and 37(d), 96th General Assembly.
35. House Rules 72(a) and 75(a), 96th General Assembly.
36. House Rules 73 and 18(e), 96th General Assembly.
37. House Rule 76(c), 96th General Assembly.
38. See House Rules 16(a), 46, and 47, 96th General Assembly, and Ill. Const., art. 14, subsec. 1(a).
39. House Rule 45(c), 96th General Assembly.
40. House Rule 47, 96th General Assembly.
41. Ill. Const., art. 14, subsec. 2(a); see also House Rule 46, 96th General Assembly.
42. House Rule 16(b), 96th General Assembly.
43. See House Rule 16(c), 96th General Assembly.



# CHAPTER 7

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## TAXES, CAMPAIGN FINANCE, AND ETHICS LAWS

Numerous legal provisions affect legislators personally, both during their service and for some time after. This chapter addresses three major kinds of laws of which legislators need to be aware. For advice on the application of these provisions, legislators may want to contact their caucus legal staffs, or experienced private tax preparers or legal counsel, depending on the topic.

### Income Tax Status of Legislators' Expenses

#### Food and Lodging

As described in chapter 1, the state reimburses legislators for the cost of one round trip, if actually taken, between their homes and Springfield each week the General Assembly is in session, and makes a flat per diem payment (limited to \$111 in fiscal year 2011 only<sup>1</sup>) as reimbursement for lodging, food, and other expenses for each day the General Assembly is in session. For most legislators, neither of these amounts paid by the state is taxable. A provision in the Internal Revenue Code applying specifically to state legislators who live more than 50 miles from the Capitol building allows them to elect (choose) to treat their residences in their districts as their tax homes.<sup>2</sup> Legislators who make that election (on a form available from the Comptroller) will not have their \$111 per diems reported to the IRS on Forms W-2 after the tax year, and need not pay federal income tax on those per diems. (Legislators who do live within 50 miles of the State House have the option of declining to accept the per diems, thus avoiding having to deal with the money for tax purposes. The Comptroller's legal counsel can offer guidance on whether to do this. A new Treasury regulation interprets a distance of 50 miles from the Capitol as 50 miles by "the shortest of the more commonly traveled routes between the two points."<sup>3</sup>)

Furthermore, the Internal Revenue Code counts as a legislative day for these purposes not only days when the General Assembly is in session, but also any day when the legislator's presence is recorded at a committee meeting<sup>4</sup>—*plus* any day that is part of a legislative recess of 4 or fewer calendar days.<sup>4</sup> Thus when the General Assembly is meeting on Tuesday through Thursday of each week (as it typically does in the early months of a year), even though the state does not pay per diems for the other 4 days, a legislator who resides over 50 miles from the State House can deduct for federal tax purposes the amount that the federal government pays its employees temporarily working in Springfield (currently \$139<sup>5</sup>) for each of those other 4 days in each such week.<sup>6</sup>

(Note for tax filing time: IRS Form 2106, Employee Business Expenses, is used to claim the \$139 deduction for days when the General Assembly is out of session no more than 4 days at a time. The completed Form 2106 should show per diems actually paid by the state, along with the \$139 deductions for days for which no per diems were paid. But the amounts that *were* paid (for days attending floor sessions or committee meetings) are then subtracted out on Form 2106 before arriving at the result—which goes onto Schedule A as a miscellaneous itemized deduction, subject to the threshold of 2% of Adjusted Gross Income.)

A legislator who spends *more* than the \$111 state per diem on lodging, food, and other personal expenses in Springfield faces a rather complex limit on deducting the excess. The latest authority on this appears to be a 1987 IRS interpretation of changes made by the Tax Reform Act of 1986—which set limits on deductions for meals, entertainment, and similar expenses. That interpretation said that if a person seeks to deduct more for daily living costs while away from home than the amount the person’s employer reimbursed, the excess must be allocated for tax purposes between two categories: (1) meals and expenses such as entertainment, and (2) lodging and similar costs. This allocation must be in the same ratio as the ratio between the amounts the federal government allows its employees for meals and for lodging in that city (currently about 40% for meals and 60% for lodging for Springfield). The significance of that allocation is this:

- Of the part of the excess over the \$111 state reimbursement that went for *meals and similar expenses*, half is not deductible at all. The other half—plus all of the amount allocated for *lodging*—is deductible by itemizers as a “miscellaneous deduction” (to the extent that the sum of all miscellaneous deductions exceeds 2% of adjusted gross income).

Example: A legislator gets \$111 in state reimbursement for a day of legislative business in Springfield, but actually has \$141 of ordinary and necessary legislative expenses that day. The \$111 reimbursement from the state is excluded from gross income, and thus not taxable. The remaining \$30 must be allocated like this:

40% for meals and entertainment	=	\$12
60% for lodging and other travel-related expenses	=	\$18

Half of the \$12 for meals is nondeductible. The other half—and the entire \$18 for lodging and other expenses—qualifies as “miscellaneous” deductions. The total of miscellaneous deductions (to the extent that total exceeds 2% of adjusted gross income) is deductible from federal taxable income.

#### Transportation

For the cost of transportation on legislative business (such as between the district and Springfield) in a vehicle that the legislator either owns or leases, the Internal Revenue Service allows the legislator to deduct either of the following:

- (a) a flat rate per mile, which for 2010 is 50¢<sup>8</sup> (the state also uses this as its mileage reimbursement to legislators<sup>9</sup>), or
- (b) the share of the actual cost of operating one or more vehicles that is attributable to the miles driven on legislative business.<sup>10</sup>

Under option (b), if a legislator drives 20,000 miles in a year, including 8,000 miles on legislative business, <sup>2</sup>/<sub>5</sub> of the cost of operating a car that year (such as fuel, repairs, and depreciation) is deductible. If the legislator instead uses public transportation such as airlines, the fares are deductible. No spending for political, as distinguished from legislative, purposes can be deducted.

Proving  
Nonreimbursed  
Expenditures

Treasury regulations require that to deduct additional expenditures *beyond* the automatically deductible amounts—such as travel on legislative business that is not reimbursed by the per diem and mileage allowances for attending the General Assembly—these five elements must be recorded:

- (1) Amount (which may be totaled within reasonable categories for each day, such as meals, gasoline, and taxi fares);
- (2) Time of departure and return, and number of days spent on state business;
- (3) Place (name of city visited);
- (4) The business (legislative) purpose for the travel; and
- (5) Business relationship with persons visited or entertained.

The records must include (a) an account book or other record containing information on expenditures, recorded at or shortly after the time of each expenditure; and (b) documentary evidence such as receipts and paid bills for lodging away from home, and for any other expenditures of at least \$75 (except transportation charges for which the carrier provides no receipt or other documentary evidence).<sup>11</sup> Again, these *nonreimbursed* expenses may be deducted only to the extent that they, plus other “miscellaneous” itemized deductions, exceed 2% of adjusted gross income.<sup>12</sup>

Illinois  
Income Tax

The amount of tax imposed under the Illinois Income Tax Act is determined from the taxpayer’s “net income,” which is based on the taxpayer’s federal adjusted gross income.<sup>13</sup> Since *reimbursed* legislative expenses are not part of federal adjusted gross income, and thus do not appear on the legislator’s Form W-2, those amounts cannot be deducted from income on the legislator’s state income tax return. Similarly, any amounts spent above the \$111 daily state reimbursement are *not* deductible from Illinois taxable income.

Note  
on Return  
Preparation

**As the discussion above demonstrates, legislators are subject to complex rules and face important decisions when reporting and paying taxes on income. Veteran legislators strongly recommend that new members seek experienced preparers for their tax returns, rather than preparing their returns themselves.**

## Campaign Finance Reporting

A law effective January 1, 2011 will make significant changes in the nature and frequency of reports to be filed on campaign finance.<sup>14</sup> Starting then, the treasurer of every “political committee” must report to the State Board of Elections on contributions received and expenditures made (even if none) by the 15th day after the end of each calendar quarter (April 15, July 15, October 15, and January 15).<sup>15</sup> Each contribution of at least \$1,000 must be reported electronically (in some cases this may be done by fax) within 5 business days after receipt (2 business days if the contribution is received in the last 30 days before an election for which the committee supports or opposes a candidate.)<sup>16</sup>

A “political committee” means any of the following: A candidate political committee, political party committee, political action committee, or ballot initiative committee.<sup>17</sup> A “candidate political committee” means

the candidate himself or herself or any natural person, trust, partnership, corporation, or other organization or group of persons designated by the candidate that accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 on behalf of the candidate.<sup>18</sup>

The person filing each of these reports must keep a copy of it for 2 years.<sup>19</sup> Each political committee’s treasurer must also keep for 2 years a record of the name and address of each person who makes a campaign contribution to, or receives an expenditure from, the political committee, including amount and date.<sup>20</sup>

Violation of these or other requirements on reporting campaign funding can result in a civil penalty up to \$5,000 imposed by the State Board of Elections.<sup>21</sup> (This summary does not address the new act’s limits on amounts of campaign contributions that may be accepted.<sup>22</sup> Violation of those limits can also bring such penalties.)

## Ethics, Conflicts of Interest, and Worse

Legislators and candidates for legislative office are subject to many legal requirements designed to protect the integrity of legislative service in Illinois. These include annual filing of statements of economic interests; prohibitions on use of state workers’ time or other public resources for political purposes; restrictions on receipt of gifts by legislators and their families; restrictions on interests in public contracts and dual officeholding; prohibitions on misuse of official powers and bribery; and ethical principles that are not legally enforceable but have been enacted as guides to behavior. Penalties for violation of the legally enforceable requirements range from fines to prison terms, loss of office, and pension disqualification. The length of disqualification from office for serious crimes is not entirely clear due to conflicting provisions.

Some of these legal provisions are quite complex. The remainder of this chapter is offered as a brief guide to them as they apply specifically to state

legislators and candidates for the General Assembly. Legislators should become thoroughly familiar with these provisions to avoid unintentionally committing criminal violations.

Economic Interest  
Statements

The Illinois Constitution<sup>23</sup> and Illinois Governmental Ethics Act<sup>24</sup> require candidates for, and holders of, state offices to file annual statements listing their economic interests. The Secretary of State is required to send notices to all such candidates and officers at least 30 days before the May 1 filing deadline. Each notice includes a form for filing the statement.

The form requires all the following information on the economic interests of (1) a legislator, (2) the legislator's spouse if any, and (3) anyone else whose interests are constructively controlled by the legislator. (An example of (3) could be a minor child of the legislator. The phrase "the person" is used below to refer to each of those three kinds of persons.)

(a) Any other unit of government for which the person worked during the last calendar year. The Act uses the word "employed," but this provision presumably also applies to serving as an officer.

(b) The nature of any professional services, other than to the state, for which the person received over \$5,000 in fees in the last calendar year.

(c) Any professional group or individual professional practice in which the legislator was an officer, partner, or proprietor, or served in an advisory capacity, and received over \$1,200 in the last calendar year.

(d) The name of any compensated lobbyist who is a partner or business associate of the person, and the kind of lobbying the lobbyist does.

(e) Any entity from which the person received one or more gifts or honoraria, worth a total of over \$500, in the last calendar year.

(f) Any entity doing business in Illinois that paid the person over \$1,200 in the past year other than for professional services; and any position the person held in that entity.

(g) Any firm doing business in Illinois in which the person's ownership interest exceeds \$5,000 or from which the person got over \$1,200 in dividends in the last calendar year. The Act specifically excludes any "time or demand deposit in a financial institution" and any "debt instrument." But the requirement literally would include accounts in mutual funds (including money-market funds) *if* they are based in Illinois.

(h) Any capital asset from which the person realized a capital gain of at least \$5,000 in the last calendar year. This applies to real estate, and generally to investments and similar assets. (A capital gain normally is "realized" at the time property is sold.)<sup>25</sup>

The economic interests statement is not to include campaign receipts. Penalties for failure to file become progressively steeper, ending in forfeiture of office for failure to file by May 31. But no fines or forfeitures of office are to be imposed if (a) the legislator did not file due to lack of notification by the Secretary of State of the need to file and (b) the legislator files within 30

days after getting such notice. The officer with whom a statement was to be filed has discretion to waive the penalties, if failure to file resulted from catastrophic illness or from military service.<sup>26</sup>

Note: As required by law,<sup>27</sup> the Secretary of State posts all statements of economic interests of state officers and employees on the Internet; they are thus available to the news media, political opponents, and the public. The statements are posted as PDF files, but with filers' signatures blacked out. The Secretary of State is also required to report nonfilers to the Attorney General.<sup>28</sup>

State Officials  
and Employees  
Ethics Act

This 2003 act<sup>29</sup> imposes many requirements on state officers and employees to protect ethics in government. It applies generally to officers and employees in the state's executive and legislative branches. The following briefly summarizes the Act as it affects state legislators. Legislators with concerns about the application of the Act are urged to examine it and/or seek advice from their caucus legal staffs or other reliable sources. The Act can be read and printed by going to

www.ilga.gov

and clicking on each of the following links, in turn, when the page containing it opens:

## **Illinois Compiled Statutes**

### **CHAPTER 5 GENERAL PROVISIONS**

#### **5 ILCS 430/ State Officials and Employees Ethics Act.**

The Act contains three articles (5, 10, and 25) that have major effects on state legislators. Each of those articles has numerous provisions. They are outlined below, and described in more detail in the next few pages.

Article 5 ("Ethical Conduct") has several kinds of requirements significantly affecting state legislators: (1) ethics training for legislators and their staffs; (2) personnel policies for staffs; (3) ban on requiring employees to engage in political activities; (4) restrictions on "public service announcements" that identify state officers; (5) ban on offering anything in return for contributions; (6) ban on receiving contributions on state property, and restriction on fundraising in Sangamon County; and (7) restrictions on employment with state contractors following state service.

Article 10 ("Gift Ban") has detailed provisions on what kinds of gifts state legislators and their families can accept. Article 25 ("Legislative Ethics Commission and Legislative Inspector General") has institutional and procedural provisions on enforcing the Act. (Penalties are set forth in Article 50, and are described below when discussing prohibitions to which they apply.)

*Ethical conduct*

Article 5 of the Act contains a variety of requirements and prohibitions. The following briefly describes them.

Ethics training. All legislators and their employees must receive ethics training at least annually. This requirement is to be implemented by the four legislative leaders for their caucuses, and overseen by the Legislative Ethics Commission and Legislative Inspector General,<sup>30</sup> discussed later. Violation is punishable by a fine of \$1,001 to \$5,000.<sup>31</sup> (The legislative leadership has developed an on-line training and review program that can be completed in about an hour to help legislative personnel comply with this requirement.)

Hours worked. All legislative-branch employees (but not legislators themselves) must be covered by personnel policies adopted by the leaders of the caucuses for which they work. These policies must require that employees report the amount of time they worked for the state each day to the nearest quarter-hour.<sup>32</sup>

Similar requirements apply to legislators' own employees, who typically work in district offices. Each legislator must adopt policies for employees requiring them to report their time worked each day to the nearest quarter-hour. A legislator may fulfill this requirement by adopting the policies from the leader of the legislator's caucus.<sup>33</sup>

Political activities. State employees may not be required to perform, or voluntarily perform, any "prohibited political activity" while being paid to work for the state (other than during paid vacation, personal, and other time off).<sup>34</sup> The Act lists 15 types of political activity to which this prohibition applies.<sup>35</sup> Violation is a Class A misdemeanor,<sup>36</sup> punishable by up to 364 days in jail and/or a fine up to \$2,500.<sup>37</sup>

Public service announcements; advertising items. Advertisements or announcements promoting state programs may not contain the name, image, or voice of a state legislator. Items such as billboards, stickers, and magnets that are made or distributed using public funds may not show the name or image of a state legislator—unless they further the legislator's "official State duties or governmental and public service functions . . . ."<sup>38</sup> Violation is punishable by a fine of \$1,001 to \$5,000.<sup>39</sup>

Promises for contributions. No legislator, candidate for legislative office, or legislative employee may promise anything of value related to state government, such as a state job or promotion, in return for a contribution to a political committee, party, or other entity that financially promotes a political candidate.<sup>40</sup> Violation is a Class A misdemeanor.<sup>41</sup> State employees who are asked or directed to make such promises are required to report to their ethics officer or Inspector General.<sup>42</sup>

Contributions on state property. With minor exceptions, legislators, legislative employees, candidates for legislative office, lobbyists, and personnel of political organizations may not intentionally solicit, receive, offer, or make political contributions on state property. The exceptions apply to (a) property owned by the state but leased to a private entity, and (b) residences of state officers or employees—except that fundraising events are prohibited at such residences.<sup>43</sup> Violation is punishable by a fine of \$1,001 to \$5,000.<sup>44</sup>

Fundraisers in Sangamon County. Most legislators and candidates for legislative office, along with their political caucuses or committees, are prohibited

from holding fundraising events in Sangamon County on any regular session day from February 1 until both houses have adjourned their spring session; or during a fall veto session. This prohibition does not apply to perfunctory sessions. It also does not apply, during the part of any spring session that goes beyond May 31, to legislators and candidates in a district that is entirely within Sangamon County.<sup>45</sup> Violation is a Class A misdemeanor.<sup>46</sup>

Employment after public service. For 1 year after ending state service, no former legislator, or spouse or immediate family member living with the former legislator, may knowingly accept employment or compensation for services to any entity if the legislator, during the last year of state service, participated “personally and substantially” in a decision to award one or more state contracts worth a total of over \$25,000 to that entity.<sup>47</sup> Violation is a Class A misdemeanor.<sup>48</sup>

*Gift ban*

Article 10 of the Act imposes detailed restrictions on the receipt of gifts by legislators (among other state officers and employees), and by their spouses and immediate family members who live with them. These restrictions are not aimed at outright bribery (which is addressed by an act described later), but at the appearance of impropriety that may result if someone makes a gift in the hope of affecting any state actions.<sup>49</sup> Violating any part of Article 10 is punishable by a fine of \$1,001 to \$5,000.

The method that the Act uses to avoid improper gifts is to (a) ban every gift from a “prohibited source” (as defined in the Act) to a legislator or state employee, or to an immediate family member of a legislator or state employee; but (b) make exceptions for gifts that have a low probability of being for improper purposes. Thus whenever a legislator or legislative employee—or a spouse or family member living with such a person—receives *any* gift from an entity that *may* be a “prohibited source,” it is necessary to consult the definition and exceptions to determine whether it can be kept. If a gift violates the Act, the recipient can avoid liability by “promptly” doing one of the following:

- (1) Returning it to the giver.
- (2) Donating it to an “appropriate” charity that is exempt from taxation under subsection 501(c)(3) of the Internal Revenue Code.
- (3) Keeping it but donating an amount equal to its value to such a charity.<sup>50</sup>

Of course, any such actions should be documented to avoid the risk of legal problems. If the recipient chooses method (2) or (3), the Act does not address whether it is proper to deduct the donation from income for federal tax purposes. But since doing so would provide a tax benefit to the donor, such a deduction might be viewed as violating at least the spirit of the Illinois law.

The Act defines “prohibited source” broadly. The definition is quoted in full below, with parts that are important to legislators (referred to in the law as “members”<sup>51</sup>) boldfaced for easier comprehension. Legislators should note item (4) in particular.

**“Prohibited source” means any person or entity who:**

**(1) is seeking official action** (i) **by the member** or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

**(2) does business or seeks to do business** (i) **with the member** or officer or (ii) in the case of an employee, with the employee or with the member, officer, State agency, or other employee directing the employee;

**(3) conducts activities regulated** (i) **by the member** or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

**(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member,** officer, or employee;

**(5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act,** except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; **or**

**(6) is an agent of, a spouse of, or an immediate family member who is living with a “prohibited source”.**<sup>52</sup>

The Act defines “gift” broadly to include any good, service, or other tangible or intangible thing of value—even a loan.<sup>53</sup> Any such “gift” from a “prohibited source” to a legislator, employee of the legislative branch, or spouse or family member living with such a person, *presumptively* violates the Act.<sup>54</sup> But the Act has 12 exceptions for kinds of gifts that are believed to have a low probability of involving impropriety. Those exceptions are summarized below. In the event of uncertainty about any of them, the actual list of exceptions<sup>55</sup> should be consulted.

The exceptions to the gift ban apply to the following kinds of gifts:

- (1) Anything that was offered on the same terms to the general public.
- (2) Anything for which the recipient paid market value.
- (3) Lawful political contributions, and assistance with fundraisers for a political organization or candidate.
- (4) “Educational materials and missions” (which may be further defined by the Legislative Ethics Commission).
- (5) Travel expenses for meetings to discuss state business (which also can be further defined by Legislative Ethics Commission rule).

- (6) Gifts from persons who are relatives listed in the Act of the recipient, or are parents or grandparents of the recipient's spouse, fiancé, or fiancée.
- (7) A gift provided by an individual based on personal friendship—unless the recipient has reason to believe that it was really given because of the recipient's official position. The Act lists three considerations (not necessarily excluding others) that a recipient should take into account in determining whether this exception covers a gift.
- (8) Food or refreshments worth up to \$75 per recipient per calendar day, if they (a) were consumed where they were bought or prepared, or (b) were catered (meaning bought ready to eat and delivered).
- (9) Benefits (including transportation, lodging, and food) that were provided because of the recipient's outside business or employment activities (or other activities unrelated to legislative duties), if they are customarily provided to persons in such circumstances.
- (10) Gifts from another person within "any governmental entity," including the General Assembly, any other Illinois state agency, and the federal government.<sup>56</sup>
- (11) Inheritances and other transfers at death.
- (12) Items from any one "prohibited source" whose total value during a year is under \$100.<sup>57</sup>

Article 10 adds that any state agency (which includes the House, Senate, and other legislative entities<sup>58</sup>) can set more restrictive rules on receipt of gifts.<sup>59</sup>

*Ethics Commission  
and Inspector  
General*

Article 25 of the Act requires appointment of a Legislative Ethics Commission with eight members—two appointed by each of the four legislative leaders. The Commission can include state legislators, but not nonlegislative state officers or employees.<sup>60</sup> It makes recommendations for selection of a Legislative Inspector General, who is appointed by joint resolution passed by at least three-fifths of the members elected to each house.<sup>61</sup> The Commission's duties include issuing rules on investigations by the Legislative Inspector General; hearing matters brought before it in pleadings filed by the Inspector General; issuing subpoenas on matters before it; and making rulings and imposing administrative fines under the Act.<sup>62</sup>

The Legislative Inspector General's duties include investigating allegations that the Act has been violated, and issuing subpoenas and hearing testimony from witnesses.<sup>63</sup> If an investigation shows "reasonable cause" to believe that a violation of the Act has occurred, the Legislative Inspector General is required to issue a "summary report" of the investigation to the relevant legislative leader, who is to respond within 20 days by describing any corrective or disciplinary action to be imposed.<sup>64</sup> Such a summary report on a matter that involved termination of employment or suspension for at least 3 days, and the response to it, are to be made available to the public within 60 days—except that the Legislative Ethics Commission can delete portions that tend to reveal identities of complainants, informants, or witnesses, and can withhold publication if it would interfere with an existing investigation.<sup>65</sup>

The Legislative Inspector General, acting through the Attorney General's office, may file pleadings with the Legislative Ethics Commission if the Attorney General finds that reasonable cause exists to think a violation has occurred.<sup>66</sup> The Legislative Inspector General is required to post on the Internet a policy on the handling and recording of investigations.<sup>67</sup>

If the Commission believes that further investigation is warranted, it can ask the Legislative Inspector General to investigate further, and may also refer the matter to the Attorney General for investigation or review.<sup>68</sup> The Legislative Ethics Commission can appoint a Special Legislative Inspector General if the regular Legislative Inspector General takes more than 6 months to complete an investigation without sufficient reason, or the Legislative Inspector General's office itself is under investigation.<sup>69</sup> The Commission can also refer allegations to the Attorney General, who can investigate upon receiving such a referral.<sup>70</sup>

Each of the four legislative leaders is to appoint an ethics officer. Such officers' duties include (1) reviewing statements of economic interests filed by legislators and employees in the appointing leader's caucus, and (2) providing guidance to legislators and employees for interpreting the Act. The Act says that legislators and employees can rely on that guidance if they do so in good faith.<sup>71</sup>

*Disclosure of investigations*

The identity of a person providing information or reporting possible misconduct to the Legislative Ethics Commission or Legislative Inspector General is to be kept confidential except to the extent that person consents to disclosure, or disclosure is required by law.<sup>72</sup> Ethics commissions acting under the Act are exempt from the Open Meetings Act.<sup>73</sup> Documents obtained or created by the Commission regarding allegations—except the “summary reports” of investigations mentioned above—are exempt from disclosure under the Freedom of Information Act unless the Commission finds that a violation has occurred. In that case, such documents can be disclosed after deletion of material that is not exempt from disclosure.<sup>74</sup> On the other hand, if the Commission completes an administrative proceeding with a conclusion that a violation occurred, it is to make public the entire record of the proceeding before it, including any recommendations made and discipline imposed.<sup>75</sup>

Other provisions in Article 25 describe procedures to be followed during ethics investigations,<sup>76</sup> and quarterly reports by the Legislative Inspector General and Attorney General.<sup>77</sup>

*Other parts of the Act*

Other articles of the Act address protection of whistleblowers by methods that can include judicial action;<sup>78</sup> appointment of an Inspector General for personnel under the Auditor General;<sup>79</sup> application of the Act to the executive branch;<sup>80</sup> and its application to local governments (including home-rule units) and to school districts.<sup>81</sup> The Act made numerous changes in other Illinois laws on ethics in government,<sup>82</sup> which are reflected in the discussion below.

*Interest in Public Contracts*

Three separate laws address interests of legislators and their families in public contracts.<sup>75</sup>

*Office-allowance nepotism*      The most specific of the three prohibits use of the so-called “district office allowance” to pay anything to the legislator’s “spouse, parent, grandparent, child, grandchild, aunt, uncle, niece, nephew, brother, sister, first cousin, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law, or daughter-in-law.”<sup>85</sup> That law lists no penalty. However, the Criminal Code section on official misconduct says that any public officer who, in an official capacity, performs an act knowing it is forbidden by law commits a Class 3 felony (punishable by 2-5 years in prison and/or a fine up to \$25,000<sup>84</sup>) and also forfeits office.<sup>85</sup>

*Public Officer Prohibited Activities Act*      This Act prohibits any public officer from being “in any manner financially interested directly in his own name or indirectly in the name of any other person, association, trust or corporation, in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote.” The Act also prohibits a public officer from representing any entity as to a contract or bid on which the officer may need to vote.<sup>86</sup> These prohibitions do not apply to persons serving only on advisory panels and commissions.<sup>87</sup> In some situations the Act permits a member of a governing body, or a company in which that member has an interest, to contract with the unit of government in which the member serves, if the member discloses the interest and abstains from voting on the contract.<sup>88</sup>

Both the general wording of this Act and the cases reported under it suggest that it is directed primarily at officers having direct control over contracts—such as officers in the state executive branch, and some local officers. But it could occasionally apply to legislators if the General Assembly votes on an appropriation that would directly benefit a particular business.<sup>89</sup> Violation is a Class 4 felony (punishable by 1-3 years and/or up to \$25,000<sup>90</sup>) and also results in forfeiture of office.<sup>90</sup>

*Illinois Procurement Code*      This comprehensive code,<sup>91</sup> enacted in 1998, governs purchases by agencies under the Governor, and to a lesser extent the state’s five other elected executive officers.<sup>92</sup> Its “Procurement Ethics and Disclosure” article<sup>93</sup> also has prohibitions that affect legislators in some instances. The most important of them says in relevant part (subject to exceptions described later):

(a) Prohibition. It is unlawful for any person . . . holding a seat in the General Assembly . . . or who is the spouse or minor child of any such person to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly . . . or in any contract of the Capital Development Board or the Illinois Toll Highway Authority.

(b) Interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) is entitled to receive (i) more than 7½% of the total distributable income or (ii) an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(c) Combined interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive (i) more than 15%, in the aggregate, of the total distributable income or (ii) an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.<sup>94</sup>

Violation is a business offense, punishable by a fine of \$1,000 to \$5,000.<sup>95</sup>

The Illinois Supreme Court in a 1967 case held that the term “direct pecuniary interest” in a predecessor of subsection (a) did not include mere ownership of stock in a corporation having a state contract.<sup>96</sup> But subsections (b) and (c) go on to establish specific ownership percentages that will make a contract illegal. They prohibit a business in which a legislator is entitled to over 7½% of the income—or in which the legislator, legislator’s spouse, and minor children are entitled to over 15% of the income—from having any state contract of a kind described in subsection (a), or a direct pecuniary interest in it. The Illinois Supreme Court in the case just mentioned held that a nearly identical prohibition applied only to the business, and did not subject the shareholder to personal liability.<sup>97</sup> Of course, it is not certain that the courts would apply the current law similarly.

There are several exceptions to these prohibitions, including contracts for teaching; contracts to perform “ministerial” (such as clerical) duties by the legislator’s spouse or minor child; payments to foster parents by the Department of Children and Family Services (DCFS); and payments to licensed professionals that either are competitively bid, or are part of “a reimbursement program for specific, customary goods and services” of DCFS, the Department on Aging, or the Departments of Human Services, Healthcare and Family Services, or Public Health.<sup>98</sup> Also, this section does not invalidate any contract that was made before the legislator was elected; but the contract is voidable<sup>99</sup> if it cannot be completed within 365 days after the legislator takes office.

Finally, on application by the relevant agency’s chief procurement officer<sup>100</sup> and after a public hearing, the Executive Ethics Commission can exempt a named person from the prohibitions of this section after determining that “the public interest in having the individual in the service of the State outweighs the public policy evidenced in” this section. To take effect, such an exemption must be filed with the Secretary of State and Comptroller, and must state all the facts involved, including the person’s name and the reason for the exemption.<sup>101</sup> It is also required to be published in the Illinois Procurement Bulletin.<sup>101</sup>

Another section of the Illinois Procurement Code prohibits all current and former elected and appointed state officials and employees from using confidential information that is available to them due to their offices or employment “for actual or anticipated gain for themselves or another person.”<sup>102</sup> No specific penalty is stated for violating that prohibition, but it presumably is subject to a general provision making violation of the Code a Class A misdemeanor<sup>103</sup> (punishable by up to 364 days in jail and/or a fine up to \$2,500<sup>104</sup>).

The Illinois Procurement Code does not cover procurement for the General Assembly's own use, but legislative procurement rules can incorporate parts of the Code.<sup>105</sup>

Misuse of Office  
and Bribery

Some kinds of actions in the course of legislating are specifically prohibited. The Illinois Governmental Ethics Act forbids a legislator to:

- Lobby the General Assembly for compensation;<sup>106</sup> represent clients before the Court of Claims or the Workers' Compensation Commission if the state is the opposing party; or (by implication) allow a "close economic" associate of the legislator, when representing a client, to use that association with the legislator to influence the Court of Claims or Workers' Compensation Commission.<sup>107</sup> Violation of any of these prohibitions is a Class A misdemeanor (punishable by up to 364 days in jail and/or a fine up to \$2,500).
- Accept any compensation, other than the salary and allowances provided by law, for performing official legislative duties. Violation is a petty offense, punishable by a fine up to \$1,000 and/or up to 6 months of probation among other possible penalties.<sup>108</sup>
- Accept any honorarium. That term is defined essentially as a payment for an appearance or speech, except reimbursements for actual travel, lodging, and meal expenses for a legislator and one relative. The definition specifically excludes payments made on a legislator's behalf to a tax-exempt organization; agents' fees and commissions; and political contributions reported under the Election Code. The Act requires that any non-exempt honorarium paid be surrendered to the state.<sup>109</sup> It does not mention a criminal penalty for violation, although violation may be punishable under the Official Misconduct section of the Criminal Code.<sup>110</sup>

From there the statutes proceed to actual bribery. Soliciting, giving, or taking a bribe is prohibited by criminal laws, with violation either a Class 2 or Class 3 felony depending on the facts. The exact wording of the provision on a legislator's taking a bribe is as follows:

No member of the General Assembly shall accept or receive, directly or indirectly, any money or other valuable thing, from any corporation, company or person, for any vote or influence he may give or withhold on any bill,<sup>111</sup> resolution or appropriation, or for any other official act.

Violation is a Class 3 felony,<sup>112</sup> punishable by 2-5 years in prison and/or a fine up to \$25,000.<sup>113</sup> Another provision that could apply to legislators in some situations makes a person guilty of bribery who

receives, retains or agrees to accept any property or personal advantage which he is not authorized by law to accept knowing that such property or personal advantage was promised or tendered with intent to cause him to influence the performance of any act related to the employment or function of any public officer . . . .<sup>114</sup>

Violation of that prohibition is a Class 2 felony<sup>115</sup> which is punishable by 3-7 years in prison and/or a fine up to \$25,000.<sup>116</sup> In addition, any public officer who fails to report a bribe attempt to the proper law-enforcement officer commits a Class A misdemeanor. It is not entirely clear from the statute whether the proper entity to receive a report from a legislator is the state's attorney or the Department of State Police, but the latter seems more likely.<sup>117</sup>

In addition, Article 3 of the Governmental Ethics Act prohibits several more specifically defined kinds of actions related to bribery

- Accepting any “economic opportunity” (a business or other profitmaking opportunity) if the legislator knows or should know that there is a substantial possibility it is being offered to influence the legislator.<sup>118</sup>
- Charging a person known to have a legislative interest substantially more to lease or buy any property, or to obtain any service,<sup>119</sup> than would be charged in the ordinary course of business.
- Using confidential information acquired in the course of official duties for private benefit.<sup>120</sup>
- Accepting a representation case (for example, if the legislator is a lawyer) if there is substantial reason to believe it is being offered to obtain improper influence over a state agency.<sup>121</sup>
- Using improper means to influence a state agency in a representation case involving the legislator or a close economic associate of the legislator.<sup>122</sup>
- “[O]ther conduct which is unbecoming to a legislator or which constitutes a breach of public trust.”<sup>123</sup>

Although the Act lists no specific penalty for violating the six provisions just described, violations may be punishable under the Official Misconduct section of the Criminal Code (as a Class 3 felony that also results in forfeiture of office).<sup>124</sup>

#### Misuse of Public Funds

Both the Illinois Constitution and a statute prohibit use of government funds for political purposes. The constitutional prohibition is quite general:

Public funds, property or credit shall be used only for public purposes.<sup>125</sup>

The Attorney General, in a 1975 opinion on the subject of legislative newsletters, advised that “public purposes” within the meaning of that provision do not include promotion of partisan political causes.<sup>126</sup> Also, the statute authorizing the office allowance for legislators says that each legislator may use the allowance “in connection with his or her legislative duties and not in connection with any political campaign.”<sup>127</sup>

Drawing the line between governmental and partisan political uses of public money can be difficult at times. The problem frequently arises with newsletters that legislators send to some of their constituents. Ideally, a legislative newsletter helps inform constituents about recent laws or pending bills likely to affect them. However, the political value of getting an incumbent's

name and accomplishments before the voters is obvious. There are no court decisions or other official interpretations of what “not in connection with any political campaign” in the statute means. However, seeking political contributions or other political help using public funds is clearly forbidden by the Constitution, as the Attorney General noted in that 1975 opinion.<sup>128</sup>

State law also requires items such as newsletters, if printed by a state agency such as the Legislative Printing Unit, to contain the words “Printed by authority of the State of Illinois” and the date of publication, number of copies, and printing order number.<sup>129</sup> Privately printed materials need not contain that information. But if printed using a legislator’s office allowance or other public funds, they are subject to the constitutional and statutory restrictions mentioned above. Penalties, in addition to damaging publicity, could include being required by a court to pay back any money improperly spent, and possible conviction under the general official-misconduct law.<sup>130</sup>

Other laws set specific periods in election years during which no legislative “newsletters or brochures” prepared using state funds may be printed or distributed. Those times (effective in 2011) are from February 1 of an election year until the day after the primary election, and from September 1 until the day after the general election. During those times, the Legislative Printing Unit is prohibited from printing such publications, and legislators are prohibited from mailing them if they (1) were printed by the Legislative Printing Unit<sup>131</sup> or (2) were paid for in whole or in part from a legislator’s “district office” allowance.<sup>132</sup> These prohibitions have exceptions that allow mailing a newsletter or brochure to a constituent in response to a specific request or inquiry.<sup>133</sup>

Finally, a little-known section of the Illinois Procurement Code prohibits any publication prepared by or through a state agency from having written, stamped, or printed on it, or attached to it, words such as “Compliments of [person’s name].”<sup>134</sup> This law presumably is intended to prevent state officers or employees from trying to get credit with the public for giving away publications (such as the *Illinois Blue Book*) that are printed using state funds. The Illinois Procurement Code does not directly apply to the General Assembly,<sup>135</sup> but this prohibition may apply to such items that were procured by the executive branch even if distributed by legislators.

#### Prohibitions Involving Specific Kinds of Entities

The Horse Racing Act bans racing organizations licensed to race in Illinois from having public officials, or members of their families, as holders of direct or indirect ownership or financial interests in those organizations.<sup>136</sup> The Act also prohibits any such organizational licensee or racing concessionaire, or an officer, director, or person with at least a 5% interest in either, from making a political contribution to a public official or political candidate.<sup>137</sup>

The Foreign Trade Zones Act prohibits any legislator or other state officer, or anyone with a described kind of kinship to such a person, from having a contract or a direct pecuniary interest in a contract made under that Act.<sup>138</sup> Other provisions that could apply in rare situations are in the article of the Criminal Code of 1961 on public contracts. That article bars public officials from providing information (not made available to the public generally) to prospective bidders on public contracts to help them prepare bids, and related

practices that tend to prevent the state from getting the best price or quality when contracting.<sup>139</sup>

Other Ethical Principles

Article 3 of the Illinois Governmental Ethics Act, entitled “Code of Conduct,” contains both “Rules of Conduct for Legislators”<sup>140</sup> (summarized above) and “Ethical Principles for Legislators.”<sup>141</sup> The “Ethical Principles” are not legally enforceable<sup>142</sup> but serve as guides to legislators and the public on the propriety of questioned conduct.

Fair Campaign Practices Act

An article of the Election Code encourages candidates for public office to sign a “Code of Fair Campaign Practices” contained in it. The Code contains general statements that the candidate will avoid unjustified personal attacks on opponents, distortion of facts, and dishonest or unethical practices.<sup>143</sup> Signing the Code is voluntary, and courts cannot force a signer to adhere to it.<sup>144</sup> Any copy of the Code signed by a candidate and filed with the State Board of Elections becomes a public record.<sup>145</sup>

Disqualification for Crime

The Illinois Constitution says this about disqualification from office due to crime:

A person convicted of a felony, bribery, perjury or other infamous crime shall be ineligible to hold an office created by this Constitution. Eligibility may be restored as provided by law.<sup>146</sup>

The exact scope of “infamous” crimes is not clear. The Illinois Supreme Court, interpreting a similar provision in the 1870 Constitution, said a “felony which falls within the general classification of being inconsistent with commonly accepted principles of honesty and decency, or which involves moral turpitude” is infamous.<sup>147</sup> But the provision in the 1970 Constitution applies more broadly to *all* felonies and to any lesser crimes that are infamous.

The statutes on this subject bring more uncertainty. A section in the Election Code says a person convicted of an infamous crime is thereafter ineligible for any office of trust or profit unless eligibility is restored by a pardon “or otherwise according to law.”<sup>148</sup> But provisions in the Unified Code of Corrections imply that eligibility for public office is restored automatically upon completion of a prison sentence.<sup>149</sup> An Illinois Appellate Court panel in 1980 found a denial of equal protection in different standards established by these two statutes, and held that a local official who had been convicted of extortion could run for office after completing his sentence.<sup>150</sup> That decision was not appealed to the Illinois Supreme Court. Thus the duration of ineligibility for office due to a felony or other infamous crime is not entirely clear.

Another section of the Election Code says that an elective office is automatically vacated upon the holder’s conviction of, or written agreement to plead guilty to, an infamous crime. A “conviction” for this purpose occurs on the day the jury returns a guilty verdict—or if the trial is by a judge, the day the judge enters a finding of guilty.<sup>151</sup>

Loss of Pension Due to Crime Benefits under the General Assembly Retirement System will not be paid to anyone convicted of a felony relating to, or arising out of or in connection with, legislative service.<sup>152</sup>

Dual Officeholding The issue of legislators' holding other public office is addressed in this provision of the Illinois Constitution:

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.<sup>153</sup>

Thus the Constitution does not prohibit dual public officeholding if the legislator is not being paid for working at another unit of government while actually attending the General Assembly.

Two Attorney General's opinions under the 1970 Constitution have advised on the compatibility of being a legislator while also being a county board member or township supervisor. These opinions cited several conditions that can make two offices incompatible: If the Constitution or a statute specifically prohibits one person from holding both offices; if the interests of one office would conflict with those of the other; or if the duties of one office are such that its holder cannot in every instance fully and faithfully perform the duties of the other. The Attorney General concluded that none of these conditions was present so as to prevent a legislator from also holding office as a county board member or township supervisor.<sup>154</sup> Another principle occasionally cited in the dual-officeholding area is separation of powers among the three branches of government. However, it does not appear that this principle now applies to a person with offices or employment at different levels of government (such as local mayor and state legislator).

Thus there is little legal barrier to legislators' holding local public office or employment, provided the time commitments are compatible. But the principle of separation of powers almost certainly would prevent a state legislator from simultaneously serving in the state's executive or judicial branch.

- Notes
1. 25 ILCS 115/1, second paragraph, last sentence, added by P.A. 96-958, art. 30, sec. 5 (2010).
  2. 26 U.S. Code subsec. 162(h)(1) and (4).
  3. Treas. Reg., subsec. 1.162-24(c), added April 8, 2010, effective beginning in tax year 2011.
  4. 26 U.S. Code subsec. 162(h)(2) and Treas. Reg., subsec. 1.162-24(b).
  5. "FY 2010 Per Diem Rates for Illinois" (downloaded Sept. 16, 2010 from U.S. General Services Administration Internet site).
  6. Treas. Reg., subsec. 1.162-24(a)(2)(ii), added April 8, 2010.
  7. 26 U.S. Code subsecs. 274(n)(1), 162(a), and 67(a). The 1987 IRS interpretation was in IRS Notice 87-23, 1987-1 Cum. Bull., p. 467.
  8. Rev. Proc. 2009-54, eff. Jan. 1, 2010 (downloaded from IRS Internet site).

9. 25 ILCS 115/1, second paragraph, adopting the amount allowed by federal regulations (41 Code of Fed. Regs. sec. 301-10.303) as the mileage reimbursement for legislators.
10. Rev. Proc. 95-54 (1995-2 Cum. Bull., p. 450).
11. 26 U.S. Code subsec. 274(d); 26 Code of Fed. Regs. secs. 1.274-5, 1.274-5T(c), and 1.162-17(d).
12. See 26 U.S. Code subsecs. 67(a) and (b).
13. See 35 ILCS 5/203(e)(1) and (a)(1); 5/202; and 5/201(b).
14. P.A. 96-832 (2009), enacted by S.B. 1466 (Harmon-Cullerton-Raoul-Noland-Bond et al. — Madigan-McCarthy-Jackson et al.), generally effective Jan. 1, 2011.
15. 10 ILCS 5/9-10(a) and (b) as amended by P.A. 96-832, eff. Jan. 1, 2011. The kinds of information that must be reported are listed in 10 ILCS 5/9-11.
16. 10 ILCS 5/9-10(c) as amended by P.A. 96-832.
17. 10 ILCS 5/9-1.8(a) as amended by P.A. 96-832.
18. 10 ILCS 5/9-1.8(b) as amended by P.A. 96-832.
19. 10 ILCS 5/9-10(f) as amended by P.A. 96-832.
20. 10 ILCS 5/9-7 as amended by P.A. 96-832.
21. 10 ILCS 5/9-10(b) as amended by P.A. 96-832, and 5/9-23.
22. See 10 ILCS 5/9-8.5, added by P.A. 96-832.
23. Ill. Const., Art. 13, sec. 2.
24. 5 ILCS 420/1-101 ff., and specifically 420/4A-101 ff.
25. 5 ILCS 420/4A-102. The items to be disclosed have been re-arranged from the order in which they are listed in the law.
26. 5 ILCS 420/4A-105, last two paragraphs.
27. 5 ILCS 420/4A-106, last paragraph.
28. 5 ILCS 420/4A-107, second paragraph, second sentence.
29. The State Officials and Employees Ethics Act actually resulted from two Public Acts that became law late in 2003. The Act was enacted by P.A. 93-615, and then extensively expanded and changed by P.A. 93-617. It is codified as 5 ILCS 430/1-1 ff.
30. 5 ILCS 430/5-10.
31. 5 ILCS 430/50-5(b).
32. 5 ILCS 430/5-5(c).
33. 25 ILCS 115/4, third paragraph.
34. 5 ILCS 430/5-15(a).
35. 5 ILCS 430/1-5 (definition of “Prohibited political activity”).
36. 5 ILCS 430/50-5(a).
37. 730 ILCS 5/5-8-3(a)(1) and 5/5-9-1(a)(2).
38. 5 ILCS 430/5-20.
39. 5 ILCS 430/50-5(b).
40. 5 ILCS 430/5-30.
41. 5 ILCS 430/50-5(a).
42. 5 ILCS 430/5-30(b).
43. 5 ILCS 430/5-35.
44. 5 ILCS 430/50-5(b).
45. 5 ILCS 430/5-40.
46. 5 ILCS 430/50-5(a).
47. 5 ILCS 430/5-45.
48. 5 ILCS 430/50-5(a).
49. 5 ILCS 430/50-5(c).
50. 5 ILCS 430/10-30.

51. See 5 ILCS 430/1-5, definition of “Member.”
52. 5 ILCS 430/1-5, definition of “Prohibited source.”
53. 5 ILCS 430/1-5, definition of “Gift.”
54. 5 ILCS 430/10-10.
55. 5 ILCS 430/10-15.
56. This exception should be read in conjunction with the definition of “State agency” in 5 ILCS 430/1-5.
57. 5 ILCS 430/10-15.
58. See 5 ILCS 430/1-5 (definition of “State agency”).
59. 5 ILCS 430/10-40.
60. 5 ILCS 430/25-5(b) and (c).
61. 5 ILCS 430/25-10(b), first paragraph.
62. 5 ILCS 430/25-15.
63. 5 ILCS 430/25-20.
64. 5 ILCS 430/25-50(a).
65. 5 ILCS 430/25-52 and 430/25-95(b).
66. 5 ILCS 430/25-20(5).
67. 5 ILCS 430/25-20(9).
68. 5 ILCS 430/25-50(c-10).
69. 5 ILCS 430/25-21.
70. 5 ILCS 430/25-20a.
71. 5 ILCS 430/25-23.
72. 5 ILCS 430/25-90.
73. 5 ILCS 120/1.02, definition of “Public body,” last sentence.
74. 5 ILCS 430/25-95. See the corresponding provision in 5 ILCS 140/7(hh).
75. 5 ILCS 430/25-50(l).
76. 5 ILCS 430/25-35 to 430/25-80.
77. 5 ILCS 430/25-65, 430/25-85, and 430/25-86.
78. 5 ILCS 430/15-5 ff.
79. 5 ILCS 430/30-5 ff.
80. 5 ILCS 430/20-5 ff. and 430/35-5 ff.
81. 5 ILCS 430/70-5 ff.
82. See P.A. 93-615 (2003), secs. 90-3 ff.
83. 25 ILCS 115/4.2.
84. 730 ILCS 5/5-4.5-40(a) and 5/5-4.5-50(b).
85. 720 ILCS 5/33-3.
86. 50 ILCS 105/3(a).
87. 50 ILCS 105/3(a).
88. 50 ILCS 105/3(b), (b-5), and (c).
89. 730 ILCS 5/5-4.5-45(a) and 5/5-4.5-50(b).
90. 50 ILCS 105/4.
91. 30 ILCS 500/1-1 ff.
92. See 30 ILCS 500/1-30.
93. 30 ILCS 500/50-1 ff.
94. 30 ILCS 500/50-13(a) to (c).
95. 30 ILCS 500/50-13(g).
96. *People v. Isaacs*, 37 Ill. 2d 205, 226 N.E.2d 38 (1967).
97. 37 Ill. 2d at 214-215, 226 N.E.2d at 45.
98. 30 ILCS 500/50-13(f).
99. 30 ILCS 500/50-13(e).
100. Another section of the Illinois Procurement Code (30 ILCS 500/1-15.15) defines who is the Chief Procurement Officer for each kind of

- state procurement. For general state purchasing, that person is the Director of the Department of Central Management Services.
101. 30 ILCS 500/50-20.
  102. 30 ILCS 500/50-50.
  103. 30 ILCS 500/50-75(b).
  104. Penalties for such misdemeanors are listed in 730 ILCS 5/5-4.5-55.
  105. 30 ILCS 500/1-30(b).
  106. 5 ILCS 420/2-101.
  107. 5 ILCS 420/2-104.
  108. 5 ILCS 420/2-103. The maximum fine for a petty offense is stated in 730 ILCS 5/5-4.5-75.
  109. 5 ILCS 420/2-110.
  110. See 720 ILCS 5/33-3.
  111. 720 ILCS 645/1.
  112. 720 ILCS 645/2.
  113. 730 ILCS 5/5-4.5-40 and 5/5-4.5-50.
  114. 720 ILCS 5/33-1(d).
  115. 720 ILCS 5/33-1(f).
  116. 730 ILCS 5/5-4.5-35 and 5/5-4.5-50.
  117. See 720 ILCS 5/33-2, which says in relevant part: “Any public officer, public employee or juror who fails to report forthwith to the local State’s Attorney, *or in the case of a State employee to the Department of State Police*, any offer made to him in violation of Section 33-1 commits a Class A misdemeanor” (emphasis added). In strict usage, legislators are public *officers* rather than employees. The mention of both public officers and public employees at the beginning of the quoted sentence indicates that the drafter was aware of that distinction; and the terms “public officer” and “public employee” are defined separately (720 ILCS 5/2-17 and 5/2-18) in the Criminal Code of 1961, of which this section is a part. But it seems unlikely that the General Assembly intended for state *employees* to report bribe attempts to the State Police, but for state *officers* to report them to the state’s attorney for the county.
  118. 5 ILCS 420/3-102.
  119. 5 ILCS 420/3-103.
  120. 5 ILCS 420/3-104.
  121. 5 ILCS 420/3-105.
  122. 5 ILCS 420/3-106.
  123. 5 ILCS 420/3-107.
  124. 720 ILCS 5/33-3.
  125. Ill. Const., Art. 8, subsec. 1(a).
  126. Opinion S-960 (1975 Ops. Atty. Gen., p. 212).
  127. 25 ILCS 115/4, end of first sentence.
  128. Opinion S-960 at p. 213.
  129. 30 ILCS 500/20-105.
  130. 720 ILCS 5/33-3.
  131. 25 ILCS 130/9-2.5 as amended by P.A. 96-886 (2010, eff. Jan. 1, 2011).
  132. 25 ILCS 115/4, fourth paragraph as amended by P.A. 96-886.
  133. 25 ILCS 130/9-2.5 and 25 ILCS 115/4, fourth paragraph.
  134. 30 ILCS 500/20-105, first paragraph, last sentence.
  135. See 30 ILCS 500/1-30(b).
  136. 230 ILCS 5/24(c) and (d).

137. 230 ILCS 5/24(f).
138. 50 ILCS 40/2.
139. 720 ILCS 5/33E-1 ff. (especially 5/33E-6).
140. These rules are in 5 ILCS 420/3-102 to 420/3-107.
141. 5 ILCS 420/3-201 to 420/3-205.
142. 5 ILCS 420/3-206.
143. 10 ILCS 5/29B-10.
144. 10 ILCS 5/29B-35.
145. 10 ILCS 5/29B-25.
146. Ill. Const., Art. 13, sec. 1.
147. *People ex rel. Keenan v. McGuane*, 13 Ill. 2d 520 at 534, 150 N.E.2d 168 at 176 (1958), cert. den. 358 U.S. 828, cited in *People ex rel. City of Kankakee v. Morris*, 126 Ill. App. 3d 722 at 725, 467 N.E.2d 589 at 592 (1984), review denied by Ill. Sup. Ct.
148. 10 ILCS 5/29-15. This section refers to “an infamous crime as such term is defined in Section 124-1 of the Code of Criminal Procedure of 1963” (Ill. Rev. Stat. through 1985, ch. 38, sec. 124-1). However, that section was repealed in 1986.
149. 730 ILCS 5/3-3-8(d) and 5/5-5-5(b).
150. *Coles v. Ryan*, 91 Ill. App. 3d 382, 414 N.E.2d 932 (1980).
151. 10 ILCS 5/25-2(5) and fifth unnumbered paragraph in the section.
152. 40 ILCS 5/2-156.
153. Ill. Const., Art. 4, subsec. 2(e), first paragraph.
154. Opinions S-1027 (1976 Ops. Atty. Gen., p. 49) and 80-027 (1980 Ops. Atty. Gen., p. 116).

# CHAPTER 8

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## STATE BUDGET AND APPROPRIATION PROCESS

Even if the General Assembly passed no substantive bills, it would still need to meet each year and appropriate money to fund the state government. Until 1969 the General Assembly passed appropriations for 2 years at a time (biennial appropriations). A single-year annual budget and appropriations were enacted in 1969. The 1970 Constitution mandated annual budgets and appropriations.

### Governor's Budget

The budget and appropriation season opens on the third Wednesday in February, when the Governor presents his proposed budget to a joint session of the General Assembly.<sup>1</sup> The Governor outlines his fiscal program for the year and argues for its adoption. This message also alerts the many groups interested in state programs about how much support they can expect from the Governor. This budget message is the first round in the fight for state money.

The Governor's proposed budget for the current fiscal year (2011) was a volume about an inch thick. It showed estimated revenues available to the state for the next fiscal year and, as required by the Constitution,<sup>2</sup> set forth "a plan for expenditures and obligations during the fiscal year of every department, authority, public corporation and quasi-public corporation of the State, every State college and university, and every other public agency created by the State . . . ." It listed categories of programs such as education, transportation, and public safety, describing in detail how much money the Governor proposed to allocate for each purpose by department or agency, and what objectives would be met by those expenditures. A separate book outlined a plan of capital improvements for the year, and a program to fund them. Proposed expenditures were listed and compared to the same categories from recent years. The Governor's proposed budget also set forth exact amounts proposed to be enacted in appropriations, categorized by line items for each agency.

The State Finance Act says the Governor's proposed appropriations are to be prepared in the form of one or more bills, and within 2 session days after the budget message are to be<sup>3</sup> either introduced in the General Assembly or sent to the legislative leaders.

### Restrictions on Spending Public Funds

The Constitution imposes several general restrictions on how public money can be spent:

- (1) Public funds, other public property, and public credit may be used only for public purposes.<sup>4</sup> Illinois court decisions have held that the fact that some benefits will flow to a private organization does not make an expenditure unconstitutional, if it serves a public purpose.<sup>5</sup>
- (2) Public funds can be spent only as authorized by law.<sup>6</sup> Records of those expenditures must be available for public inspection.<sup>7</sup>
- (3) Appropriations may not exceed funds estimated by the General Assembly to be available for the fiscal year.<sup>8</sup> To meet this requirement, the Commission on Government Forecasting and Accountability issues an estimate of all anticipated income of the state for each upcoming fiscal year. A law requires the Commission to make such estimates to the General Assembly at the start of each regular session, and update it on the third Wednesday in March. The Commission is also required on that date to issue estimates of pension funding requirements and<sup>9</sup> state employee group health insurance costs for the next fiscal year.

### Appropriations Bills

Every deposit of money into the state treasury goes into a particular fund. The main fund for running state government is the General Revenue Fund (GRF). Money in the GRF is not “earmarked”—it can be appropriated for any lawful state purpose. Other funds, such as the Road Fund or Common Schools Fund, are restricted to specific uses prescribed by law. (As stated below, in recent years money has been taken from some special-purpose funds to help balance the state budget.) An appropriations bill specifies the fund in the state treasury from which the money is to be drawn.

Under the Illinois Constitution, appropriations bills must be limited to appropriations; they cannot propose substantive changes in law.<sup>10</sup> Thus every bill is either an appropriations bill or (as is much more common) a substantive bill. The cover page of an appropriations bill has the same kind of information as the cover page of a substantive bill: the bill number, sponsor, and a synopsis of its contents as introduced. The synopsis of an appropriations bill states the general purpose of the appropriation(s); the name(s) of the agency(ies) to receive them; their total amount; and how much is to come from which funds in the state treasury.

The text of an appropriations bill, which starts on its second page, has one or more sections, each stating the general use of a particular appropriation (such as for ordinary and contingent expenses of a named agency); amounts categorized into specific classes of expenditures; and the name(s) of the fund(s) in the state treasury from which the money is to come. The State Finance Act classifies appropriations into 18 categories<sup>11</sup> and defines the purposes of most of them.<sup>12</sup> The categories that typically receive the largest expenditures are personal services, contractual services, commodities, and equipment. Each sum to be spent in any classification is called a “line item.” Any item or reduction vetoes by the Governor are made to specific line items.

After an appropriations law is enacted, a department or agency may use each line item for only the purposes stated, with a limited exception: As much as 2% of each agency's *total* appropriations can be transferred among purposes; but this may be done only within the same fund in the state treasury,<sup>13</sup> and may not be a transfer from a line item for (1) personal services, (2) contributions to the State Employees' Retirement System, (3) employee retirement contributions paid by the employer, or (4) employee group insurance.<sup>14</sup> A 2009 act made an exception, for fiscal year 2010 only, to exclusions (1) to (3).<sup>15</sup> Some agencies have special transfer authority for specified line items.<sup>16</sup> If a larger transfer is needed, or a deficiency or supplemental appropriation is needed before the end of a fiscal year, the agency must ask the General Assembly to provide it.

Occasionally an appropriation is made for a specific project or event (an example might be the New Members' Conference) rather than by spending categories. This is called a "lump-sum" appropriation. It is a separate appropriation for a single project, so no transfers can be made into or out of it.<sup>17</sup>

An appropriations bill covers no more than one fiscal year; in some cases it may further divide a line item into parts to be spent during only half of the fiscal year. For example, if a general election will occur during a fiscal year, and there could be changes in the holders of some offices, the General Assembly typically allows no more than half of each appropriation for operating those offices to be spent in the first 6 months of that fiscal year (July through December).

Although appropriations bills must be limited to appropriations, there is no limit on how many appropriations can be in one bill. Most or even all of the state budget can be appropriated in one bill, as was done for fiscal years 2007<sup>18</sup> and 2008.<sup>19</sup>

Appropriations bills must meet the same procedural requirements for passage as other bills.

## Fund Transfers

In fiscal year 2003 the state began transferring money not currently needed from some special-purpose funds to the General Revenue Fund to reduce budget deficits. This has been done in four ways: fund sweeps, charge-backs, increased-fee transfers, and Executive Order 03-10 transfers (the latter during fiscal year 2004 only). Fund sweeps are amounts directed by a Public Act to be transferred during the current or next fiscal year. Charge-backs occur when the Governor, under statutory authority, directs the transfer of a sum from a fund held by the State Treasurer to the General Revenue Fund to help defray the state's operating costs in a fiscal year. Such transfers (which were permitted only through June 30, 2007) are limited each fiscal year to the lesser of (a) 8% of revenues to be deposited into the fund in that fiscal year, or (b) an amount that will leave in the fund 25% of the amount at the beginning of that fiscal year; some funds are exempt from such transfers.<sup>20</sup> Transfers that were directed to be made by February 28, 2006 but were still pending on May 19 of that year were to be redirected as follows: of the first \$250 million, one-third each to the Drug Rebate Fund, Hospital Provider Fund, and Long-Term Care Provider Fund; all of the remainder to the General Revenue Fund.<sup>21</sup>

Increased-fee transfers are transfers from funds that are receiving higher revenues due to increased fees. The Governor allocates an amount to be received by the General Revenue Fund after calculating whether the money in the fund is sufficient to satisfy appropriations from that fund in a given year. Some funds are exempt from this type of transfer also.<sup>22</sup> Transfers that were directed to be made by February 28, 2006 but were still pending on May 19, 2006 were to be redirected in the manner described above.<sup>23</sup> “Executive Order 03-10” transfers (used only in fiscal year 2004) were transfers of funds that went unused due to savings from consolidating several state operating functions under the Department of Central Management Services (CMS).

Total special transfers by fiscal year are shown below.

<i>Fiscal year</i>	<i>Amount (millions)</i>
2003	\$165.0
2004	522.3
2005	505.8
2006	305.1
2007	314.5
2008	34.3
2009	27.7
2010	287.2
<b>Total</b>	<b>\$2,161.9</b>

**Notes Required on Some Kinds of Bills**

Several laws allow legislators to demand the filing of “notes” giving information on some kinds of bills—or even require notes on all bills in a category. These notes attempt to project possible effects (usually financial) if a bill becomes law. The kinds of such “impact notes” that can be demanded (or are automatically required by law for some types of bills) are: fiscal, pension, judicial, state debt, correctional budget and impact, home rule, balanced budget, housing affordability, and state mandates. The *Legislative Synopsis and Digest* entry on a bill may state that it is subject to one or more of these note requirements. They are described below.

**Fiscal Notes**      The sponsor must obtain a fiscal note before the Second Reading of any non-appropriations bill that would directly or indirectly increase spending of state funds; increase or reduce state revenues; increase spending by or change revenues to units of local government, school districts, or community college districts; revise the distribution of state aid among any such units; or amend the Mental Health and Developmental Disabilities Code or the Developmental Disability and Mental Disability Services Act. The sponsor is to send a copy of the bill to the agency whose costs or duties would be most affected, asking it to prepare a fiscal note. That agency is to furnish a note within 5 calendar days unless the sponsor authorizes an extension due to the bill’s complexity. The note is to provide an estimate of the immediate and possible long-range fiscal effects of the bill. Another provision says that if a bill would authorize capital expenditures or appropriate funds for them, the Governor’s Office of Management and Budget is to

prepare a fiscal note projecting the principal and interest payments in each year that would be required to finance the spending.<sup>24</sup> Similar projections are to be made for any bill to authorize bond issuance.<sup>24</sup> Legislators' opinions on the accuracy of estimates in a fiscal note sometimes depend on whether the legislators support or oppose the bill to which it relates.

Pension Impact Notes

If a bill would amend the Illinois Pension Code or the State Pension Funds Continuing Appropriation Act, the Clerk of the House or Secretary of the Senate is to send a copy to the Commission on Government Forecasting and Accountability, asking it to provide a pension impact note within 7 days.<sup>25</sup> Such a note describes the immediate and long-range financial effects of proposed changes to public pension systems. The Commission may also comment on the merits of the bill.<sup>26</sup> Copies of the note go to the Presiding Officer and Minority Leader of each house; the Clerk and Secretary; the chairman of the committee in each house that considers pension bills; the sponsor; and the legislator (if any) who asked for the note.<sup>27</sup>

Judicial Notes

If a bill would have the purpose and effect of increasing or reducing the number of any category of state judges, the sponsor must send a copy to the Illinois Supreme Court and ask it to provide a judicial note within 5 days, unless the bill's complexity requires more time. Such a note estimates the need for an increase or decrease in judges, based on population and caseload data for the area affected. If this need cannot be determined, the note will say so and give the reason.<sup>28</sup>

State Debt Impact Notes

If a bill would increase the state's authorized long-term debt, or appropriate money from bond financing, the chairman of the committee that assigns bills to committees in its house of origin (presumably meaning that house's Rules Committee or Committee on Assignments) is to send a copy to the Commission on Government Forecasting and Accountability, asking it to provide a state debt impact note within 7 days. The sponsor may allow an additional 7 days due to bill complexity.

The fiscal note for a bill proposing to increase the amount of debt authorization is to describe the current outstanding debt authorizations and project the cost of retiring the proposed additional bonds. The fiscal note for a bill proposing to appropriate from bond proceeds is to give an estimate of the impact of the bill on the state's debt-service costs; the intended purpose and useful life of the proposed project; and its maintenance and operating costs.

Copies of the note are sent to the Presiding Officer and Minority Leader of each house, the Clerk and Secretary, the sponsor, the chairmen and minority spokespersons of the appropriations and revenue committees of each house, and the legislator (if any) who asked for the note.<sup>29</sup>

Correctional Budget and Impact Notes

If a bill would create a new crime; lengthen the possible prison term for an existing crime; or impose mandatory imprisonment, the sponsor must file a correctional budget and impact note in the house of origin. The Department of Corrections is to prepare the note within 10 calendar days after the request. The note must give factual information on the impact the bill would have on the size of the prison population, and the likely impact on the Department's annual budget.<sup>30</sup>

If a bill would create a new crime punishable by detention in a juvenile facility, probation, intermediate sanctions, or community service; or increase the punishment for an existing crime so as to require commitment to a probation and court services department, the sponsor must file a correctional budget and impact note in the house of origin. The Administrative Office of the Illinois Courts is to prepare the note within 10 calendar days after a request, unless the sponsor allows an extension of 5 days due to the bill’s complexity. The note must give factual information on the likely effects the bill would have on probation caseloads and staffing needs statewide, and on the annual budgets of the Illinois Supreme Court and of counties.<sup>31</sup>

Home-Rule Notes

If a bill proposes to deny or limit any power or function of a home-rule unit, the sponsor must file a home-rule note in the house of origin. The Department of Commerce and Economic Opportunity is to prepare the note within 10 days after the request, unless the sponsor allows an extension of 5 days due to the complexity. The note is to include immediate effects of the bill, and long-term effects if foreseeable.<sup>32</sup>

Balanced-Budget Notes

The sponsor of a bill or amendment proposing a supplemental appropriation to change the allocation of General Funds revenues must prepare a balanced-budget note and file it in the house where the bill or amendment is being considered. The note is to include a discussion of a proposed reduction in other spending, or increases in state revenues, that would allow the bill (if enacted) to avoid “adversely affecting” the state budget for that fiscal year. Each note must be submitted to the Clerk or Secretary (of the house that has the supplemental appropriation before it), who is to give copies to the Presiding Officer and Minority Leader; the chairperson and minority spokesperson of the appropriations committee to which the bill is or was assigned; and the sponsor of the bill (and of the amendment if different).<sup>33</sup>

Housing Affordability Impact Notes

If a bill would directly increase or reduce the cost of building, buying, owning, or selling single-family residences, the sponsor must ask the Illinois Housing Development Authority (IHDA) to prepare a housing affordability impact note to be filed in the house of origin. IHDA is to prepare the note within 5 days unless the bill’s complexity requires more time.<sup>34</sup> The note must project the bill’s immediate financial effects and, if possible, long-range effects. A summary or worksheet of computations used to make the cost estimate must be attached to the note.<sup>35</sup>

State Mandate Notes

The State Mandates Act says that if a law puts added responsibilities on units of local government, school districts, or community college districts, causing their revenues or expenditures to change (or if it would change the distribution of state funds to them), the state must reimburse them—except that some categories of proposed changes do not require reimbursement.<sup>36</sup> Any bill proposing a kind of change for which the Act requires reimbursement must have a fiscal note stating the amounts of fiscal changes it would cause. For a bill that would affect units of local government, the state mandates note is prepared by the Department of Commerce and Economic Opportunity. If the bill would affect school districts, the note is prepared by the State Superintendent of Education. The note for a bill that would affect community college districts is prepared by the Illinois Community College Board.<sup>37</sup> (A 2010 act amended the School Code to say that, subject to some exceptions, public and private schools need not comply with any future state mandates for which the state does not provide funding.<sup>38</sup>)

The most common way of dealing with the State Mandates Act has been to include, in a bill that proposes a new program, an exemption of that new program from the Act.<sup>39</sup> But even if a bill calls for such an exemption, a note must still be filed with it.<sup>40</sup>

General Points on Notes

The following provisions are found in several of the laws requiring notes:

- In most cases, if a bill needing a note is amended in a way that substantially alters the information on which the note was based, the note must be revised to reflect the change.
- If a legislator who is not the sponsor requests that a note be furnished, the bill can be held on Second Reading until a note is provided.
- If there is a dispute about whether a note is required on a bill, and the dispute cannot be otherwise settled, the sponsor can ask the full house to decide the question by majority vote.

Real Estate Appraisals in the House

A House rule requires that if a bill provides for any real estate owned by the state to be conveyed (except to another government), a certified appraisal of it must be filed with the Clerk of the House.<sup>41</sup>

**State Debt Authority**

The Finance Article of the Constitution says that the Governor may not propose expenditures for a fiscal year that would exceed estimated revenues,<sup>42</sup> and the General Assembly may not appropriate amounts that exceed estimated revenues.<sup>43</sup> Thus the Constitution directs that the state's annual operating budget be balanced. But the Constitution permits the state to incur long-term debt, or short-term "casual" debt, using procedures described in the following paragraphs.

Long-Term Debt

This is the method the state uses for most of its borrowing, typically including borrowing for major construction projects. Such projects are usually funded by general obligation ("GO") bonds, which are secured by the state's full faith and credit. The Constitution requires long-term GO debt to be authorized by a law stating the purpose of the project and providing for repayment. A law authorizing long-term debt must be either (1) passed by three-fifths of members elected to each house, or (2) passed by the usual constitutional majority in each house *and* approved at a referendum by a majority of persons voting on the question.<sup>44</sup> Only the first method has been used since this provision was adopted as part of the 1970 Constitution.

Short-Term Debt

This form of debt is incurred for a short time if unanticipated events cause a temporary excess of spending over revenues. The Constitution provides two ways to incur short-term debt:

- (1) The state may provide by law for incurring debt in anticipation of revenues, in an amount up to 5% of total appropriations for that fiscal year. Such debt must be repaid from that fiscal year's revenues.<sup>45</sup>
- (2) The state may provide by law for incurring debt due to emergencies or failures of revenue in an amount up to 15% of total appropriations for

that fiscal year. Such debt must be repaid within 1 year after it is incurred.<sup>46</sup>

A statute on short-term borrowing authorizes the Governor, Comptroller, and Treasurer jointly to borrow an amount equaling up to 5% of the state's annual appropriations to meet a short-term imbalance between revenue and spending.<sup>47</sup> Amounts so borrowed must be repaid by the end of that fiscal year. This act was used in fiscal years 1983, 1992, 1993, 1994, 1995, 1996, 2003, 2005,<sup>48</sup> 2006, 2007, 2008, and 2009 to meet temporary shortfalls in state revenues.<sup>48</sup> Under another section of that act, those three officials jointly can borrow an amount equaling up to 15% of the state's appropriations for the fiscal year, but only with 30 days' advance written notice to the Clerk of the House, Secretary of the Senate, and Secretary of State. The notice must include a list of fiscal measures they recommend to restore the state's fiscal soundness.<sup>49</sup>

#### Medicaid Borrowing

A 2004 law authorized a sale of up to \$850 million in general obligation bonds to finance Medicaid and medical services provided under the Children's Health Insurance Program Act.<sup>50</sup> The law said that all proceeds were to be deposited into a newly created Medicaid Provider Relief Fund and be repaid within 1 year.<sup>51</sup> Some of the short-term borrowing described above has been used to fund Medicaid.

#### Revenue Bonds

The General Assembly can authorize state agencies to issue bonds that are to be repaid using only revenues from projects financed by those bonds—such as tolls from toll highways or rents from buildings.<sup>52</sup> Such “revenue bonds” are not direct obligations of the state. But issuing them can still affect the state's credit rating—particularly if bond buyers believe that the state has what they call a “moral obligation” to repay them. (Buyers consider revenue bonds to be backed by a “moral obligation” if they believe that the General Assembly—although not legally obligated to do so—would vote to pay off the bonds if necessary to avoid default, for the sake of protecting the state's credit reputation.) If the bond market perceives a revenue bond issue as being backed by a moral obligation, credit rating agencies will take that bond issue into account when rating the state's other debt—because even a voluntary repayment of debt would take money that otherwise might be available to pay debt that the state is legally obligated to pay.

### Post-Appropriations Reports

Two reports, both issued by the Comptroller, can be helpful in understanding how state money is distributed through appropriations.

The first is *Illinois Appropriations*, issued after the General Assembly and Governor have finalized the budget for a fiscal year. This book summarizes appropriations for the fiscal year in tables. It also reprints the fiscal year's appropriations act(s), with appropriations classified by agency.

The other book is the *Illinois Annual Report*, published after the state's account books for the fiscal year are closed. It shows all receipts and expenditures of state funds. For each office, department, or other agency, it reports amounts appropriated, spent, and lapsed (allowed to go unspent). The figures on spending include spending during the “lapse period”—consisting of

the months of July and August, during which agencies can pay outstanding bills that they had incurred under appropriations for the fiscal year that just ended.<sup>53</sup> The lapse period for paying bills from fiscal year 2010 was extended to December 31, 2010.<sup>54</sup>

- Notes
1. See 15 ILCS 20/50-5(a), first sentence. That sentence allowed postponement of the message until the second Wednesday in March in 2010. The speech had also been statutorily allowed to be postponed in 2003, 2007, and 2009.
  2. Ill. Const., Art. 8, subsec. 2(a).
  3. 30 ILCS 105/13.4.
  4. Ill. Const., Art. 8, subsec. 1(a).
  5. See, for example, *People ex rel. City of Urbana v. Paley*, 68 Ill. 2d 62, 368 N.E.2d 915 at 920-921 (1977); *Friends of the Parks v. Chicago Park Dist.*, 203 Ill. 2d 312, 786 N.E.2d 161 (2003); *Empress Casino Joliet Corp. v. Giannoulis*, 231 Ill. 2d 62 at 86-87, 896 N.E.2d 277 at 294-95 (2008).
  6. Ill. Const., Art. 8, subsec. 1(b).
  7. Ill. Const., Art. 8, subsec. 1(c).
  8. Ill. Const., Art. 8, subsec. 2(b).
  9. 25 ILCS 155/4.
  10. Ill. Const., Art. 4, subsec. 8(d), second paragraph.
  11. 30 ILCS 105/13.
  12. 30 ILCS 105/14, 105/15a to 105/16, and 105/20 to 105/24.7.
  13. 30 ILCS 105/13.2(a) to (a-3) and (c).
  14. 30 ILCS 105/13.2(a-2).
  15. P.A. 96-820, sec. 5-10 (2009), amending 20 ILCS 105/13.2(a-2) by adding what is now its fifth sentence.
  16. See 30 ILCS 105/13.2(b) and (e).
  17. See 30 ILCS 105/13, last paragraph, and 105/13.2(a-2), first sentence.
  18. P.A. 94-798 (2006), enacted by S.B. 1520 (Trotter-Schoenberg-Hunter-J.Collins—Madigan-Hannig-Burke-M.Davis).
  19. P.A. 95-348 (2007), enacted by H.B. 3866 (Madigan-Hannig-M.Davis—Trotter-J.Collins-Crotty-Schoenberg).
  20. 30 ILCS 105/8h.
  21. 30 ILCS 105/8h(a-5) and 30 ILCS 105/8n.
  22. 30 ILCS 105/8j.
  23. 30 ILCS 105/8j, sixth paragraph.
  24. 25 ILCS 50/1 ff.
  25. 25 ILCS 55/2.
  26. 25 ILCS 55/3 and 55/4.
  27. 25 ILCS 55/2.
  28. 25 ILCS 60/1 ff.
  29. 25 ILCS 65/1 ff.
  30. 25 ILCS 70/2(a) and 70/3.
  31. 25 ILCS 70/2(b) and 70/3.
  32. 25 ILCS 75/1 ff.
  33. 25 ILCS 80/1 ff.
  34. 25 ILCS 82/5 and 82/10.
  35. 25 ILCS 82/20.
  36. 30 ILCS 805/6.
  37. 30 ILCS 805/8(b)(2).
  38. P.A. 96-1441 (eff. August 20, 2010).
  39. See 30 ILCS 805/8.1 ff. until 30 ILCS 805/9.1.

40. See 30 ILCS 805/8(b)(1) (second paragraph) and 805/8(b)(2).
41. House Rule 41(b), 96th General Assembly.
42. Ill. Const., Art. 8, subsec. 2(a).
43. Ill. Const., Art. 8, subsec. 2(b).
44. Ill. Const., Art. 9, subsec. 9(b).
45. Ill. Const., Art. 9, subsec. 9(c).
46. Ill. Const., Art. 9, subsec. 9(d).
47. 30 ILCS 340/1.
48. Commission on Government Forecasting and Accountability, "FY 2011 Capital Plan," p. 23.
49. 30 ILCS 340/1.1.
50. P.A. 93-674 (2004). The Children's Health Insurance Program Act is created by 215 ILCS 106/1 ff.
51. 30 ILCS 342/5 as amended by P.A. 93-674, sec. 15.
52. Ill. Const., Art. 9, subsec. 9(f).
53. 30 ILCS 105/25(b).
54. 30 ILCS 105/25(b), third paragraph.

# CHAPTER 9

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## OTHER PARTICIPANTS IN THE LEGISLATIVE PROCESS

The actions needed to pass bills take place not only in committees and the House and Senate chambers, but in a much broader environment, where a host of actors and institutions seek to influence those actions. No legislator suffers from a lack of advice. People representing agencies in the executive branch, various kinds of private lobbyists, the news media, and to some extent even the judiciary get involved in legislative action. As the session proceeds, busloads of constituents arrive. They fill the State House halls and grounds for demonstrations. They shout; they cheer; they sing. As the saying has it, "Everybody tries to get into the act."

### The Executive Branch

The Governor is the only officer in the executive branch who has a formal constitutional role in lawmaking. But other elected officials in that branch also have legislative agendas, and seek to influence lawmaking.

#### The Governor

The Governor exerts powerful influences over what will be enacted. These influences start with the political (through ability to get press coverage and focus public attention on a legislative agenda) and end with the constitutional (through ability to reject, or propose changes in, bills passed by both houses).

The Governor gets the first official word at the start of each year's legislative process. Annual State of the State and budget messages set forth the Governor's legislative purposes. Arrangements between the Governor and legislators then begin to form. A Governor normally gets a core of support from legislators of his own party, and negotiates for any other votes needed to enact his program. In return for their support, legislators expect favorable consideration by the Governor of their interests. That can include things such as signing the legislator's bills; permitting the legislator to sponsor administration-backed bills that will raise the legislator's standing with constituents; funding projects in the legislator's district; providing appointments or jobs to constituents; appearing at an important public event in the district; and if of the same party, appearing at the legislator's political event.

Such favors are the coin of the legislative realm. Their use is not limited to members of the Governor's own party; the Governor's powers of persuasion can reach across the aisle for votes from the other party if his own party does not provide a needed majority. (A Governor may also try to develop support

on the other side to establish bipartisan responsibility for a controversial bill.) A Governor also has a political constituency that can be invoked to help move bills in the General Assembly, and groups interested in some aspect of his program that can be enlisted in the cause.

When persuasion fails, the veto pen takes over. The Governor's extensive veto powers loom large in the background of the legislative process. It is difficult enough to pass a bill. But any bill that has passed faces a potential veto, in which case the sponsor may need to mount an override effort. It normally is better to have the Governor favoring your bill than opposing it. For this reason, legislators spend considerable time trying to read the Governor's mind.

#### Other Executive Officers

The other elected executive-branch officers have no constitutionally stated roles in lawmaking. But each year they propose budgets for their own operations in the next fiscal year (which are examined first by the Governor's Office of Management and Budget) and seek to get needed appropriations passed and approved by the Governor. They also are interested in bills that would affect the functioning of their offices. The Secretary of State and Attorney General often have their own legislative programs. Thus they seek to maintain good relations with legislators. The executive-branch officers usually appear before legislative committees when appropriations or other bills affecting them will be heard.

#### Legislative Liaisons

Each of the executive offices, and every department or major agency in state government, has one or more legislative liaisons to represent it to legislators and their staffs. Due to the Governor's extensive interest in bills, the Governor has a staff of legislative liaisons. These representatives of the Governor play an active role in legislative sessions. A Senate rule allows "the designated aide to the Governor" access to the floor during sessions.<sup>1</sup> A House rule does the same "except as limited by the Speaker."<sup>2</sup>

Each legislative liaison oversees all legislative matters of interest to the liaison's agency. The liaison's duties include alerting the agency to new bills that would affect it; arranging sponsorship for drafts that the agency wants to have introduced as bills; working with sponsors to have a bill amended if the agency considers that necessary; arranging for the agency to be represented when its testimony on a bill is needed; and contacting legislators to develop support for the agency's positions on bills.

Liaisons also help legislators with nonlegislative matters. Liaisons can help legislators on problems their constituents have with the agency; send information relating to the agency's work to constituents who need it; provide speakers for civic groups; and work with a legislator on any matter within the scope of the agency's activity.

In short, a legislative liaison is a combination diplomat, negotiator, errand-runner, counselor, and troubleshooter between an executive officer and the General Assembly.

## Lobbyists

The word “lobbyist” has acquired connotations not associated with the nobler virtues of representative government. But the role of lobbyist has a history reaching to the beginning of this nation. The Declaration of Independence complained that the colonists’ repeated petitions for redress “have been answered only by repeated injury.” The right to petition the government is guaranteed by both the U.S. and Illinois Bills of Rights.<sup>3</sup> The Illinois Constitution says: “The people have the right . . . to make known their opinions to their representatives and to apply for redress of grievances.”<sup>4</sup> To offer opinions and petitions for redress, both amateur and professional lobbyists come to Springfield every year.

### Lobbyist Registration Act

The Lobbyist Registration Act<sup>5</sup> requires a broad class of persons to register as lobbyists.<sup>6</sup> The Act, and regulations issued by the Secretary of State seeking to interpret and modify it,<sup>7</sup> impose a complex body of definitions and requirements. The following summarizes them, focusing on those that directly affect legislators. (The major direct effect of the Act on legislators is that it requires lobbyists to report all expenditures on behalf of legislators—even for items such as food and beverages—in a database accessible through the Internet. The Act also requires legislators to be informed that they will be named as beneficiaries of such expenditures; and it allows a legislator so named to dispute such a report.) The following is **not** a complete summary of the Act as it affects lobbyists.

### *Who must register*

The Act requires registration of anyone, not exempted under it, who (whether or not for compensation) either “undertakes to lobby” or pays anyone else to engage in lobbying.<sup>8</sup> The Act defines “lobbying” as “any communication with an official of the executive or legislative branch of State government . . . for the ultimate purpose of influencing any executive, legislative, or administrative action.”<sup>9</sup> Anyone (including a firm, organization, or group<sup>10</sup>) employing another person or entity for any of those purposes must also register<sup>11</sup> unless exempt as described in a later paragraph.

At least two important terms used in defining “lobbying” are also defined in the Act:

- An “official” is defined as anyone in the following categories: the six officers who are elected statewide; their chiefs of staff; their “cabinet members” including assistant directors and chief or general legal counsels; legislators; and members of every state “board, commission, authority, or task force” created by law or executive order.<sup>12</sup> The regulations say that the definition also includes other persons of “comparable ranking” to directors, assistant directors, and chief or general legal counsel, if the statewide executive officer employing them designates them as officials for this purpose.<sup>13</sup>
- The word “influencing” is defined as “any communication, action, reportable expenditure . . . or other means used to promote, . . . affect, . . . oppose or delay any executive, legislative or administrative action or to promote goodwill with officials . . . .”<sup>14</sup> The regulations define “goodwill” as “any expenditure made on behalf of officials which has no direct relation to a specific executive, legislative or administrative action regardless of whether the lobbyist making the expenditure is reimbursed . . . .”<sup>15</sup>

Thus, if read literally, the regulations require registration by anyone, not specifically exempted, who spends anything to benefit a public official.

The Act and regulations contain extensive lists of kinds of persons exempt from registration. They include legislators and employees of the General Assembly, legislative commissions, and legislative agencies.<sup>16</sup> (The Act and regulations also declare as exempt anyone who is not compensated, other than by reimbursement of up to \$500 of annual expenses, to lobby state government—*if* the person makes no expenditures that the Act requires to be reported.<sup>17</sup>)

Each person or organization required to register (a “registrant”) must file a statement within 2 business days after being employed to lobby, and by each January 31 while still a lobbyist. Each statement must report the registrant’s name and permanent address; e-mail address if any; fax number if any; business phone number; and any temporary address to be used while lobbying. The statement must also give the name and address of each entity employing the registrant to lobby; the nature of that client’s business; and which state agencies the registrant expects to lobby.<sup>18</sup> A registrant who is a human being (rather than a firm or organization) must annually give the Secretary of State either a personal photograph, or authorization to use a picture held by the Secretary of State (such as for driver licensing). Each registrant, including an organization that is required to register, must also pay an annual fee of \$1,000.<sup>19</sup>

*Filing of  
spending reports*

Each registrant must file a report on expenditures twice each month.<sup>20</sup> A registrant who ends activities for which registration is required must file a final report within 30 days.<sup>21</sup> Each report must list spending on items such as travel, lodging, meals, beverages, entertainment, gifts, and honoraria.<sup>22</sup> Kinds of spending by a registrant that need *not* be reported are the registrant’s pay and personal living and lodging costs; office and overhead costs; expenses incidental to serving on a legislative or other state study commission; political contributions that are required to be reported to the State Board of Elections; and any spending on behalf of an “official” that the official returns or repays to the registrant before the report is filed.<sup>23</sup> (A section of the Illinois Governmental Ethics Act prohibits a legislator from accepting an “honorarium” as that section defines that term.<sup>24</sup>)

The law directs the Secretary of State to provide an electronic filing system for lobbyists’ reports, and to offer a searchable database of all filings, including a picture of each registrant, on the World Wide Web.<sup>25</sup>

*Naming recipients  
of spending*

The Act requires registrants’ spending reports to name every legislator (or other official) on whose behalf any reportable expenditure was made.<sup>26</sup> The reports must also include the name and address of each client, and a description (itemized by client) of any lobbying action for each client, including the name of any executive, legislative, or administrative agency lobbied and the subject matter.<sup>27</sup>

Every registrant making an expenditure on behalf of a legislator or other official must give the official written notice, when making the expenditure, that it will be reported.<sup>28</sup> A legislator who does not get this notice, or who returns

the expenditure or reimburses the registrant for it, may contest the report at any time by sending a letter to the Secretary of State and to the registrant, to be available to the public along with registrants' reports.<sup>29</sup>

*Public access to reports*

All registration and expenditure reports are open for public inspection. The Secretary of State's regulations say they are also available for copying.<sup>30</sup>

*Enforcing the Act*

The Lobbyist Registration Act is enforced by the Secretary of State Inspector General. That office is directed to investigate allegations of violation of the Act and, if an allegation appears to be credible, to notify the subject of the alleged violation in writing. The alleged violator then has 30 days to dispute the allegation or agree to take action to correct it. If the alleged violator disputes the allegation, or fails to respond, the Inspector General is to transmit the evidence to the state's attorney of the county where a violation is alleged to have occurred or of Sangamon County, or to the Attorney General. If an alleged violator agrees to take corrective action, the Inspector General's notice and alleged violator's response will be available to the public.<sup>31</sup>

*Lobbyists:  
Who They Are*

The legislature of a major state such as Illinois attracts lobbyists representing many interests. Some work for business or union groups, such as the Illinois State Chamber of Commerce, AFSCME, and Illinois Education Association; professional organizations such as the Illinois State Bar Association, Illinois State Medical Society, and Illinois Society of Professional Engineers; or associations representing particular industries, such as the Printing Industries of Illinois or Illinois Petroleum Council. There are also issue-oriented groups, such as the Taxpayers' Federation of Illinois. Still other lobbyists represent very specific interests, such as individual major-league sports teams. As last reported by the Secretary of State's office in May, 2010, 1,562 persons and 1,542 other entities were registered lobbyists.<sup>32</sup> Some have permanent Springfield offices; others come from elsewhere (primarily the Chicago metropolitan area) during sessions; still others with more limited legislative interests visit Springfield only when a situation requires their presence.

The Secretary of State updates a two-part list of registered lobbyists twice a year. The first part is an alphabetical list of registered organizations, such as associations, companies, unions, and lobbying firms. The second part is an alphabetical list of individual lobbyists, with cross-references to their affiliations. The list can be downloaded from this Internet address:

www.cyberdriveillinois.com/  
departments/index/lobbyist/home.html

by clicking on the link labeled "Lobbyist List" or "Lobbyist Cross Reference List" followed by the name of the computer format preferred for downloading (PDF or ASCII).

*Lobbyists:  
How They Work*

Lobbyists have been described as the Third House of a legislature. Lobbyists for groups that receive state money (such as in highway construction, schools, and mental health agencies) often represent large constituencies. As those programs have grown in recent decades, so has the influence of

their lobbyists. Some lobbyists have been in Springfield longer than many of the legislators with whom they deal. Experienced lobbyists can recall bills introduced over the years on many subjects; the circumstances leading to their introduction and passage; or why they failed. They will know the history of a particular law, and how and why it has been amended over the years. Lobbyists can also be a major source of information to legislators on pending bills that would affect the interests they represent, and how those interests might be affected if the bills become law. Reputable lobbyists will honestly describe their opponents' arguments and evidence, if asked.

A lobbyist looks for a friendly legislator to introduce bills for the client, and will help that legislator develop support from other legislators, allied interest groups, and interested officials. If the client wants to seek amendment of a bill, the lobbyist contacts its sponsor, describes the client's position, and tries to get agreement to the proposed changes.

When a bill is to be heard in committee, the lobbyist may make the client's position known by registering with the committee clerk as a supporter or opponent; leaving a written statement with the clerk giving reasons for support or opposition; appearing as a witness on the bill; and/or arranging for friendly expert witnesses to appear and help the sponsor make a case for it.

The process of consultation between lobbyists and clients continues throughout the session. Bills can receive amendments that change a client's support into opposition, or vice versa.

As interest in what happens in Springfield has grown, the practice of "grass-roots lobbying" has expanded with it. Groups with legislative interests often keep their supporters advised of bills pending in Springfield through newsletters, Web sites, mass e-mails, and/or other electronic communication methods. Such communications list bills of significant interest to the organization, their sponsors, a brief description of their contents, and the group's positions on them. This may be accompanied by commentary on what is happening in the General Assembly, and often will suggest action by members to further the organization's legislative program. Such actions might include writing to or e-mailing legislators, calling them in Springfield, or contacting them in their districts. After a session, and before elections, some interest groups use their newsletters and/or Web sites to compare the voting records of individual legislators to those groups' legislative positions.

When an interest group mounts a major legislative effort, it may bring voters to Springfield to visit legislators in small groups. Such visits may be part of a larger rally or demonstration in the State House rotunda or on the State House grounds, complete with speeches and songs. These efforts usually occur in the middle to latter part of the spring session, when major bills are approaching Third Reading.

## **Partisan Staffs**

While legislators direct the legislative process, the General Assembly's operations are maintained by legislative staffs. There are various kinds of partisan staffers.

Administrative Staffs	<p>The House and the Senate offer essentially identical clerical and custodial services, but with differences in formal administrative structures. In the House, the Speaker is the chief administrative officer.<sup>33</sup> In the Senate the Senate Operations Commission is the chief administrative agency; the Secretary of the Senate is the Commission's secretary and administrator. (The Commission consists of the President and three assistant majority leaders; the Minority Leader; one assistant minority leader; and another senator appointed by the President.)<sup>34</sup> The administrative staff in each house includes the doorkeeper of the House and sergeant-at-arms of the Senate; clerks to keep accounts, process payrolls and vouchers, maintain personnel records and inventories, and operate the post offices and bill rooms; secretaries; custodians to maintain the chambers; and pages to run errands for members.</p>
<i>Clerk of the House and Secretary of the Senate</i>	<p>The offices of the Clerk of the House and Secretary of the Senate are the administrative core of the General Assembly. From the wells of the House and Senate chambers, the Clerk and Secretary record all business during a legislative session. They receive the bills, amendments, and resolutions introduced or submitted for consideration, reports of standing committees, and messages from the other house and the Governor. From this record, they prepare the daily journal for publication and assemble the calendar for the next day's business. They engross the bills with adopted amendments for consideration on Third Reading; enroll bills that originated in their house; and keep a record of bills going to the Governor. They also arrange for printing all bills, amendments, and conference committee reports. The Clerk of the House and Secretary of the Senate are chosen by the majority party. The assistant clerk and assistant secretary are chosen by the minority party.</p>
Chiefs of Staff	<p>Each of the four leaders has a chief of staff who is the executive officer directing and coordinating the administrative, committee, and other policy staffs for that leader.</p>
	<p>The organization and role of the policy staffs varies from session to session and from leader to leader; but in general they develop partisan positions on legislative matters. Although staffers may develop areas of expertise, they are often called on to do other functions and work in other areas as needs arise.</p>
Press	<p>Each partisan staff provides press relations assistance to its members by preparing press releases, speeches, and informational brochures to inform constituents about a legislator's activities in Springfield and in the district. Press releases are most often issued when a legislator introduces a bill or gets it passed (or in some cases, gets someone else's bill defeated). Press relations staff may also provide training for legislators on handling press inquiries, and on deportment at press conferences. They are also responsible for maintaining relations with both print and electronic news media.</p>
Constituent Services Staff	<p>Although most constituents' complaints and requests for information or help are handled by legislators' district office staffs, some such "casework" may be assigned to regular committee staffers. A staff may have a person assigned to do casework, or may assign a person to a group of legislators to do both casework and press services.</p>

Issues Development and Policy Staff	The Senate Democratic Communications Staff, House Democratic Issues Development Staff, and House Republican Policy Staff provide specialized, long-term planning and problem-solving services for legislators. The Senate Republicans have not formally designated a separate staff for these services. These staffers specialize in particular areas and try to identify issues for legislators to promote. They also act as contacts with interest groups. At the direction of their leadership, they often inform such groups of hearings on pending bills and muster support for favored ones.
Technical Review Staff	The House Democrats have a group of staffers to provide technical review of pending bills. It is their job to check bills, amendments, and other documents for correctness in page numbers, spelling, punctuation, statute reference, and the like. Persons on other partisan staffs may do similar functions without being so labeled.
Committee Staffs	The formal development of committee staffs dates back to 1967, after the temporary Commission on the Organization of the General Assembly recommended increased staff services for legislators and professional staffs for committees. An act on staff assistants <sup>35</sup> was enacted that year and the four partisan staffs were created. Generally each staff has two kinds of analysts—for substantive bills, and for appropriation bills—although the degree to which these staffs are formally separated varies by house and party.
<i>Substantive committee staffs</i>	<p>These staffs' structures parallel the standing committees. One or more staff members from each party work with each committee. These committee staffs analyze every bill sent to their committees. They are also called on to draft amendments to bills.</p> <p>Staff members can provide background material for a legislator's speech, or to answer constituent mail. If time permits, they do research within their subject areas at the request of a legislator.</p> <p>In the months after each session, the staffs prepare position papers and committee reports summarizing the important subjects covered during the session. During the veto session, they analyze veto messages and present analyses to legislators.</p>
<i>Appropriation staffs</i>	<p>The appropriation staffs usually prepare an analysis of each bill for the appropriations committee before it meets. If committee members decide to amend a bill, their staff prepares the necessary amendments.</p> <p>After committee meetings, the appropriation staff prepares material for the committee chairmen. The appropriation committee staff is available to answer questions, or to prepare amendments needed for floor action. The staffs also maintain cumulative totals of all appropriations that have been approved in committee or on the floor.</p> <p>In the summer, the appropriation staffs prepare reports summarizing the past session's activity; review agency appropriations and expenditures; respond to inquiries; and monitor the Governor's actions. They also analyze any item or reduction vetoes for the fall veto session.</p>

## The Auditor General

The 1970 Constitution created the office of the Auditor General to inform the General Assembly on use of public funds by state government. By establishing this office, the Constitution for the first time clearly put post-auditing of public funds under legislative jurisdiction. The Auditor General is chosen by vote of three-fifths of the members elected to each house. To ensure independence and objectivity, the Auditor General has a 10-year term, during which the salary for the office cannot be lowered. The Auditor General may be removed only for violating specific statutory provisions, and only by three-fifths vote of each house.<sup>36</sup>

By law, every state agency other than the Auditor General's office is subject to audit by the Auditor General at least once per biennium.<sup>37</sup> The Auditor General is to make a program audit of each state mental facility,<sup>38</sup> and other audits that are considered to be in the public interest or are directed by the Legislative Audit Commission or either legislative house.<sup>39</sup> Audits cover agency financial operations, program management, and compliance with state laws.<sup>40</sup> The audits are done principally by outside public accounting firms, acting as special assistant auditors under the direction of the Auditor General's staff. Under a 2008 law, the Auditor General also oversees the soundness of a trust to fund health care for retired Chicago Transit Authority workers.<sup>41</sup>

The Auditor General's office has developed an information classification, storage, and retrieval system to enable data obtained in audits to be used to locate trends, pinpoint recurring agency and program problems, and study the cumulative effects of agency conduct.

## Legislative Support Agencies

The Joint Committee on Legislative Support Services (consisting of the Senate President, House Speaker, and Minority Leader of each house) sets general policy, coordinates activities, and assigns studies to be done by the eight legislative support agencies. Each such agency except the Architect of the Capitol is governed by a board of 12 legislators, with three appointed by each leader. Those boards are appointed for 2-year terms starting February 1 of each odd-numbered year. The Joint Committee appoints the two co-chairmen of each board.<sup>42</sup> (The Board of the Architect of the Capitol consists of the Secretary and Assistant Secretary of the Senate, and the Clerk and Assistant Clerk of the House.<sup>43</sup>) These boards administer the agencies under the laws establishing them, and policies and regulations established by the Joint Committee.

### Architect of the Capitol

The Architect of the Capitol is directed to prepare and implement a long-range master plan for the historic preservation, restoration, construction, and maintenance of the State House complex. The plan is to be submitted for review and comment to the advisory Capitol Historic Preservation Board.<sup>44</sup> The Architect is also to monitor any work in the complex that might alter its historic integrity, and keep an inventory and registry of all historic items there.<sup>45</sup>

All contracts for construction or major repair of state buildings in the area around the Capitol (except the Supreme and Appellate Court buildings) must have the Architect's approval.<sup>46</sup> The Office of the Architect of the Capitol is also responsible for allocating space for the General Assembly and its agencies.<sup>47</sup>

With approval from the Board of the Office of the Architect of the Capitol,<sup>48</sup> the Architect can acquire nearby land to expand the complex.

Commission on Government Forecasting and Accountability

The Commission on Government Forecasting and Accountability provides information on the Illinois economy, and on revenues and fiscal operations of the state government. It has a statutory duty to project annual state receipts. A major purpose of these projections is to help the General Assembly meet the constitutional mandate of a balanced budget. The Commission's projections also provide an alternative to projections by the Governor. The Commission monitors long-range debt; prepares State Debt Impact Notes; and publishes a Legislative Capital Plan Analysis at least annually.<sup>49</sup> The Commission prepares an annual state economic report giving information on economic development and trends in the state and its regions, and the effect of economic trends on long-range planning and budgeting by the state.<sup>50</sup> In other capacities, it advises the Department of Central Management Services on matters relating to policy and administration of the State Employees' Group Insurance Act of 1971,<sup>51</sup> and administers the State Facilities Closure Act.<sup>52</sup>

The Commission also prepares Pension Impact Notes; makes a continuing study of public pension laws and practices in Illinois; and recommends changes to those laws and practices, reporting to the General Assembly annually or as necessary.<sup>53</sup>

Joint Committee on Administrative Rules

The Joint Committee on Administrative Rules examines proposed regulations issued by state agencies, and can object to those it considers contrary to law.<sup>54</sup> If three-fifths of JCAR's board determines that a proposed regulation does not meet statutory requirements, and poses a serious threat to the public interest, it can bar the regulation from taking effect unless the General Assembly by joint resolution decides otherwise.<sup>55</sup> JCAR is also required to examine all existing regulations of executive agencies every 5 years; hear complaints about regulations; monitor agencies' compliance with laws; and study legislative, administrative,<sup>56</sup> and court actions that may affect regulations and the rulemaking process.

Legislative Audit Commission

The Legislative Audit Commission reviews and makes recommendations to the General Assembly on audits of state funds received and spent by state agencies. It reports its findings and recommendations in writing. The Commission receives reports of the Auditor General and other financial statements. It also recommends measures, including changes in law, to correct defects in fiscal procedures.<sup>57</sup> The Illinois State Auditing Act empowers the Commission to direct the Auditor General's office to do special audits or investigations.<sup>58</sup>

Legislative Information System

The Legislative Information System operates the computer system that holds data for the General Assembly and its committees and service agencies. Services offered by LIS include the General Assembly's Web site, the laptop computer system for members, and a photocomposition system. That

system prepares copy ready for printing of legislative documents, such as the daily calendars, journals, and bill amendments.

The General Assembly's Web site ([www.ilga.gov](http://www.ilga.gov)) offers the following searchable databases, among others:

- summaries and texts of all bills, resolutions, adopted amendments, and conference committee reports
- indexing of bills by the chapters, acts, and sections of the Illinois Compiled Statutes that they would add, amend, or repeal (this database requires registration with the site but is offered at no charge)
- texts of Public Acts of the current and last several General Assemblies
- the Illinois Compiled Statutes, with changes reflecting recent amendatory acts

It offers the following information on legislative activities:

- weekly schedules of floor sessions
- committees, committee members, and hearing schedules
- rules of each house

The site also offers live audio and video feeds of House and Senate sessions; transcripts of sessions starting in 1971 when sessions were first required to be recorded; and various other information.

In cooperation with the Administrative Code Unit of the Secretary of State's office and JCAR, LIS maintains in a computer database the Illinois Administrative Code (the official compilation of state agency regulations) and the *Illinois Register*, which updates the Code weekly.<sup>59</sup> This information is provided on JCAR's Web site, hosted by LIS and linked to the General Assembly Web site.

#### Legislative Printing Unit

The Legislative Printing Unit prints legislative documents and reports, including daily calendars and amendments. It also prints letterheads, envelopes, newsletters, notepads, and other items for legislators.<sup>60</sup> The Printing Unit has rules governing printing for legislators, under policies set by the Joint Committee.<sup>61</sup>

#### Legislative Reference Bureau (LRB)

The primary service of the Legislative Reference Bureau is drafting bills, amendments, and resolutions for legislators. Legislators describe provisions they want in bills, and the lawyers on the LRB staff convert them into bill drafts. House and Senate bills, and most amendments to them, are either drafted or put into proper form by the LRB.

The LRB also prepares the revisory bills that are needed to bring Illinois laws into conformity with one another and with court decisions.<sup>62</sup> It drafts bills to implement executive reorganization orders that were not disapproved by the General Assembly.<sup>63</sup>

The LRB publishes the *Legislative Synopsis and Digest* each week during the legislative session, and a final issue early each year showing all the preceding year's actions. The *Digest*, as it is called, gives a brief summary of each bill or resolution still active that had been introduced, and of each amendment that had been adopted, by the end of the latest week. Below that information is a chronological synopsis of actions on the bill since its introduction. The *Digest* is indexed by subject, sponsor, and the parts of the Illinois Compiled Statutes to be affected by each bill. Two copies of the *Digest* are provided to each legislator. It is also sent to county clerks. Others can subscribe to it for a calendar year by sending a signed application with \$55 to the Legislative Reference Bureau, 112 State House, Springfield 62706.<sup>64</sup>

The LRB maintains a legal and legislative library for use by legislators and their staffs.<sup>65</sup> The library contains the annotated laws of all other states and of the United States; Illinois and federal court decisions, along with digests that can be used to find those decisions by subject; past General Assemblies' *Digests*, journals, and session laws; and other materials useful in lawmaking.

The Bureau prepares an annual report on recent federal and Illinois court decisions that may require changes or raise substantive issues as to Illinois laws.<sup>66</sup>

The executive director of the Bureau is automatically a member of the Illinois delegation to the National Conference of Commissioners on Uniform State Laws, and the Bureau supervises Illinois' participation in that body.<sup>67</sup>

Legislative  
Research Unit  
(LRU)

The Legislative Research Unit is the general-purpose research agency for Illinois legislators and their staffs. On request by legislators, partisan staffs, and committees, the LRU provides legal, scientific, economic, statistical, historical, and social information and analyses, and surveys of other states' laws on specific issues. Results of research are sent as formal Research

Responses, or in letters answering more specific inquiries. Urgent requests are answered by fax, e-mail, or telephone.

The LRU issues the following publications on a recurring basis:

- *Preface to Lawmaking*
- *1970 Illinois Constitution Annotated for Legislators*
- *Illinois Tax Handbook for Legislators*
- *Directory of State Officials*
- *Constituent Services Guide*
- *County Data Book*
- *State Assistance to Local Governments*
- *Federal Funds to State Agencies*

The LRU's quarterly legislative newsletter *First Reading* contains articles on issues in state government, and abstracts of reports that state agencies send to the General Assembly. The late-summer issue contains articles summarizing each major bill that passed both houses. The LRU also publishes booklets that legislators can distribute to constituents, on topics such as laws of interest to young persons or to older adults.

All officials making appointments to independent or interagency boards or commissions in state government are required to send written notice of those appointments to the LRU,<sup>68</sup> which keeps a computerized database of them.<sup>69</sup> Information on each appointee includes name, county of residence, date of appointment, and date of expiration of term.

The LRU helps members of the General Assembly learn about intergovernmental issues and communicate with federal, state, and local officials and agencies, and with the Council of State Governments and National Conference of State Legislatures. It is the official legislative agency for receiving grant information from federal agencies. A federal aid tracking system is administered jointly by the LRU and the Governor's Office of Management and Budget. The system provides data at least monthly to the General Assembly on federal grant applications, awards, and receipts.<sup>70</sup>

Other LRU activities include the New Members' Conference for new legislators; a seminar for district office staff early in each General Assembly; and the legislative staff internship program (administered in cooperation with the University of Illinois at Springfield).

## Notes

1. Senate Rule 4-3(a), 96th General Assembly.
2. House Rule 30(a), 96th General Assembly.
3. U.S. Const. Amdt. 1, cl. 3; Ill. Const., Art. 1, sec. 5.
4. Ill. Const., Art.1, sec. 5.
5. 25 ILCS 170/1 ff. The discussion here reflects the Act as amended by P.A.'s 96-555 (2009) and 96-1358 (2010).
6. See 25 ILCS 170/3(a) as amended by P.A. 96-1358, sec. 10.
7. The Secretary of State's regulations are codified in 2 Ill. Adm. Code secs. 560.100 to 560.420, but will need revisions to reflect changes made by P.A.'s 96-555 (2009) and 96-1358 (2010).
8. 25 ILCS 170/3(a).
9. 25 ILCS 170/2(e).
10. See 25 ILCS 170/2(a) (definition of "Person").
11. 25 ILCS 170/3(a)(2); 2 Ill. Adm. Code subsec. 560.200(b).
12. 25 ILCS 170/2(c).
13. 2 Ill. Adm. Code sec. 560.100.
14. 25 ILCS 170/2(f); 2 Ill. Adm. Code sec. 560.100.
15. 2 Ill. Adm. Code sec. 560.100.
16. 25 ILCS 170/3(a)(5).
17. 25 ILCS 170/3(a)(8); 2 Ill. Adm. Code subsec. 560.210(b).
18. 25 ILCS 170/5, first two principal paragraphs and subparagraphs (a) through (c-6) following the first principal paragraph.
19. 25 ILCS 170/5, last paragraph.
20. 25 ILCS 170/6(f). The semimonthly reporting requirement takes effect January 1, 2011.
21. 25 ILCS 170/6(c). The corresponding regulation is 2 Ill. Adm. Code sec. 560.305.
22. 25 ILCS 170/6(b) to (b-3).
23. 25 ILCS 170/6(b-7). The corresponding regulations are 2 Ill. Adm. Code secs. 560.310 and 560.340 to 560.370.
24. 5 ILCS 420/2-110.
25. 25 ILCS 170/5, third principal paragraph, and 170/7(c) and (d).

26. 25 ILCS 170/6(b). The corresponding section of the regulations is 2 Ill. Adm. Code subsec. 560.310(b).
27. 25 ILCS 170/6(b-1).
28. 25 ILCS 170/6.5(a).
29. 25 ILCS 170/6.5.
30. 25 ILCS 170/7(a). Provisions in the regulations on disclosure are in 2 Ill. Adm. Code subsec. 560.400(b).
31. 25 ILCS 170/11.
32. "Lobbyist List" (updated May 9, 2010, downloaded from Illinois Secretary of State's Internet site).
33. 25 ILCS 10/5.
34. 25 ILCS 10/4.
35. Laws 1967, p. 280, now codified as 25 ILCS 160/0.01 ff.
36. Ill. Const., Art. 8, sec. 3.
37. 30 ILCS 5/3-2, first paragraph.
38. 30 ILCS 5/3-2, third paragraph.
39. 30 ILCS 5/3-2 (last paragraph) and 5/3-3.
40. 30 ILCS 5/1-13 to 5/1-14.
41. P.A. 95-708 (2008), adding 30 ILCS 5/3-2.3 and amending 40 ILCS 5/22-101B among other changes.
42. 25 ILCS 130/1-5(c).
43. 25 ILCS 130/1-5(a)(2.5).
44. 25 ILCS 130/8A-15(b).
45. 25 ILCS 130/8A-15(e) and 130/8A-25.
46. 25 ILCS 130/8A-30.
47. 25 ILCS 130/8A-20.
48. 25 ILCS 130/8A-30.
49. 25 ILCS 155/3.
50. 25 ILCS 155/3(4).
51. 5 ILCS 375/3(e) and 375/4.
52. 30 ILCS 608/5-1 ff.
53. 25 ILCS 130/3A-1.
54. 5 ILCS 100/5-90 and 100/5-100 ff.
55. 5 ILCS 100/5-115.
56. 5 ILCS 100/5-100 to 100/5-130.
57. 25 ILCS 150/3.
58. 30 ILCS 5/3-15.
59. 25 ILCS 145/5.08.
60. 25 ILCS 130/9-2.
61. 25 ILCS 130/9-2.5.
62. 25 ILCS 135/5.04.
63. 25 ILCS 135/5.06.
64. 25 ILCS 135/5.02.
65. 25 ILCS 135/5.01.
66. 25 ILCS 135/5.05.
67. 25 ILCS 135/5.07.
68. 25 ILCS 110/1.
69. 25 ILCS 130/10-2, second paragraph.
70. 25 ILCS 130/4-2.1.

Preface to  
**LAWMAKING**

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