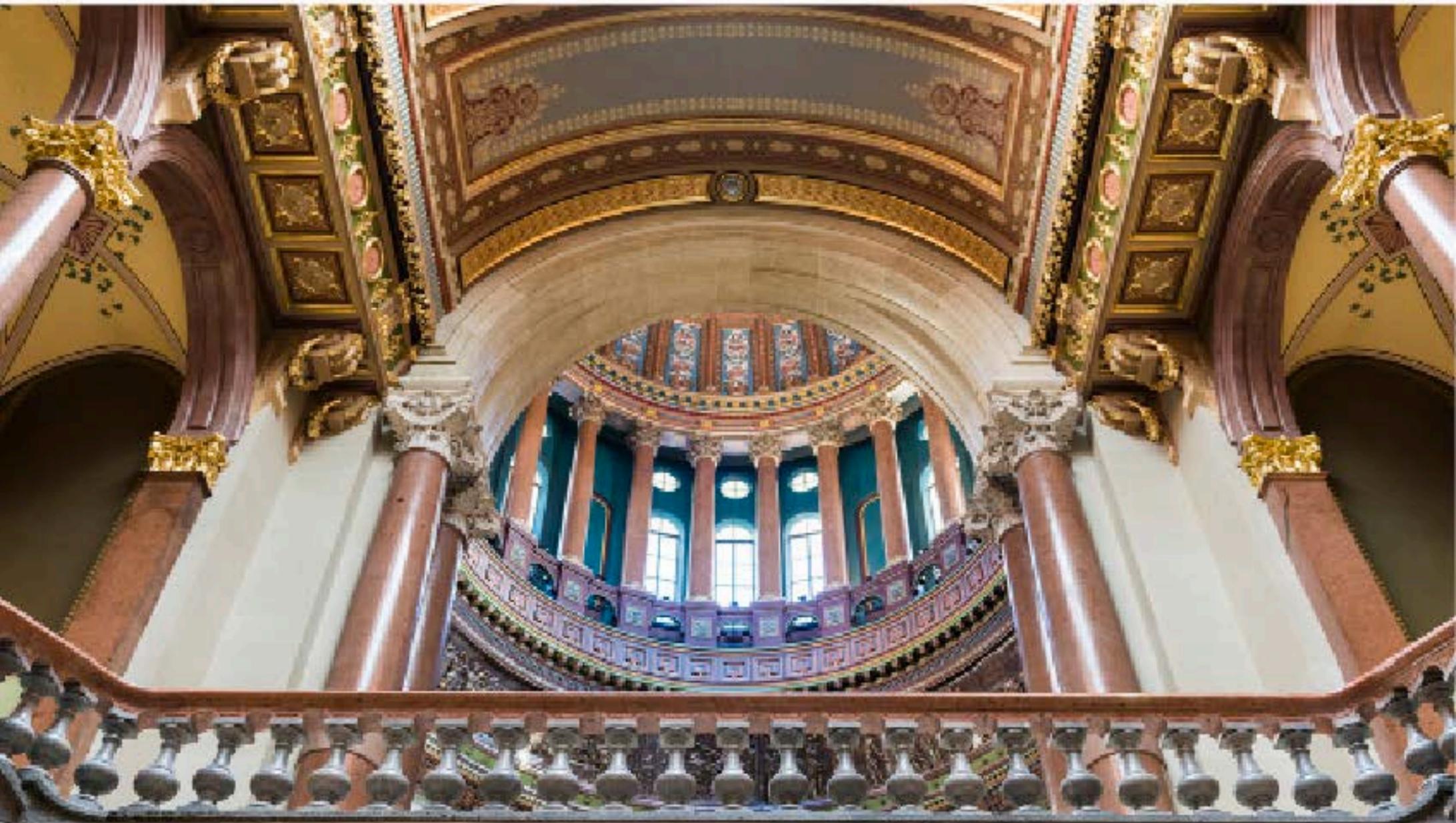


# PREFACE TO LAWMAKING

NOVEMBER 2016



ILLINOIS GENERAL ASSEMBLY  
LEGISLATIVE RESEARCH UNIT

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The Legislative Research Unit is the central general research agency for the General Assembly. A board of 12 legislators, appointed by the Joint Committee on Legislative Support Services, supervises its operations.

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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Preface to  
**LAWMAKING**

Eighteenth Edition

November 2016



## Foreword

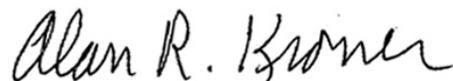
The Legislative Research Unit is pleased to present the Eighteenth Edition of *Preface to Lawmaking*, which presents and explains the legislative process, and is compiled for new legislators as a companion text for the biennial New Members' Conference.<sup>1</sup>

Although the First Edition of *Preface* appeared as a Preliminary Print in November of 1982 (with the actual First Edition following in August of 1983), the publication's roots began in November of 1960 with the Illinois Legislative Council's<sup>2</sup> publication *Lawmaking in the Illinois General Assembly*, which was prepared pursuant to Proposal 377 sponsored by Representative Warren L. Wood. *Lawmaking in the Illinois General Assembly* was an "experimental manual" that sought to provide a systematic survey of Illinois lawmaking procedures, delving into constitutional and statutory directives and examining the formal and informal rules of procedure that had been adopted by the two houses of the Illinois General Assembly. The original manuscript was prepared by Richard C. Spencer, professor of political science at Coe College, Cedar Rapids, Iowa. This work was adapted by Jack F. Isakoff, then research director of the Illinois Legislative Council, and Samuel K. Gove, then an associate professor at the Institute of Government and Public Affairs at the University of Illinois at Urbana-Champaign.<sup>3</sup> Revised editions appeared in 1963, 1968, and 1970. From then until the Preliminary Print of the First Edition of *Preface to Lawmaking* was published in 1982, various components of *Lawmaking* were issued separately and continued to be used as training materials at New Members' Conferences. However, no complete, comprehensive volume was published.

The Preliminary, First, and subsequent early editions of *Preface to Lawmaking* were primarily written and updated by Charles R. Scolare, a Legislative Council research associate with many years' experience as an observer of the General Assembly, with significant assistance provided by David R. Miller, then a staff attorney at the Council.<sup>4</sup> Mr. Miller, currently deputy director for research at the Legislative Research Unit, had assumed primary updating and editing responsibilities by the Fourth Edition, published in October of 1988, and continues to oversee the updating and editing of the publication today with assistance from various Legislative Research Unit staff.

*Preface to Lawmaking* continues to be used as the primary training text at New Members' Conferences. This Eighteenth Edition of the publication was used at the 26th Biennial Conference, held November 27 to 30, 2016 in Springfield, Illinois.

I hope you find it useful and informative.



Alan R. Kroner  
Executive Director

- Notes
1. The New Members' Conference is a training conference for newly elected members of the Illinois General Assembly. It is held after each General Election and is sponsored by the Legislative Research Unit, in conjunction with the Institute for Government and Public Affairs at the University of Illinois at Urbana-Champaign. It has been held after each General Election since 1966.
  2. The Illinois Legislative Council was the predecessor of the Legislative Research Unit. It was created in 1937 and continued to exist until the Legislative Research Unit was created by the Legislative Commission Reorganization Act of 1984 and assumed many of the Legislative Council's primary duties.
  3. Illinois Legislative Council, *Biennial Report of the Legislative Council for the Fiscal Years 1960-61 and 1961-62* (September 1962), p. 11.
  4. Illinois Legislative Council, *Preface to Lawmaking: Legislators' Introduction to the General Assembly* (Publication 172, Preliminary Print), November 1982, p. vii.

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# CHAPTER 1

## 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 also often help constituents who are having problems with state agencies.

All of these subjects are discussed in this chapter. Some are addressed in more detail in Chapter 6 (“Taxes, Campaign Finance, and Ethics Laws”).

### Legislative Salary and Benefits

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

Salary      Legislators’ salaries were last increased on July 1, 2008, 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 the Board’s 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). More recent acts have barred them since then,<sup>6</sup> including a 2016 act that barred them in fiscal year 2017.<sup>7</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	<p>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 (if 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.<sup>8</sup> The state reimbursement for automobile travel formerly was set at what the federal government pays its employees for such travel,<sup>9</sup> which was reduced to 54¢ per mile in January 2016.<sup>10</sup> But in each year since 2012 (including a 2016 act for fiscal year 2017<sup>11</sup>), Illinois laws have set the rate for Illinois legislators at 39¢ per mile.<sup>12</sup> Members using public transportation must submit original receipts to the fiscal officer of their house.</p> <p>During weeks in which the General Assembly is <i>not</i> in session, each senator is entitled to reimbursement for up to 2 days’ lodging and up to 4 days of meals in Springfield per month (if applicable), plus mileage for such trips between the district and Springfield.<sup>13</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.<sup>14</sup> Members’ travel reimbursements on <i>non-session</i> days are calculated using guidelines of the Legislative Travel Control Board (except the mileage reimbursement rate).<sup>15</sup> The latest version of the Board’s Travel Guide is available at</p> <p style="text-align: center;"><a href="http://www.auditor.illinois.gov">www.auditor.illinois.gov</a></p> <p>by clicking on the “Legislative Travel Control” link on the left side of the page. Current rates for lodging in Cook County vary by season. They are \$80 per day in the “collar” counties; \$70 per day in several other populous counties; and \$60 per day elsewhere in Illinois. The rate for meals and incidentals is \$28 per day in all Illinois counties.<sup>16</sup> Members must provide documentation of their lodging and other expenses to be reimbursed for out-of-session travel to Springfield. The tax status of these reimbursements is discussed in Chapter 6 of this book.</p>
Living Expenses	<p>While attending the General Assembly, each legislator is eligible for a <i>per diem</i> amount to cover each day’s lodging, meals, and incidental expenses.<sup>17</sup> That amount formerly was based on the amount allowed to federal employees while serving away from home in Springfield; but the laws mentioned above have kept it at \$111 since 2012.<sup>18</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. That topic also is discussed in Chapter 6.</p>
Housing and Parking in Springfield	<p>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.</p> <p>A parking space near the State House is assigned to each legislator at no charge.</p>
License Plates	<p>Each legislator is entitled to buy legislative license plates for up to two vehicles. If a legislator buys them for two vehicles, both sets get the same number. They</p>

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 by seniority in legislative service.<sup>19</sup> The administrative staffs of the House and Senate coordinate plate assignment with the Secretary of State's office.

**Group Insurance**  
*Where to find information*

Legislators get the same group insurance benefits as do state employees. Information on these benefits is on the Department of Central Management Services' Group Insurance website ([www.benefitschoice.il.gov](http://www.benefitschoice.il.gov)). Click on the [Benefits Website](#) link near the center of the page; then on the [State Employees Benefits](#) link in the upper-left area of the page that opens; and then on the [Group Insurance Benefits and Programs](#) link on the page that opens next. The following links on that page offer information on these major topics:

- [Benefit program books](#). These include the FY 2017 Benefit Choice Booklet (July 2016); the State Employee Benefits Handbook and amendments (updated July 2015, with eleven amendments, which have been incorporated); and the State Retiree, Annuitant and Survivor Benefits Handbook (updated July 2015 and one additional amendment).
- [Benefits Statements](#). Members can log in and view their benefit statements.
- [Contact Information](#). This link connects members to plan administrators and websites .
- [Dependent Coverage](#) offers information on dependent eligibility and coverage.
- [Rates and Calculators](#) shows group insurance rates, including those for members and dependents; civil unions; "non-IRS veteran children" (veterans' adult children up to age 30—who are eligible to be covered by group insurance but are not dependents for federal tax purposes); and COBRA coverage (temporary coverage for persons leaving a group).
- [Forms](#). This link offers downloadable forms for various employee benefits.

Clicking on the [Benefits Website](#) link, followed by the [State Employees Benefits](#) link, also gives access to a [Deferred Compensation](#) link and (under the "STATE EMPLOYEE BENEFITS" banner) links for other optional benefits, such as flexible spending for health or family needs and commuter savings.

*Enrollment periods*

The Internal Revenue Service requires (for purposes of deductibility of member contributions) that each group member choose from the available medical care options when entering state employment or during an enrollment period (normally each May).

Coverage elected during the annual Benefit Choice Period remains in effect for the plan year unless the member has a qualifying change in status or there is a special enrollment event that allows the member to change coverage elections. Qualifying change in status events include the following:

- Events that change an employee’s legal marital status, including marriage, civil union partnership, divorce, legal separation, civil union dissolution, annulment, or death of spouse.
- Events that change an employee’s number of dependents, including birth, death, adoption, placement for adoption, or termination of a domestic partner relationship.
- Events that change the employment status of the employee or of the employee’s spouse, civil union partner, or dependents, including ending or starting employment; strike or lockout; starting or returning from an unpaid leave of absence; change in work location; or change of employment that makes the person no longer eligible for benefits.
- Events that cause an employee’s dependent to be or cease to be eligible for coverage.
- A change of residence of the member, spouse, civil union partner, or dependent.

Details are in the latest edition of the State Employee Benefits Handbook on pages 11-14.

#### Health Insurance

Health insurance benefits available to legislators are the same as for 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 and available statewide.
- (2) Four health maintenance organizations (HMOs) covering various areas of the state.
- (3) Two open access plans (OAPs), available statewide.

All plans are funded mostly by the state, but require monthly “health care contributions” that are deducted from members’ pay. Dependent coverage, also subsidized by the state, is available for additional monthly deductions. Contributions deducted from pay are tax-exempt for the member, and for the dependent if the dependent is eligible as a tax dependent under the Internal Revenue Code. Contributions are higher for QCHP than for the other plans.

#### *Quality Care Health Plan*

Under QCHP, plan participants can choose any physician or hospital. The plan covers a comprehensive range of benefits; but care from a QCHP network provider generally has lower out-of-pocket costs. Notification to the plan administrator (CIGNA) for some medical services is required to avoid financial penalties, or even lack of coverage of a service. QCHP uses Magellan Behavioral Health for behavioral health benefits, and the CVS Caremark retail pharmacy network for prescription benefits. Each participant has an annual \$125 prescription deductible. Details on QCHP benefits are on pages 40-48 of the State Employee Benefits Handbook, or page 16 of the FY 2017 Benefit Choice booklet.

*Health Maintenance Organizations*

HMOs are managed-care plans that also provide a comprehensive range of benefits. But members must select a primary care physician (PCP) from a network of participating family practice, general practice, internal medicine, pediatric, or OB/GYN physicians. The PCP directs all medical services, and makes referrals for specialists and hospitalization. If care is coordinated through the PCP, only a copayment is required. There are no annual plan deductibles for medical services. Each participant has an annual \$100 prescription deductible. Some HMOs provide other coverage. Minimum levels of HMO coverage provided by all plans are described in the FY 2017 Benefit Choice booklet on page 14.

*Open Access Plans*

OAPs are similar to HMOs, but with different levels of coverage. Tiers I and II offer managed-care networks that provide HMO-style benefits and require copayments and/or coinsurance. Tier III (for out-of-network providers) allows members to select any medical provider, but requires higher out-of-pocket costs. A deductible is required for medical services by Tier II and Tier III providers. Regardless of the tier, each participant has an annual \$100 prescription deductible. Specific benefit levels are described in the FY 2017 Benefit Choice booklet on page 15.

*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 copayments when getting later prescription fills. Copayments vary by type of health plan and what level of the plan's formulary each drug is in. All plans require higher copayments for brand-name drugs than for generic drugs. Details of the QCHP Prescription Benefit are in the State Employee Benefits Handbook on pages 49-51 as updated by the FY 2017 Benefit Choice booklet on pages 25-27.

*Dental care*

All members and enrolled dependents are offered the same dental plan, regardless of which medical plan is selected. Members may add or drop that coverage during the benefit choice period. This choice remains in effect for the entire plan year, without exception.

The single dental plan is the Quality Care Dental Plan (QCDP). It offers a comprehensive range of benefits, and is administered by Delta Dental of Illinois. It reimburses only for services listed on the Dental Schedule of Benefits. Information on it is available on the CMS Group Insurance website (mentioned above) by clicking on Dental under Benefit Plans, or at

[www2.illinois.gov/cms/Employees/benefits/  
StateEmployee/Pages/BenefitPlans.aspx](http://www2.illinois.gov/cms/Employees/benefits/StateEmployee/Pages/BenefitPlans.aspx)

by clicking about halfway down the page on the Dental link. Each participant is subject to an annual \$175 deductible for dental services other than those listed as diagnostic or preventive. After the deductible is met, the maximum annual dental benefit is \$2,500 in-network, and \$2,000 out-of-network. Participants may choose any dental provider, but may pay less for services from a network dentist.

There are two networks of dentists who accept either the negotiated PPO or Premier-level fees. Those dentists must accept the state's Schedule of Benefits as full payment; they cannot bill members anything for covered services.

Non-network dentists can charge members if their regular fees exceed the amounts in the Schedule of Benefits.

More information on the dental benefit is in the State Employee Benefits Handbook on pages 55-57, and in the FY 2017 Benefit Choice booklet on pages 28-29.

*Vision care*

Vision coverage is provided to members in all state-sponsored health plans through EyeMed. All members and enrolled dependents get the same vision coverage. Eye exams and lenses or contacts are covered once every 12 months. Frames are available once every 24 months. Copayments are generally required. More information on the vision benefit is in the State Employee Benefits Handbook on page 58 and in the FY 2017 Benefit Choice booklet on page 30.

Flexible Spending Account (FSA) Program

The FSA Program is an optional tax-saving benefit containing 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 costs. Each eligible employee may set aside up to \$2,550 tax-free each year for MCAP; separately, up to \$5,000 per household can be set aside for DCAP. An overview is in the State Employee Benefits Handbook on pages 62-65, and in the FY 2017 Benefit Choice Booklet on pages 32-33.

Enrollment forms, and the current FSA Booklet, are available on the CMS Group Insurance website by clicking on the [Optional Pretax Programs](#) link, and on the [Flexible Spending Accounts \(FSA\) Program](#) link on the page that will open; or at

[www.illinois.gov/cms/Employees/benefits/StateEmployee/Pages/FlexibleSpendingAccounts.aspx](http://www.illinois.gov/cms/Employees/benefits/StateEmployee/Pages/FlexibleSpendingAccounts.aspx)

*ConnectYour-Care healthcare card*

Each MCAP participant receives a ConnectYourCare preloaded, stored-value Visa card that can be used to pay eligible medical expenses not covered by insurance. There is no fee for receiving the card. Since it is a value-loaded card, there is no possibility of overspending or exceeding account limits. After the entire annual amount has been spent, further 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 can contribute up to \$18,000 that year to their accounts in the Plan; those who *will* be at least 50 by the end of the year can contribute up to \$24,000 that year.<sup>20</sup> (These amounts will change in \$500 increments as needed to adjust for inflation.<sup>21</sup>)

The Plan recently added a Roth option, under which amounts up to those limits can be contributed from after-tax income. Under current federal law, money withdrawn from Roth accounts (after age 59½) is not subject to federal income tax. If a participant instead makes contributions from pretax earnings, those amounts will be deducted from salary and not reported as income for that year (nor will earnings on them be taxed for as long as they are kept in

the Plan); but distributions from the Plan, except by rollover into another tax-deferred account such as an Individual Retirement Account (IRA), will be treated as income in the year in which each distribution is taken.

Participants can enroll; stop contributions; change amounts to be contributed in the future; or re-enroll at any time by submitting the proper forms to the Plan (effective starting in the next month). Changes in future investment allocations can be made at any time. Changes in the allocation of existing investments can normally be made as often as desired, but restrictions on frequent trading may apply.

Money contributed into the Plan can be allocated to one or more of over a dozen investment vehicles. They include several mutual funds or managed accounts that invest in various sectors of the stock, bond, or money markets; a group of "target date"-type funds that automatically adjust investment allocations as a planned retirement year approaches; and a portfolio of investment contracts and alternatives from insurers, banks, and other issuers. The Department of Central Management Services (CMS) administers the program. The Illinois State Board of Investment exercises financial oversight, but each participant chooses which investment vehicle(s) to use.

Money already in a participant's account cannot be withdrawn while the participant remains in state service, except in cases of extreme financial hardship or (for pre-tax accounts) under a loan provision. Upon leaving state service, participants are eligible for distribution of their accounts. Under the pre-tax option, participants can choose the time period over which to take distribution of their accounts, and distributions are subject to federal income tax at each recipient's effective rate. Funds can be rolled over into an IRA; paid out in a number of installments; or distributed in a lump sum 30 days after the end of state service. Distribution rules are similar for Roth accounts, but there are no taxes or penalties for distributions made after age 59½ or otherwise qualifying for tax-free status. For both types of accounts, the beginning of distributions can be delayed to a specific future date, which may be as late as when the person reaches age 70½. Under current Illinois law, retirement accounts (including deferred compensation accounts) are exempt from Illinois income tax.

**Life Insurance** The state also provides basic term life insurance through Minnesota Life Insurance Company for each officer or employee at no charge. For active employees, the basic death benefit is 1 year's salary. For retirees, at age 60 the basic death benefit amount falls to \$5,000. 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. An officer or employee can also buy additional optional life insurance providing a death benefit of 1 to 8 times annual salary, subject to underwriting.

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 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 in the State Employee Benefits Handbook on pages 59-60, and in the FY 2017 Benefit Choice booklet on page 31.

**Commuter Savings Program (CSP)**

Under the CSP, members (and 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 were \$250 per month for parking and \$130 per month for transit. These monthly maximums may change at the start of each calendar year; current amounts can be found on the CMS Group Insurance website at

[www2.illinois.gov/cms/Employees/benefits/StateEmployee/Pages/StateInsuranceProgram.aspx](http://www2.illinois.gov/cms/Employees/benefits/StateEmployee/Pages/StateInsuranceProgram.aspx)

by clicking on the [Commuter Savings Program \(CSP\)](#) link. The plan administrator's website ([www.myFBMC.com](http://www.myFBMC.com)) can be used to enroll, change, or cancel deductions. The State Employee Benefits Handbook has details on page 66.

**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). But any such officer can elect, within 24 months after becoming a member, not to participate in the System.

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

A 2010 act<sup>22</sup> changed the retirement benefits of all legislators taking office after 2010. The sections below describe different benefits available to members entering office before or after then, and to all members. Benefits for members entering service after 2010 are described in more detail than those for members entering before 2011.

**Members Who Joined GARS Before 2011 (Tier 1)**

Members who joined GARS before 2011 are called "Tier 1" participants. Each such member's annual pension is calculated by multiplying percentages between 3% and 5% (rising with more years of service) times salary, times the number of years of service<sup>23</sup>—subject to a maximum of 85% of salary.<sup>24</sup> Such a member may retire after 4 years of service at age 62, or after 8 years at 55.<sup>25</sup> Annual 3% pension increases are provided.<sup>26</sup>

<p>Members Joining GARS After 2010 (Tier 2)</p>	<p>Members who join GARS after 2010 are called “Tier 2” participants. Their benefits are generally at lower rates than Tier 1 participants’. Each GARS member’s retirement benefit is based on the member’s “highest salary for annuity purposes” (meaning average compensation received during the 96 consecutive months—8 consecutive years—of highest compensation during the last 10 years of service<sup>27</sup>). A Tier 2 retiree’s annual pension will be 3% of highest salary for annuity purposes per year of service under GARS, subject to a maximum of 60% of highest salary for annuity purposes.<sup>28</sup></p>
<p><i>Eligibility ages</i></p>	<p>A Tier 2 participant with at least 8 years of service can retire at age 67 with no reduction in pension—or as early as age 62 and get a pension reduced 0.5% for each month (6% per year) that the member was under 67 at retirement.<sup>29</sup> A participant with at least 8 years of service who becomes permanently disabled can receive a pension with no reduction for early retirement.</p>
<p><i>Automatic pension increases</i></p>	<p>Tier 2 pensions will increase each year, starting at the later of (a) age 67 or (b) the July or January immediately after the first anniversary of retirement. Each annual increase will be the lesser of 3% or the annual change in the Consumer Price Index for All Urban Consumers (CPI-U), compounded on the preceding year’s amount.<sup>30</sup></p>
<p><i>Survivors’ annuities</i></p>	<p>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 annually by the lesser of 3% or the change in the CPI-U. It is payable to a surviving spouse starting at age 50—or at any age if the spouse is caring for one or more unmarried children who are under age 18 (22 if full-time students) or disabled.<sup>31</sup></p>
<p>All Members <i>Optional reversionary annuity</i></p>	<p>Before retiring, a member can elect to take a lower retirement annuity to pay, on an actuarially equivalent basis, for an annuity to a spouse, parent, child, brother, or sister, which will be in addition to any survivor’s annuity to a spouse. This reversionary annuity would begin at the member’s death.<sup>32</sup></p>
<p><i>Financing</i></p>	<p>The state makes contributions to the pension system on behalf of members, and reduces their pretax income by corresponding amounts.<sup>33</sup> The result is that members do not pay federal income tax on the part of their salaries that is used to make those contributions. Those contributions for a Tier 2 participant total 11½% of salary: 8½% for a pension, 2% for a survivor’s annuity, and 1% to fund annual increases.<sup>34</sup></p>
<p><i>Refunds</i></p>	<p>Upon leaving state service, a member can get a refund of member contributions (without interest), thus forfeiting all pension rights under the system. A member also can elect not to contribute toward a survivor’s annuity; and a member 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 made if a member’s spouse dies after the member retires.<sup>35</sup></p>
<p><i>Obligation to pay pensions</i></p>	<p>The state is constitutionally obligated to pay at least the amount of a public pension that is called for by law, even if the assets in the pension funds are insufficient to do that.<sup>36</sup></p>

## 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, funded 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. 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 a phone for an incoming call.

### District Office Allowance

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>37</sup> This is commonly called the “district office allowance” because legislators use it mostly to operate offices in their districts; but the law authorizing it does not prohibit 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 CMS 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 one or more district offices. The law prohibits use of this allowance in connection with political campaigns,<sup>38</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, sister-in-law, mother-in-law, father-in-law, son-in-law, or daughter-in-law.<sup>39</sup>

### *Buying and renting*

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), before buying any single item of furniture costing at least \$500, to check with CMS to determine whether any surplus furniture is suitable; and if such furniture is available, to file an affidavit saying why it is unsuitable before buying new furniture.<sup>40</sup>

*Staffing*

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 the person is on the state payroll, both Social Security taxes and contributions to the State Employees' Retirement System are normally charged against the legislator's district office allowance; but payment of the employer retirement contribution to the System has been suspended each year since fiscal year 2010.<sup>41</sup> 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>42</sup>) But a legislator who wants to pay a person as an independent contractor should consult a tax advisor, because the IRS carefully examines claims that an assistant is an independent contractor. Contractors are not covered by the State Employees' Retirement System or by state health insurance.

In fiscal years in which a new General Assembly will 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 allowances until they are sworn in. No such expenditures will 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 visiting [www.ilga.gov](http://www.ilga.gov) and clicking on the "Illinois Compiled Statutes" link in the upper-right area of that homepage.

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 possible after an invoice is received or travel occurs, due to the time needed to process and submit them to the Comptroller for issuance of payments.

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 the summer of 2017).

<b>Constituent Services</b>	Honors and assistance that legislators can give to constituents are described below.
Certificates of Recognition	Any legislator can request certificates of recognition, to be signed by the member and attested by the Clerk of the House 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>43</sup>
Other Constituent Services	The Legislative Research Unit's book <i>Constituent Services Guide</i> 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. Copies are available from the Legislative Printing Unit.

- Notes
1. E-mail message from Chris Belle, Comptroller's office, June 13, 2014.
  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, sec. 40 (2009).
  5. P.A. 96-800, sec. 35, adding 25 ILCS 120/5.6 (barring inflation adjustment for fiscal year 2010).
  6. P.A. 96-958, sec. 35-5 (2010), adding 25 ILCS 120/5.7; P.A. 97-71 (2011), adding 25 ILCS 120/5.8; P.A. 97-718 (2012), adding 25 ILCS 120/5.9; P.A. 98-30 (2013), adding 25 ILCS 120/6.1; P.A. 98-682 (2014), adding 25 ILCS 120/6.2; and P.A. 99-355 (2015), adding 25 ILCS 120/6.3.
  7. P.A. 99-523 (2016), adding 25 ILCS 120/6.4.
  8. 25 ILCS 115/1, second paragraph, second sentence.
  9. 25 ILCS 115/1, second paragraph, first sentence.
  10. U.S. General Services Administration, "Privately Owned Vehicle (POV) Mileage Reimbursement Rates" and "Federal Travel Regulation," (GSA Bulletin 16-02, Dec. 14, 2015), both downloaded from GSA Internet site.
  11. P.A. 99-523 (2016).
  12. 25 ILCS 115/1, second paragraph, last sentence.
  13. E-mail message from Carla Smith, Senate Fiscal Officer, July 14, 2016.

14. E-mail message from Nancy Daugherty, House Fiscal Officer, June 20, 2016.
15. 25 ILCS 115/1, third paragraph, added by P.A. 97-71 (2011) and amended by P.A. 97-718 (2012).
16. Legislative Travel Control Board, "Travel Guide" (updated Jan. 2016), downloaded from Illinois Auditor General's Internet site.
17. 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 (26 U.S. Code subsec. 162(h)(1)(B)) 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. That federal limit is now \$141 (listed on the page for Illinois on the U.S. General Services Administration's Internet site showing per diems allowed by state and locality).
18. 25 ILCS 115/1, second paragraph, last sentence as amended by P.A. 97-718 (2012), P.A. 98-30 (2013), P.A. 98-682 (2014), P.A. 99-355 (2015), and P.A. 99-523 (2016).
19. 625 ILCS 5/3-606.
20. 26 U.S. Code sec. 457. The annual contribution limits are set by subsecs. 457(e)(15) and (18), and 414(v).
21. 26 U.S. Code subsecs. 457(e)(15)(B) and 415(d).
22. P.A. 96-889 (2010).
23. 40 ILCS 5/2-108.1(a)(1) and (2), and 5/2-105, first paragraph.
24. 40 ILCS 5/2-119.01(b).
25. 40 ILCS 5/2-119(a).
26. 40 ILCS 5/2-119.1(a), (b), and (e).
27. 40 ILCS 5/2-108.1(a).
28. 40 ILCS 5/2-119.01(c). There is also a limit of \$106,800 (to be adjusted for future inflation) on the amount of salary that can be counted in calculating highest salary for annuity purposes; but that limit affects only executive-branch officers who are GARS members, since legislators are paid far less than that.
29. 40 ILCS 5/2-119(a), last paragraph; 5/2-119(a-5); and 5/2-119.01(d).
30. 40 ILCS 5/2-119.1(b-5).
31. 40 ILCS 5/2-121(a), (c), and (d), and 5/2-121.1(d-5).
32. 40 ILCS 5/2-120.
33. 40 ILCS 5/2-126.1.
34. 40 ILCS 5/2-126.
35. 40 ILCS 5/2-123.
36. Ill. Const., Art. 13, sec. 5.
37. 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 2015 was in P.A. 98-679, art. 21, sec. 5.)
38. 25 ILCS 115/4, first paragraph, first sentence.
39. 25 ILCS 115/4.2.
40. 30 ILCS 605/7a.
41. Nancy Daugherty e-mail message; 30 ILCS 105/14.1(a-4) and 40 ILCS 5/14-131(c-1) as amended by P.A. 97-732 (2012), P.A. 98-24 (2013), P.A. 98-674 (2014), P.A. 99-8 (2015), and P.A. 99-523 (2016).

42. 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).
43. Senate Rule 6-4 and House Rule 48, 99th General Assembly.

## CHAPTER 2 - THE JOB OF MAKING LAWS

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## CHAPTER 2

### 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, 4, and 5 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 Illinois Constitutions put various restrictions on the kinds of laws that can be enforced. These exceptions to the broad grant of authority to a 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 as drafted in 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, protecting 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 former 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 history, 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 (either 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 were upheld by a narrow 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. Congress sometimes clearly says in a law how much it intends to pre-empt state laws on that subject. If it does not, 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 over 200 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 override 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). Another update is planned; the 2005 edition is posted as a PDF file on the Legislative Research Unit's web page:

[http://www.ilga.gov/commission/lru/lru\\_home.html](http://www.ilga.gov/commission/lru/lru_home.html)

## 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 2011. All House seats are up for election every 2 years. All Senate and House seats will be up for election in 2022. 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 during the 10 years until the next redistricting.<sup>4</sup> Those three groups are as follows for the five elections held in 2012 through 2020 (in which legislators are elected to terms through 2022):<sup>5</sup>

Elected in 2012, 2016, and 2020 (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

Elected in 2012, 2016, and 2018 (terms of 4, 2, 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 2012, 2014, and 2018 (terms of 2, 4, and 4 years):

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

## The Legislative Biennium

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* is passed by at least three-fifths of the total membership of each house.<sup>6</sup> That 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 historically typical pattern of adjourning in May (2006, 2008, 2010, 2013, and 2014), June (2002, 2009, and 2011), or even July (2004). (Due to disagreements over budget issues in 2004, the General Assembly adjourned without passing a budget, but completed action during 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. In 2012 the House adjourned on May 31 and the Senate on June 1. Lacking complete fiscal year budgets, the

99th General Assembly remained in continuous session. The table “Important Dates for the 100th General Assembly” near the end of this chapter gives approximate expected dates of actions in the 100th General Assembly.

The first year and the second year of each General Assembly are devoted to somewhat different legislative purposes, as explained below.

Odd-Numbered  
Year  
*Regular Session*

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 2-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 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 one 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 October and/or 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.

Also during the veto session, each house can act on bills that it had not passed by the spring adjournment, if (1) they had moved far enough along in the legislative process to survive the deadlines for that year, or (2) that house votes to waive the deadlines for the specific bill to be considered.

Even-Numbered  
Year  
*Regular Session*

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 described as a limited session, because House and Senate rules limit what kinds of bills can be considered. These rules allow consideration of only 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, decide 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 begins 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 on 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.

*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. They then 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 sessions 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 reduced somewhat by the constitutional requirement that a bill passed after the intended spring session cutoff date (May 31) must have a three-fifths majority in each house 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, 1995 to 2015" 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 2016 vetoes, so the table does not reflect them.

## 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 at some time 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 Committee on Rules in the House and the Committee on 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 leader of the minority party 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 meetings 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. <sup>17</sup> The rules of each house establish procedural details for giving such notice. <sup>18</sup>
Witnesses and Records	Either house, and any of its committees, may subpoena witnesses and records relevant to a legislative purpose. <sup>19</sup> (However, a 1974 Illinois Appellate Court decision—which the Illinois Supreme Court declined to review—held that despite the constitutional provision so stating, a legislative committee does not have authority to subpoena witnesses without a specific delegation of authority from its house. <sup>20</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>21</sup>
Passage of Bills	Several requirements in the Constitution apply to bills specifically. <ul style="list-style-type: none"> <li>• 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>22</sup></li> <li>• Each bill must be read by title on three different days in each house before passage.<sup>23</sup> These events are called First Reading, Second Reading, and Third Reading. Third Reading is the most important stage in the passage</li> </ul>

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>24</sup>
- Bills and any amendments must be printed or copied, and on legislators' desks before final passage.<sup>25</sup> This is usually done by making them available on laptop computers provided to members, although paper copies are available on request.<sup>26</sup> Legislators can also view and download current bills and amendments from the General Assembly's website:

www.ilga.gov

- Any bill to amend a law must set forth the entire text of any section that it proposes to amend.<sup>27</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. A bill can be passed only if approved by a majority of the members elected to that house.<sup>28</sup> (Some kinds of bills require three-fifths majorities.)
- To incur major state debt, a three-fifths vote of the members elected to each house is required, unless the voters approve issuance by referendum.<sup>29</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>30</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>31</sup> But the leaders' signatures do not establish compliance with *substantive* requirements, such as the one limiting each bill to a single subject;<sup>32</sup> the courts examine challenged laws to determine compliance with those requirements.<sup>33</sup>
- Each bill passed goes to the Governor for approval or veto.<sup>34</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 to be referred immediately to the Committee on Assignments, which will assign it to a committee such as the Executive Appointments Committee. The nominee must appear before that committee unless a majority of all members of the committee waives an appearance.<sup>35</sup> 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>36</sup> and the Election Code<sup>37</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, which transmits them to the legislative house whose seat is involved.<sup>38</sup>

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. House rules have detailed procedures for dealing with election contests.<sup>39</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 favorable 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, does not prevent regular criminal prosecution for the same conduct.<sup>40</sup>

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>41</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>42</sup> On December 17, 2008 the Committee adopted rules to govern its proceedings.<sup>43</sup> The Committee's report recommended that the Governor be impeached.<sup>44</sup> The House (of the 95th General Assembly) adopted articles of impeachment on January 9, 2009.<sup>45</sup> The House of the 96th General Assembly affirmed that action after that General Assembly convened on January 14, 2009.<sup>46</sup> The Senate on January 14, 2009 adopted rules to govern an impeachment trial.<sup>47</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>48</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 chairperson 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>49</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 of the members elected to that house, and only once for the same offense.<sup>50</sup> 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 sessions of the General Assembly except in cases of treason, felony, or breach of the peace,<sup>51</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 and legislative commission proceedings.<sup>52</sup>

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 100th General Assembly (projected)

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

Month	Day	
<b>2017</b>		
January	11	100th GENERAL ASSEMBLY CONVENES—MEMBERS SWORN IN
February	15	Governor’s budget address
February	24	Last day to introduce bills in house of origin
March	31	Last day for committees to report bills in house of origin
April	16	Easter
	28	Last day to pass bills in house of origin
May	5	Last day for committees to report Senate bills in the House and House bills in the Senate
	19	Last day to pass Senate bills in the House and House bills in the Senate
	29	Memorial Day
	31	Spring session adjournment
July	1	Fiscal year 2018 begins
Oct.	24-26	Veto session (first part—possible dates)
Nov.	7-9	Veto session (second part—possible dates)

## 2018

January	10	100th GENERAL ASSEMBLY RECONVENES Governor’s State of the State address (traditional date)
February	21	Governor’s budget address
March	20	Primary election
April	1	Easter
	6	Last day to pass bills in house of origin
	20	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 2019 begins
Nov.	6	General Election
	13-15	Veto session (first part—possible dates)
	27-29	Veto session (second part—possible dates)

## 2019

January	9	100th GENERAL ASSEMBLY ENDS; 101st CONVENES
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## General Assembly Workloads, 1995 to 2015

	<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>2009-10</i>	<i>97th</i> <i>2011-12</i>	<i>98th</i> <i>2013-14</i>	<i>99th</i> <i>2015</i>
<b>Bills introduced</b>	5,734	5,863	6,748	8,756	10,754	9,073	9,816	10,950	10,206	10,008	6,580
<b>Senate</b>	1,958	1,952	1,979	2,436	3,395	3,204	3,082	3,988	3,946	3,678	2,208
<b>House</b>	3,776	3,911	4,769	6,320	7,359	5,869	6,734	6,962	6,260	6,330	4,372
<b>Sent to Governor</b>	746	947	1,015	936	1,195	1,148	1,100	1,607	1,196	1,189	564
<b>Senate</b>	354	439	487	451	549	539	535	684	497	539	254
<b>House</b>	392	508	528	485	646	609	565	923	699	650	310
% of bills introduced	13.0%	16.2%	15.0%	10.7%	11.1%	12.7%	11.2%	14.7%	11.7%	11.9%	8.6%
<b>Approved*</b>	679	830	925	858	1,060	1,095	973	1,515	1,156	1,141	520
<b>Senate</b>	325	384	445	416	474	511	496	646	476	513	232
<b>House</b>	354	446	480	442	586	584	477	869	680	628	288
% of bills sent to Gov.	91.0%	87.6%	91.1%	91.7%	88.7%	95.4%	88.5%	94.3%	96.7%	96.0%	92.2%
<b>Reduction or item-vetoed</b>	0	0	1	2	16	0	6	2	6	2	1
<b>Senate</b>	0	0	0	1	1	0	4	0	2	0	0
<b>House</b>	0	0	1	1	15	0	2	2	4	2	1
% of bills sent to Gov.	0.0%	0.0%	0.1%	0.2%	1.3%	0.0%	0.5%	0.1%	0.5%	0.2%	0.2%
<b>Totally vetoed</b>	21	68	50	44	82	40	62	20	13	13	44
<b>Senate</b>	12	30	24	24	43	22	24	11	10	6	23
<b>House</b>	9	38	26	20	39	18	38	9	3	7	21
% of bills sent to Gov.	2.8%	7.2%	4.9%	4.7%	6.9%	3.5%	5.6%	1.2%	1.1%	1.1%	7.8%
<i>Overridden</i>	2	16	2	3	14	11	32	3	3	4	0
<b>Senate</b>	2	8	2	2	10	7	17	2	2	3	0
<b>House</b>	0	8	0	1	4	4	15	1	1	1	0
% of total vetoes	9.5%	23.5%	4.0%	6.8%	17.1%	27.5%	51.6%	15.0%	23.1%	30.8%	0.0%
<b>Amendatorily vetoed</b>	46	49	34	34	53	13	65	68	20	6	21
<b>Senate</b>	17	25	18	11	32	6	32	25	8	3	10
<b>House</b>	29	24	22	23	21	7	33	43	12	3	11
% of bills sent to Gov.	6.2%	5.2%	3.9%	3.6%	4.4%	1.1%	5.9%	4.2%	1.7%	0.5%	3.7%
<i>Accepted</i>	36	33	27	23	17	1	14	16	2	0	0
<b>Senate</b>	9	20	12	7	9	1	5	6	1	0	0
<b>House</b>	27	13	15	16	8	0	9	10	1	0	0
% of amend. vetoes	78.3%	67.3%	67.5%	67.6%	32.1%	7.7%	21.5%	23.6%	10.0%	0.0%	0.0%
<i>Overridden</i>	1	0	0	2	11	7	37	26	4	3	1
<b>Senate</b>	1	0	0	1	7	2	21	9	2	1	0
<b>House</b>	0	0	0	1	4	5	16	17	2	2	1
% of amend. vetoes	2.2%	0.0%	0.0%	5.9%	20.8%	53.8%	56.9%	38.2%	20.0%	50.0%	4.8%
<i>No action (died)†</i>	9	16	13	9	25	5	14	26	14	3	20
<b>Senate</b>	7	5	6	3	16	3	6	10	5	2	10
<b>House</b>	2	11	7	6	9	2	8	16	9	1	10
% of amend. vetoes	19.6%	32.7%	32.5%	26.5%	47.2%	38.5%	21.5%	38.2%	70.0%	50.0%	95.2%
<b>LAWS ENACTED</b>	718	819	954	886	1,102	1,113	1,056	1,555	1,173	1,150	522
% of bills introduced	12.5%	14.0%	14.1%	10.1%	10.2%	12.3%	10.8%	14.2%	11.5%	11.5%	7.9%
% of bills sent to Gov.	96.2%	86.5%	94.0%	94.7%	92.2%	97.0%	96.0%	96.8%	98.1%	96.7%	92.6%

Notes to “General Assembly Workloads” table:

- \* “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.

- 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 Jim Tenuto, State Board of Elections, May 31, 2012 and updated by LRU.
  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), 99th General Assembly.
  10. Ill. Const., Art. 4, subsec. 9(c).
  11. House Rule 18(b) and Senate Rule 3-7(b), 99th 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. Ill. Const., Art. 4, subsec. 7(a).
  18. House Rule 21(a) and Senate Rule 3-11(e), 99th General Assembly.
  19. Ill. Const., Art. 4, subsec. 7(c).
  20. *Murphy v. Collins*, 20 Ill. App. 3d 181, 312 N.E.2d 772 (1974), review denied by Ill. Sup. Ct.
  21. 25 ILCS 5/4.
  22. Ill. Const., Art. 4, subsecs. 8(a) and (b).
  23. Ill. Const., Art. 4, subsec. 8(d), first paragraph.
  24. Ill. Const., Art. 4, subsec. 8(d), second paragraph.
  25. Ill. Const., Art. 4, subsec. 8(d), first paragraph.
  26. Use of computer versions of bills is permitted under House Rule 39 and Senate Rule 2-7(b)(3), 99th General Assembly.
  27. Ill. Const., Art. 4, subsec. 8(d), third paragraph.
  28. Ill. Const., Art. 4, subsec. 8(c).
  29. Ill. Const., Art. 9, subsec. 9(b).
  30. Ill. Const., Art. 4, subsec. 8(d), fourth paragraph.
  31. 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).
  32. See Ill. Const., Art. 4, subsec. 8(d), second paragraph.

33. 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).
34. Ill. Const., Art. 4, subsec. 9(a).
35. Senate Rules 3-6(b) and 10-1(a), 99th General Assembly.
36. Ill. Const., Art. 4, subsec. 6(d).
37. 10 ILCS 5/23-2.
38. 10 ILCS 5/23-12 to 5/23-18.
39. House Rules 83 to 88, 99th General Assembly.
40. Ill. Const., Art. 4, sec. 14.
41. 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).
42. H. Res. 1650 (2008).
43. Illinois House of Representatives, Final Report of the Special Investigating Committee (Jan. 8, 2009), p. 1.
44. Final Report of the Special Investigating Committee at p. 61.
45. H. Res. 1671 (2009).
46. H. Res. 5 (2009).
47. S. Res. 6 (2009).
48. Illinois Senate, Judgment of Conviction and Disqualification (Jan. 29, 2009).
49. House Rule 51(a) and Senate Rule 7-3(a), 99th General Assembly.
50. Ill. Const., Art. 4, subsec. 6(d).
51. Ill. Const., Art. 4, sec. 12, first sentence.
52. Ill. Const., Art. 4, sec. 12, second and third sentences.

## CHAPTER 3 - PASSING A BILL

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## CHAPTER 3

### 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 to express opinions or do a variety of things other than enacting laws. Bills are used to enact laws. This chapter describes the handling of bills, and to some extent of resolutions. Specific floor procedures for those purposes are described in Chapter 5: Manual of House (or Senate) 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 correction of 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—normally for only 1 fiscal year. Under the Illinois Constitution, appropriations bills must be limited to that subject; they cannot contain substantive matter.<sup>2</sup>

#### Form of Bills

Whatever their purpose, all bills are printed in the same general format. Each bill has a cover page giving its number (starting in each General Assembly with Senate Bill 1 and House Bill 1) 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. But amendments to bills *are* summarized in the *Legislative Synopsis and Digest* and on the General Assembly website ([www.ilga.gov](http://www.ilga.gov).)

The second page of a bill starts with the official (long) title of the act it proposes, and the enacting clause (“Be it enacted . . .”). 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. A 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 wording to be deleted is ~~struck through~~. But in any part of a bill that proposes an entire new act or section, the proposed new text is not underlined.

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, or the entire act, is repealed.

A bill proposing a new appropriation does not cite 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—typically in its last section—may be the date it is to take effect if it is 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 any 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. A bill or amendment, whether printed or posted electronically, has its “LRB” number (referring to the Legislative Reference Bureau, which drafts almost all bills and amendments) at the top of each page.

## Overview of Bill Procedure

The following paragraphs give a broad overview of how bills are passed. A more detailed description of those procedures begins on page 40 of this chapter.

### Three Readings

The Illinois Constitution requires a bill to be read by title on three different days in each house before it can become law.<sup>3</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 (First Reading). 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 to that house vote to suspend the rule requiring that, thus allowing it to go directly to a substantive committee (although this rarely if ever happens).

If a bill is assigned to a substantive committee, one or more amendments to it may be proposed in that committee. But any such “committee amendment” can be considered only with the consent of the Rules Committee (House) or Committee on Assignments (Senate). After acting on any amendment(s) that have been approved for its consideration, the substantive committee—by a majority of the persons appointed to it—can recommend that the bill “do pass” or “do pass as amended” as the case may be. If that happens, the bill will be sent to the full house and put on the order of Second Reading.

When a bill is on the order of Second Reading, amendments to it can be proposed on the floor. Any such “floor amendment” also must have the approval of the Rules Committee (House) or Committee on Assignments (Senate). If an amendment gets such approval, it can be considered on the floor. But any vote on Second Reading is on an amendment—not on the bill it would amend. After completion of this order, the bill is ready for Third Reading. Then it can be debated and either approved or rejected by a majority of the entire membership (60 votes in the House or 30 in the Senate).

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 sent to the Governor.

If, on the other hand, the second house amends a bill and passes it as amended, it 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 to try to resolve the two houses’ differences on the bill. Conference committees have become almost extinct in recent years (although one was used for a major pension-reform bill in 2013).<sup>4</sup>

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

**Deadlines for Action**

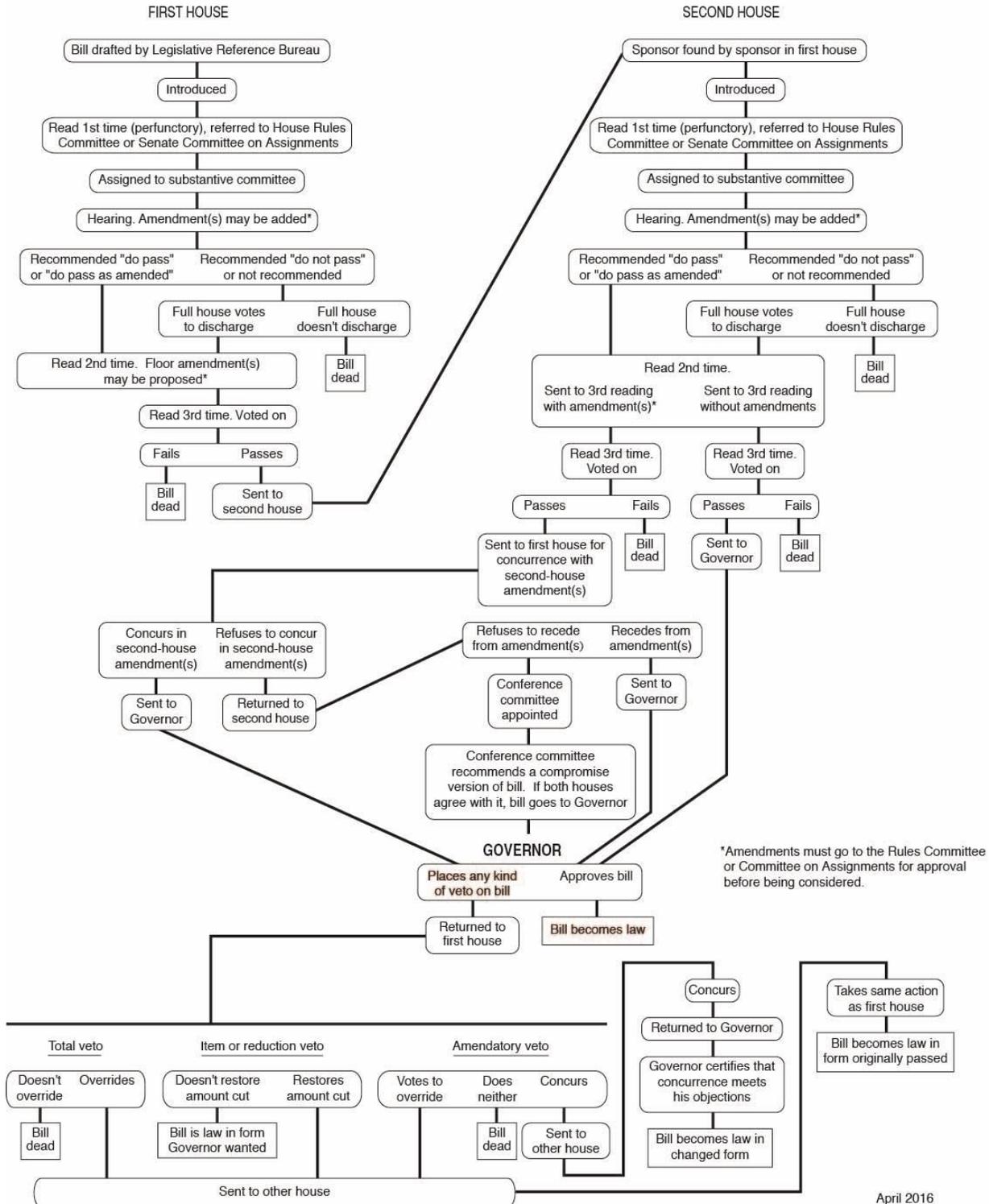
The rules allow the leadership to set deadlines for getting bills past major hurdles in the legislative process—out of committee, passed by the house of origin, out of committee in the second house, etc. The General Assembly authorized these deadlines to reduce a problem that plagued legislative procedure 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 that they might have questioned if given more time.

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

The chart on the next page shows 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 normally 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 1 in the House or 8 in the Senate).<sup>5</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>6</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>7</sup>

### Other Sponsors

The principal sponsor of a bill controls its movement; but it can have either or both of two other kinds of sponsors. The first are "chief co-sponsors" or "joint sponsors" (often described as "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 last three names in "Adams-Baker-Carr, Jones, Miller and Smith").<sup>8</sup> A principal sponsor often tries to obtain 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 or be harmed by it; and whether those 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

On rare occasions a committee, by majority vote, decides to introduce and sponsor a bill itself. In such cases, the committee chairperson controls the bill and is listed as its sponsor. Bills sponsored by a committee cannot have individual co-sponsors.<sup>9</sup>

## 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 substantive

committee for consideration. The chairperson of each committee has principal responsibility for organizing and managing the work of the committee. The committee clerk keeps the committee records and takes the roll.

Committee Schedules

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 committee, its chairperson 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 chairperson 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's 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; committee recommendations for action on those bills and any amendments to them that the committee has adopted; and forms filled out by people wanting to testify on them. Reports of House committees also include audio recordings of hearings.<sup>10</sup>

The vote required to adopt a proposed amendment in committee is a majority of all members appointed to the committee.<sup>11</sup>

Committee Recommendations

The rules allow a 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>12</sup>

Such recommendations can be made only upon concurrence of a majority of those appointed to the committee.<sup>13</sup> Reports “without recommendation” are rarely if ever made. Any of the last four kinds of reports effectively kills a bill,<sup>14</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>15</sup> But there is a strong tendency 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 passes for committee action on it—and thus be automatically re-referred to the Rules Committee or Committee on Assignments, and likely see no further action.

If a committee has not reported unfavorably on a bill assigned to it, any member of that house 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>16</sup> However, this seldom happens.

Subcommittees

A committee may create a subcommittee to consider particular matters, such as a bill or group of bills on some subject.<sup>17</sup> Reasons for this can 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 the full 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 that require all committee *and* floor amendments to be referred to the Rules Committee or Committee on Assignments, whose approval is required for an amendment to be considered. The Rules Committee or Committee on Assignments can refer floor amendments to substantive committees for review and consideration.<sup>18</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>19</sup> This is normally done using members’ laptop computers.<sup>20</sup>

Amendments approved in committee are considered automatically adopted. These “committee” amendments must be available to members at their desks when a bill is called for Second Reading.<sup>21</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 each bill that is finally passed in each house.<sup>22</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 rather common procedure. It is done if technical errors are found in a bill, or the sponsor needs 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 return a bill 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>23</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 Senate; speak more than once until every senator wanting to speak has spoken once; or speak more than twice on the same question. The Presiding Officer of the Senate may set specific time limits for debate on a particular measure.<sup>24</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>25</sup> There are different time limits in the House for a measure on “short debate” or “amendment debate” status.<sup>26</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>27</sup> and by custom in the Senate.

After all members seeking 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>28</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 votes of the number of members commonly called a “constitutional majority.”<sup>29</sup> That means a majority of the entire number of members who were elected (30 in the Senate or 60 in the House). But to have some kinds of effects, a bill must be passed by three-fifths of the number of members who were 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>30</sup>
- Restricting powers of home-rule units if the state itself does not exercise those powers.<sup>31</sup>
- Incurring long-term state debt without a statewide referendum.<sup>32</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 of a substantive committee to which one of those committees refers it) 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>33</sup> There are similar provisions for bills proposing to restrict home rule that fail to get three-fifths majorities.<sup>34</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 47 members of the House or 24 members of the Senate, 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 delay a final vote on the bill, 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>35</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>36</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>37</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, a lock-up motion for practical purposes buries it after it has been killed on the roll call.<sup>38</sup>

(Any bill described 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 there are enough votes 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 some 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 quickly: 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 regarding revenue or appropriations, and 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>39</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) who had it removed. A bill so removed goes to the Short Debate Calendar.<sup>40</sup>

If three-fifths of the members of a committee who are present and voting (including those recorded as “present”) vote for a bill, it is to be given Short Debate status.<sup>41</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 before the close of debate, the bill will be opened to standard debate.<sup>42</sup>

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, procedural rules in the second house are essentially the same as in the first house. But each house’s deadlines for considering bills

that came over from the other house are later than its deadlines for considering its own bills.

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 made 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 be sent 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 into disuse in recent General Assemblies, although one was created in the 98th General Assembly.) 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>43</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>44</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>45</sup> However, a second conference committee report can be “corrected” if some imperfection is found in it, whose correction 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, and any conference committee reports, are first referred to the Rules Committee or Committee on Assignments of the first house for its approval before being considered by the whole body. The Rules Committee or Committee on Assignments can in turn refer changes or conference reports to substantive committees for approval.<sup>46</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>47</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>48</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>49</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, by vote of at least three-fifths of the members elected to it (71 in the House or 36 in the Senate), it 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>50</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 that 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>51</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, which requires 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 elimi-

nated 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 totally vetoed bill: a three-fifths majority in each house is needed to restore it. But an item that has been *reduced* can be restored to its original amount by a mere constitutional majority in each house.<sup>52</sup>

House and Senate rules set forth the formats of motions to respond to vetoes.<sup>53</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) an override of a veto; or (4) a 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>54</sup> A statute sets that date as January 1 of the next year.<sup>55</sup> Or a bill passed before midnight May 31 may state an effective date in its text, which can be earlier or later than January 1 of the next year.<sup>56</sup> Some bills say that they are to take effect upon becoming law; others state effective dates; and still others do not say when they are to take effect.

In the case of a bill passed after May 31, the Constitution says the resulting law (if the bill becomes law) cannot take effect until June 1 of the following year, *unless* it states a specific earlier effective date *and* is passed by three-fifths of the members elected to each house.<sup>57</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>58</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 (or the bill does not state an effective date), the effective date of the law will be June 1 of the next year.<sup>59</sup> Thus if a law resulting from acceptance of an amendatory veto is to take effect earlier than June 1 of the next year, it must state an earlier effective date *and* be repassed after the 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 will become law in the version in which it originally passed 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>60</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.

If an appropriations bill receives any item and/or reduction vetoes, all parts of it that are not so vetoed become law immediately upon the Governor's return of it to the General Assembly.<sup>61</sup>

All of these rules on effective dates are subject to one final rule: A law's effective date cannot precede the day it becomes law.<sup>62</sup> For example, if a bill is passed before midnight May 31, and says that it will take effect immediately, but is signed by the Governor (and thus becomes law) on August 15, its effective date is August 15. (On at least one occasion, in 1984, the Illinois Supreme Court did give effect to 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 a murder involved in the 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>63</sup> This was an unusual and perhaps unique action.)

Votes Necessary to Respond to Vetoes

The table on the next page summarizes the legislative majorities needed to respond to 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 resulting law cannot take effect until June 1 of the next year, unless (1) it states an earlier effective date and (2) at least three-fifths of the members of each house vote 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, which can start in either house. After introduction, 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>64</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>65</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 that proposal at the election, or (b) a majority of all persons who vote in the election.<sup>66</sup>

Another method is also provided for amending the Illinois Constitution: amending the Legislative article by initiative. 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>67</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 to elect members of the House.

#### 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 state constitutional convention. A referendum on that question will be held at the first general election occurring at least 6 months after adoption of such a resolution. If three-fifths of those voting on the question, or a majority of those 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 send to the voters the question of calling a constitutional convention once every 20 years if the General Assembly has not done so during that period.<sup>68</sup> That question was put on the ballot in 1988 and 2008, but 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 the committee and adopted by three-fifths of members elected, are ratified.<sup>69</sup> A state cannot amend a proposed amendment 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>70</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>71</sup>

A statute on this subject attempts to limit the Governor's reorganization authority to reassigning existing duties and functions among agencies under him. He cannot impose 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. This statute also prohibits the Governor from reorganizing some independent regulatory boards by executive order.<sup>72</sup> Nothing in the constitutional section on executive reorganization prevents the General Assembly from reorganizing departments by statute. Indeed, the 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>73</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 a date to reconvene in the next session week; expressing congratulations or condolences; creating committees or commissions; urging some public official or body to do something; adopting rules; and proposing constitutional amendments. Resolutions in each General Assembly are indexed by type and subject in the *Legislative Synopsis and Digest* and listed on the General Assembly website ([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>74</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>75</sup> This is a common constitutional provision in states with two-house legislatures<sup>76</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 begin 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 that the General Assembly is in session, until late in the session when the two houses usually meet for longer than a week with no breaks 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>77</sup>

## Legislative History

As a bill is considered, 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>78</sup> This work is done by the Clerk of the House and Secretary of the Senate.

The journal of each house is prepared from a variety of 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 website. Paper copies are kept by those offices, 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 daily session. It lists all bills in numerical order, with sponsors' names and brief subjects, under the order of business each one 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 "A-" preceding its number. 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 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 paper-bound book; by the end of the spring session it consists of four to six thick paper-bound 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 summary is a brief record of every legislative action taken on it to date, with the last line showing 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.<sup>79</sup>

General Assembly Website

Up-to-date information on legislative actions on bills is available on the General Assembly’s website ([www.ilga.gov](http://www.ilga.gov)) maintained by the Legislative Information System (LIS), and in daily LIS reports. The website also archives information on past General Assemblies (including extensive information from the more recent ones). These are valuable services to legislators, legislative support staff, 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 that 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 not appropriation acts. The citation for each section contains three numbers: (1) the chapter of the Illinois Compiled Statutes being cited, followed by “ILCS” for “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 editions from private legal publishers, the Illinois Compiled Statutes are available on the General Assembly website and legal publishers’ online legal research sites. Such computer databases make it possible to search the statutes for particular words or combinations of words. In some cases, such searches can find provisions that would be difficult to find using indexes to the statutes.

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. 98th General Assembly S.B. 1 (Raoul-Radogno-Biss—Madigan-Durkin-Nekritz-Senger), enacting P.A. 98-599 (2013). (However, that Public Act was struck down by the Illinois Supreme Court in *In re Pension Reform Litigation*, 2015 IL 118585, 32 N.E.3d 1 (2015).)
5. House Rule 37(e) and Senate Rule 5-1(e), 99th General Assembly.
6. See House Rule 37(b) and Senate Rule 5-1(b), 99th General Assembly.
7. House Rule 37(c) and Senate Rule 5-1(c), 99th General Assembly.
8. See House Rule 37(a) and Senate Rule 5-1(a), 99th General Assembly.
9. House Rule 37(b) and Senate Rule 5-1(b), 99th General Assembly.
10. House Rule 22(a) and (c) and Senate Rule 3-11(a) and (c), 99th General Assembly.
11. House Rule 40(b) and Senate Rule 5-4(b), 99th General Assembly.
12. House Rule 22(a) and Senate Rule 3-11(a), 99th General Assembly.
13. House Rule 22(a) and Senate Rule 3-11(a), 99th General Assembly.
14. House Rule 24(a) and Senate Rule 3-12(a), 99th General Assembly.
15. House Rule 61(a) and (b) and Senate Rule 7-11(a) and (b), 99th General Assembly.
16. House Rule 58 and Senate Rule 7-9(a), 99th General Assembly.
17. House Rule 14(a) and Senate Rule 3-3(b), 99th General Assembly.
18. House Rule 18(e) and Senate Rule 3-8(b), 99th General Assembly.
19. House Rule 40(a) and Senate Rule 5-4(d), 99th General Assembly.
20. See House Rule 39 and Senate Rule 2-7(b)(3), 99th General Assembly.
21. House Rule 40(a) and Senate Rule 5-4(d), 99th General Assembly.
22. Ill. Const., Art. 4, subsec. 8(c).
23. House Rule 60(b) and Senate Rule 7-10(b), 99th General Assembly.
24. Senate Rule 7-3(g), 99th General Assembly.
25. House Rule 52(e) and (a)(4), 99th General Assembly.
26. House Rule 52(a), 99th General Assembly.
27. House Rule 52(e), 99th General Assembly.
28. House Rule 59 and Senate Rule 7-8, 99th General Assembly.
29. See Ill. Const., Art. 4, subsec. 8(c).
30. Ill. Const., Art. 4, sec. 10.
31. Ill. Const., Art. 7, subsec. 6(g).
32. Ill. Const., Art. 9, subsec. 9(b).
33. House Rule 69(b) and Senate Rule 7-19(b), 99th General Assembly.
34. House Rule 70 and Senate Rule 7-20, 99th General Assembly.
35. House Rule 62 and Senate Rule 7-12, 99th General Assembly.
36. House Rule 50 and Senate Rule 7-6(e), 99th General Assembly.
37. House Rule 65(a) and (c), and Senate Rule 7-15(a) and (c), 99th General Assembly.
38. House Rule 65(c) and Senate Rule 7-15(c), 99th General Assembly.
39. House Rule 42(b) to (e), 99th General Assembly.
40. House Rule 42(f), 99th General Assembly.
41. House Rule 22(h), 99th General Assembly.
42. House Rule 52(a), paragraph 1, 99th General Assembly.
43. House Rule 73(c) and Senate Rule 8-2(c), 99th General Assembly.
44. House Rule 74(b) and Senate Rule 8-3(b), 99th General Assembly.
45. House Rule 76(c) and Senate Rule 8-5(b), 99th General Assembly.
46. House Rule 18(e) and Senate Rule 3-8(b), 99th General Assembly.
47. Ill. Const., Art. 4, subsec. 8(d).
48. Ill. Const., Art. 4, subsec. 9(a).
49. Ill. Const., Art. 4, subsecs. 9(a) and (b).
50. Ill. Const., Art. 4, subsecs. 9(b) and (c).
51. Ill. Const., Art. 4, subsec. 9(e).

52. Ill. Const., Art. 4, subsec. 9(d).
53. See House Rule 80 and Senate Rule 9-4, 99th General Assembly.
54. Ill. Const., Art. 4, sec. 10, first sentence.
55. 5 ILCS 75/1 ff.
56. Ill. Const., Art. 4, sec. 10, second sentence.
57. Ill. Const., Art. 4, sec. 10, last sentence.
58. *City of Springfield v. Allphin*, 74 Ill. 2d 117, 384 N.E.2d 310 (1978).
59. *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).
60. *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). 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 result described in the text.
61. See Ill. Const., Art. 4, subsec. 9(d).
62. See 5 ILCS 75/1 and 75/2.
63. *People v. Kellick*, 102 Ill. 2d 162, 464 N.E.2d 1037 (1984).
64. Ill. Const., Art. 14, subsec. 2(a).
65. Ill. Const., Art. 14, subsec. 2(c).
66. Ill. Const., Art. 14, subsec. 2(b).
67. Ill. Const., Art. 14, sec. 3.
68. Ill. Const., Art. 14, subsecs. 1(a) to (d).
69. House Rule 47 and Senate Rule 6-3, 99th General Assembly.
70. Ill. Const., Art. 5, sec. 11.
71. House Rule 16(d) and Senate Rule 3-6(c), 99th General Assembly.
72. 15 ILCS 15/1 ff.
73. 15 ILCS 15/10.
74. See House Rule 45(c) and Senate Rule 6-1(b), 99th General Assembly.
75. Ill. Const., Art. 4, subsec. 15(a).
76. Nebraska has a single-house (unicameral) legislature.
77. Ill. Const., Art. 4, subsec. 15(b).
78. Ill. Const., Art. 4, subsec. 7(b).
79. 25 ILCS 135/5.02(e).



## CHAPTER 4 - GENERAL ASSEMBLY PROCEDURES

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## CHAPTER 4

### 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 preceding General Assembly. Later in the session, permanent rules are proposed and adopted by each house.

A thorough knowledge of the rules is crucial to getting a bill passed. There are also some customs, especially in the Senate, that are helpful for new legislators to know. This chapter gives an overview of these matters. The House or Senate Manual of Procedures (Chapter 5) gives details 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. 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.

The purpose for some rules 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.<sup>1</sup>

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.<sup>2</sup>

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 a 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 99th 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. If it succeeds, a vote on the question that was under debate follows immediately, with no opportunity for further debate. 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 later be “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 can be 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 members 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. Such an action requires 60 votes in the House or 36 in the Senate,<sup>9</sup> and seldom occurs 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. If a type of motion is nondebatable, the rule governing it usually so states.<sup>10</sup>

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 agreement 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 has 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 formerly adopted joint rules to govern any joint business. They have not done so since 1977.

## DAILY ORDERS OF BUSINESS IN THE 99th GENERAL ASSEMBLY

- House*
1. Call to order, invocation, pledge of allegiance, and roll call
  2. Approval of the Journal (of the preceding 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 preceding 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
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  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

Sources: House Rule 31 and Senate Rule 4-4, 99th General Assembly.

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

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## CHAPTER 5A

### 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 99th General Assembly are cited in endnotes following this chapter. 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 over the years by the Legislative Research Unit staff with help from parliamentarians and members of the House. This 2016 revision reflects the 99th 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 to be followed.<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.<sup>3</sup>

### Amendments

An amendment can be proposed either in committee (a "committee amendment") or on the floor when the bill is on Second Reading (a "floor amendment"). Either kind of amendment can be considered only if it has first been approved by the Rules 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 considering it, can offer an amendment to it in committee. Each proposed amendment goes first to the Rules Committee.<sup>4</sup> If the Rules Committee approves it for consideration in the committee to which the bill was assigned, the amendment then needs the favorable vote of a majority of all members appointed to the committee to be adopted.<sup>5</sup> If a committee adopts any amendment(s) and votes to recommend that the bill "do pass as amended," it goes to the House floor with the committee amendment(s) separate from it but already adopted.<sup>6</sup>

#### Floor Procedure for Amendments

Committee amendments that have 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 automatically referred to the Rules Committee to be either considered by it or re-referred to another committee.<sup>7</sup> If a tabling motion is referred to the full House for floor consideration, it requires 60 votes to pass.<sup>8</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 the Rules Committee, or another committee to which the Rules Committee referred it, has referred it to the full house for consideration.<sup>9</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>10</sup> The vote required to adopt a floor amendment is a majority of those voting.<sup>11</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 not participating in it may “move the previous question” to cut off debate. This motion is nondebateable.]

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 a bill or resolution is always recognized to present it (or the maker of a motion to state the motion and argue it), and is allowed these initial times to speak: Short debate, 2 minutes; Standard or Extended debate, 5 minutes; Unlimited debate, 10 minutes.

Other members may then speak unless the matter is nondebatable under the House Rules or *Robert’s Rules*. 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:       The principal sponsor and any member who seeks recognition.<sup>12</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>13</sup>

The sponsor has the right to “close debate” for 1 minute on Short debate, 3 minutes in Standard debate, or 5 minutes in Extended or Unlimited debate.<sup>14</sup>

A member wanting to ask the sponsor a question about the bill must address the Chair and ask whether the sponsor will yield. The member may question the sponsor only if the sponsor yields. But such questions of sponsors are routine, and it is extremely rare for a sponsor to decline to allow 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 a 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 not participating in a debate, who thinks debate has gone on long enough, can “move the previous question” (meaning the question that has been under debate). This motion itself is nondebatable, and requires 60 votes to pass. If the motion succeeds, the measure that was under debate is immediately put to a vote. If the motion fails, debate continues.<sup>15</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>16</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>17</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>18</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>19</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 has its Third Reading after May 31, and it states 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 apply.<sup>20</sup>
- (2) A bill seeks to limit home-rule powers, but lacks the three-fifths vote needed to do so.<sup>21</sup>

In either of those kinds of situations, 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 of those kinds of proposed amendment must be approved by the Rules Committee or by another committee to which the Rules Committee refers it.<sup>22</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 may 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 on 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>23</sup> The sponsor may make such a request after the vote and even after verification, but it must be before the result is announced.<sup>24</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>25</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.

### Personal Privilege

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>26</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, since it may be considered 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>27</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>28</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. No motion requires a second. The Presiding Officer may refer a motion to the Rules Committee.<sup>29</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>30</sup>

Member: Mr. Speaker, I move to suspend Rule 39 for the purpose of \_\_\_\_\_.

Speaker: The lady has moved to suspend Rule 39 for the purpose of \_\_\_\_\_.

Are there any objections?

[If there are objections, the motion must be put to a vote.<sup>31</sup>]

### 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>32</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 chairperson and minority spokesperson. Those persons 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>33</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 move that the vote by which the amendment (or bill) was adopted (or passed) 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 House Floor Amendment 1 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>34</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>35</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 with each Senate amendment. Each motion to concur will be referred to the House Rules Committee, which may refer it to another committee.<sup>36</sup> If the 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 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>37</sup> However, conference committees are very rarely used at present.

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 above process repeated. If a second conference committee is unsuccessful, the bill is dead.<sup>38]</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>39</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 calling for the spending of state funds,<sup>40</sup> and 71 votes to pass a resolution related to amending the U.S. Constitution.<sup>41</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>42</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 in turn may 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. The same is true of death resolutions<sup>43</sup> except those for former state officers, which are described below.

### **Death**

Death resolutions for former members of the General Assembly, and former statewide officers,<sup>44</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, it is adopted, and the House adjourns.

- Notes
1. House Rule 4(c)(3) and (20), and House Rule 31 (introductory clause), 99th General Assembly.
  2. House Rules 18(a) and 37(d), 99th General Assembly.
  3. See House Rule 18(b), 99th General Assembly.
  4. House Rule 18(e), 99th General Assembly.
  5. House Rule 40(b), 99th General Assembly.
  6. House Rule 40(g), 99th General Assembly.
  7. House Rule 18(e), 99th General Assembly.
  8. House Rule 60(e), 99th General Assembly.
  9. House Rules 18(e) and 40(e), 99th General Assembly.
  10. House Rule 52(a), paragraph 5, 99th General Assembly.
  11. House Rules 40(b) and 102(11), 99th General Assembly.
  12. House Rule 52(a), paragraphs 1 to 4, 99th General Assembly.
  13. House Rule 52(e), 99th General Assembly.
  14. House Rule 52(a), paragraphs 1 to 4, 99th General Assembly.
  15. House Rule 59, 99th General Assembly.
  16. House Rule 49, 99th General Assembly.
  17. 25 ILCS 20/1.
  18. House Rule 56(c), 99th General Assembly.

19. House Rule 56(a), 99th General Assembly.
20. House Rule 69(b), 99th General Assembly.
21. House Rule 70, 99th General Assembly.
22. See House Rules 40(e); 69(b); and 70 (last sentence), 99th General Assembly.
23. House Rule 62, 99th General Assembly.
24. House Rules 50 and 56(a), 99th General Assembly.
25. House Rule 62, 99th General Assembly.
26. House Rule 51(b), 99th General Assembly.
27. House Rule 57(a), 99th General Assembly.
28. House Rule 59(a), 99th General Assembly.
29. House Rule 54(a)(1), 99th General Assembly. It says that “Unless otherwise provided in these Rules,” no second is needed for any motion. No other House Rule requires a second for a motion. The only requirement for a second is in House Rule 1(a) (nominating a person to be Speaker).
30. House Rule 67(e), 99th General Assembly.
31. House Rule 67(e), 99th General Assembly.
32. House Rule 58, 99th General Assembly.
33. House Rule 61(a), 99th General Assembly.
34. House Rule 65(c), 99th General Assembly.
35. House Rules 18(a) and (b), and 37(d), 99th General Assembly.
36. House Rules 72(a), 75(a), and 102(8), 99th General Assembly.
37. House Rules 73 and 18(e), 99th General Assembly.
38. House Rule 76(c), 99th General Assembly.
39. See House Rules 16(a), 46, and 47, 99th General Assembly, and Ill. Const., Art. 14, subsec. 1(a).
40. House Rule 45(c), 99th General Assembly.
41. House Rule 47, 99th General Assembly.
42. Ill. Const., Art. 14, subsec. 2(a). See also House Rule 46, 99th General Assembly.
43. House Rule 16(b), 99th General Assembly.
44. See House Rule 16(c), 99th General Assembly.



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## CHAPTER 5B

### MANUAL OF SENATE PROCEDURES

**Introduction** This manual, prepared for new members of the Senate, is intended to provide an introduction to the most common Senate 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 Senate Rules. Major rules governing floor procedure in the 99th General Assembly are cited in endnotes following this chapter. 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.

This 2016 revision reflects the 99th General Assembly Senate Rules.

## **PRELIMINARY MATTERS**

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

President: The hour of noon having arrived, the Senate will come to order. We will be led in prayer today by \_\_\_\_\_. Will our guests in the galleries please rise.

[Prayer]

President: Senator \_\_\_\_\_ will lead us in the Pledge of Allegiance.

Senator: [Leads pledge]

### **Approving Printed Journal**

President: Reading of the Journal.

Secretary: [Gives date of latest Journal that has been printed.]

President: Senator \_\_\_\_\_.

Senator: Mr. President, I move that the Journal just read by the Secretary be approved, unless some senator has additions or corrections.

President: Are there additions or corrections? You've heard the motion. All in favor say aye; opposed nay. The ayes have it. The Journal is approved. Senator \_\_\_\_\_.

Senator: Mr. President, I move that reading and approval of the Journal of \_\_\_\_\_ be postponed until arrival of the printed Journal.

President: All in favor say aye; all opposed nay. . . . The ayes have it.

## **BILLS**

### **Introduction and First Reading**

President: Introduction and First Reading of Senate Bills.

Secretary: Senate Bill 3001; by the President and Minority Leader. A bill for an Act making a supplemental appropriation for the printing of bills. First Reading of the bill. Senate Bill 3002; by Senator \_\_\_\_\_. A bill for an Act to regulate \_\_\_\_\_.

[The bills are automatically referred to the Committee on Assignments under Rule 3-8(a).]

## COMMENTARY

### **Order of Business**

Senate Rule 4-4 establishes the daily order of business. This order is followed unless decided otherwise by the Presiding Officer, who can decide the order of business to be followed.<sup>1</sup>

### **First Reading of Bills**

Bills and resolutions are filed with the Secretary of the Senate, who assigns each a number in the order in which it is filed. When this order of business is called, they are introduced and read a first time by number, sponsor, and title, ordered printed, and referred to the Committee on Assignments, which may then assign them to substantive committees for hearing.<sup>2</sup>

## **Bills (cont'd)**

### **Second Reading**

President: Senate Bills on Second Reading. Senate Bill 1251. Read the bill, Madam Secretary.

Secretary: Senate Bill 1251. 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.

President: Any further amendments approved for consideration?

Secretary: Amendment No. 2, offered by Senator \_\_\_\_\_.

President: Senator \_\_\_\_\_.

Senator Smith: Thank you, Mr. President. [Explains amendment, argues for adoption.]

President: The motion is to adopt Amendment 2. Those in favor say aye; opposed nay. The ayes have it. Amendment No. 2 is adopted. Further amendments?

Secretary: No further amendments reported.

President: Third Reading.

## COMMENTARY

### Amendments

An amendment can be offered either in committee (a “committee amendment”) or on the floor while the bill is on Second Reading (a “floor amendment”). Either kind of amendment can be considered only if it has first been approved by the Committee on Assignments as described below. All proposed Senate 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

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.<sup>3</sup> Every amendment offered in committee must be filed with the Secretary of the Senate, who automatically refers it to the Committee on Assignments for its consideration.<sup>4</sup> If the Committee on Assignments refers an amendment to the committee before which its bill is pending, the amendment then needs the favorable votes of a majority of all members appointed to the committee to be adopted.<sup>5</sup> If a committee votes to recommend that a bill “do pass as amended,” it goes to the floor with the committee amendment(s) separate from it but already adopted.<sup>6</sup>

#### Floor Procedure for Amendments

Committee amendments that have been adopted in committee are normally not debated on the floor. But a member can move on the floor to table a committee amendment, thus deleting it from the bill.<sup>7</sup> (The Presiding Officer has discretion to refer any motion to the Committee on Assignments.<sup>8</sup>) Such a tabling motion requires only a majority of those voting to pass.<sup>9</sup>

After any motions to table committee amendments are disposed of, the Senate can consider any floor amendments. No floor amendment is in order unless it has first been approved by the Committee on Assignments, or by a substantive committee to which the Committee on Assignments has referred it<sup>10</sup> (unless the Senate has discharged that committee from further consideration of the amendment<sup>11</sup>). The vote required to adopt a floor amendment is a simple majority of those voting.<sup>12</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

President: Senate Bills on Third Reading. [Rings a bell in the Senate chamber to alert senators to Third Reading—the passage stage.] Senate Bill 751.

Secretary: Senate Bill 751, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the bill.

President: Senator \_\_\_\_\_ [sponsor] is recognized.

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

### Question of the Sponsor

Senator: Will the sponsor yield?

Sponsor: [Nods assent.]

President: She indicates she will yield.

Senator: Thank you. Senator \_\_\_\_\_, will this bill \_\_\_\_\_?

[Any other senator may obtain recognition to debate the bill.]

Senator: Mr. President, I would like to speak on the bill.

President: You may proceed.

### Closing Debate

President: Is there further discussion? Senator \_\_\_\_\_ [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 senator may “move the previous question” to cut off debate. This motion is nondebatable.]

Senator: Mr. President, I move the previous question.

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

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

## COMMENTARY

### Debate

Matters are placed before the Senate either by motion of a senator, or by being called by the Presiding Officer on a regular order of business such as “Senate 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). Other senators can then speak to the merits of the question under debate, unless it is a nondebatable motion under *Robert’s Rules* or the Senate Rules. No senator may speak more than 5 minutes on a question unless the Senate gives consent. No senator may speak more than twice on the same question, nor more than once until all other senators seeking to speak have spoken.<sup>13</sup>

A senator who seeks to ask the sponsor a question about a bill must address the Chair and ask whether the sponsor will yield. Senators may ask questions of the sponsor only if the sponsor yields. But such questions of sponsors are routine, and it is extremely rare for a sponsor to decline to answer a question.

### The Debate Timer

The Senate has an automatic debate timer with green, yellow, and red lights above the President’s rostrum, connected to a clock. Use of the system is optional with the Presiding Officer, who has the controls at his or her console. When used, the timer is started by the Presiding Officer when a senator is recognized. (The allotted time is set on the console.) The green light is on until the last minute of the allotted time, when the yellow light shows. The red light comes on when the time has expired.

The Presiding Officer then interrupts if necessary and directs the senator to finish. The Presiding Officer can also disconnect the microphone when the time is expired.

### Closing Debate

Any senator who thinks debate has gone on long enough can “move the previous question” (meaning the question that has been under debate). This motion itself is nondebatable, and requires 30 votes to pass. If the motion succeeds, the bill that was under debate is put to an immediate vote. If a motion for the previous question fails, debate on the bill can continue.<sup>14</sup>

## ROUNDING UP VOTES

### Voting Procedure for Roll-Call Votes

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

[Voting board is opened by Secretary; the bell rings; senators 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, and 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

President: For what purpose does Senator Adams [an opponent of the measure] arise?

Senator Adams: Mr. President, I request a verification of the affirmative vote.

President: A verification has been requested. The senators will please be in their seats. The Secretary will read the affirmative votes.

[Secretary reads names of all senators recorded as voting “aye.”]

President: Senator Adams, are there challenges to the aye vote?

Senator Adams: Senator \_\_\_\_\_.

President: Senator \_\_\_\_\_ is in his seat.

Senator Adams: Senator \_\_\_\_\_.

President: Senator \_\_\_\_\_ is not in her seat. Is Senator \_\_\_\_\_ in the chamber? Senator \_\_\_\_\_ is not in the chamber. Madam Secretary, take her off the roll.

Are there further challenges? 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 from the House, adoption of conference committee reports, and all dispositions of vetoed bills. Resolutions proposing to amend the Constitution and other substantive resolutions also require roll calls.

Voice votes (in which all those favoring a proposition say “aye” together, and all opposing it say “nay” together) are used for other motions and procedures, unless the Rules require a specific number of votes—usually a “constitutional majority” (30) or a three-fifths majority (36). In those cases, a roll call must be used to prove that enough “aye” votes were cast.

Any two senators may request a roll call if none is required by the Constitution or Senate Rules. The Presiding Officer can also order a roll-call vote.<sup>15</sup>

### Verification

After a measure passes, but before any other business has been taken up, any senator may require verification to insure the actual presence of those who were recorded as voting for it. While verification is taking place, any senator can announce his or her presence on the floor and be verified as having voted. But no vote may be cast, or changed, during verification.<sup>16</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 Senate 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 has its Third Reading after May 31, and it states an effective date earlier than June 1 of the following year, but it does not receive the three-fifths vote (36 votes) needed to make that effective date apply.<sup>17</sup>
- (2) A bill seeks to limit home-rule powers, but lacks the three-fifths vote needed to do so.<sup>18</sup>

In either of those kinds of situations, 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 of those kinds of proposed amendments must be approved by the Committee on Assignments or by another committee to which the Committee on Assignments refers it.<sup>19</sup>

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

### **Postponed Consideration**

President: On this question there are \_\_\_ ayes, \_\_\_ noes, \_\_\_ voting present, and this bill having failed—Senator \_\_\_\_\_ [the sponsor].

Senator: Mr. President, I request that this bill be placed on Postponed Consideration.

President: The bill, having received at least 24 affirmative votes, will be placed on Postponed Consideration.

## **INTERRUPTING PROCEEDINGS**

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

President: For what purpose does Senator \_\_\_\_\_ rise?

Senator: Mr. President, ladies and gentlemen of the Senate, I rise to . . . .

### **Recognition During Debate**

President: Senator \_\_\_\_\_ is recognized on Senate Bill \_\_\_\_\_.

Senator: Mr. President, ladies and gentlemen of the Senate, I rise in support of (in opposition to) . . . .

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

### **Point of Personal Privilege**

Senator Baker: Mr. President.

President: For what purpose does Senator Baker rise?

Senator Baker: I rise on a point of personal privilege.

President: State the point of privilege.

Senator 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 24 “aye” votes, the principal sponsor can have consideration postponed. It is the sponsor’s privilege.<sup>20</sup> The sponsor may make such a request after the vote, and even after verification, but it must be before the result is announced.<sup>21</sup>

If consideration is postponed, no official roll call is recorded. The bill goes on the order of Postponed Consideration, and cannot again be postponed.<sup>22</sup>

### **Obtaining Recognition**

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

To obtain recognition, a senator presses the “speak” button on the desk, causing a light to flash on the President’s console.

A senator interrupting an item of business should always state the reason for interrupting before actually making a procedural point, objection, or motion. This helps the other senators follow the events. It also saves time by permitting an objection to be voiced, or permitting the Presiding Officer to rule the senator in or out of order with a minimum of distraction.

### **Personal Privilege**

The Rules say that questions “affecting the rights, reputation, and conduct of members of the Senate in their representative capacity” are matters of personal privilege.<sup>23</sup>

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

### **Point of Order**

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

Senator: Mr. President.

President: For what purpose does Senator \_\_\_\_\_ rise?

Senator: I rise to a point of order.

President: State your point.

Senator: 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 President then rules on the point of order and may state the reason.]

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

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

Any senator may appeal the ruling of the Chair on a point of order. This motion requires a second, and must be made before the Senate has conducted any intervening business. Such a motion is not made lightly, since it may be considered a personal affront to the Presiding Officer. It may be used occasionally to highlight frustration at being in a minority position, or to make a point to the news media. Overruling the Chair requires 36 votes.<sup>24</sup>

Senator: Mr. President, I appeal the ruling of the Chair. [Explains.]

President: Is there a second?

Other Senator: I second the motion.

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

[Announces result.]

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

### **Parliamentary Inquiry**

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

Senator: Mr. President.

President: For what purpose does Senator \_\_\_\_\_ rise?

Senator: I rise on a point of parliamentary inquiry.

[or]

I rise on a point of information.

President: State your point.

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

[or]

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

### **Motion for Previous Question**

This motion, to end debate, is not debatable and requires 30 votes to pass.<sup>25</sup>

Senator: Mr. President.

President: For what purpose does Senator \_\_\_\_\_ rise?

Senator: I move the previous question.

President: The question is whether the main question shall be put. All those in favor vote aye; all opposed vote no. . . . The motion is carried. [Proceeds to hold vote on the main question.]

[or]

The motion is lost. Is there any further discussion?

## FREQUENT MOTIONS

Motions (except to adjourn, recess, or postpone consideration) must be made in writing if the Presiding Officer so requires. As noted below, some kinds of motions are almost always required to be made in writing. No motion except an appeal of a ruling by the Presiding Officer requires a second. The Presiding Officer may refer a motion to the Committee on Assignments.<sup>26</sup>

### Change Sponsorship

This motion is nearly always written on a form filed with the Secretary.

- Senator: Mr. President, I ask leave to have my name removed as cosponsor of Senate Bill 1502.
- President: Does the gentleman have leave to have his name removed as a sponsor of Senate Bill 1502?
- Senators: [Indicate assent.]

### Table a Bill

- Senator: Mr. President, I move to table Senate Bill 3001.
- President: The gentleman moves to table Senate Bill 3001. Is leave granted?
- Senators: [Indicate assent.]
- [Note: Tabling a bill sponsored by a committee requires 30 votes.<sup>27</sup>]

### 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 unanimous consent of members present, or with 30 votes—unless the rule to be suspended requires more votes.<sup>28</sup> A motion to suspend a rule, except a motion to suspend Rule 3-6(a) for immediate consideration of a death or adjournment resolution, should generally be in writing.

- Senator: Mr. President, I move to suspend Rule 3-6(a) for the purpose of \_\_\_\_\_.
- President: The lady has moved to suspend Rule 3-6(a) for the purpose of \_\_\_\_\_. Are there any objections?

[If there is an objection, the motion must be put to a vote.<sup>29</sup>]

- President: The lady has moved the suspension of Rule 3-6(a). This motion requires 36 votes. Those in favor please signify by voting aye; those opposed vote no. . . . The rule is suspended.

## Frequent Motions (cont'd)

### Discharge Committee

This motion requires 36 votes and is normally required to be in writing.<sup>30</sup>

- Senator: Mr. President, I move that the \_\_\_\_\_ Committee be discharged from further consideration of Senate Bill 2502 and that the bill be placed on the calendar on the order of Second Reading.
- President: The question is whether the \_\_\_\_\_ Committee be discharged from further consideration of Senate Bill 2502. Those in favor signify by voting aye; opposed vote no. . . .

### Take From Table and Put on Calendar

This motion requires 30 votes if the Committee on Assignments has so recommended in writing; otherwise it requires 36 votes.<sup>31</sup> It normally is required to be made in writing.

- Senator: Mr. President, I move to take Senate Bill 1234 from the table and place it on the calendar on the order of Second (or Third) Reading.
- President: The gentleman has moved that Senate Bill 1234 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

This motion is normally required to be made in writing.

- President: For what purpose does Senator \_\_\_\_\_ rise?
- Senator: Mr. President, having voted on the prevailing side, I move that the vote by which the amendment (or bill) was adopted (passed) be reconsidered.
- President: The question is on the motion to reconsider. Those in favor signify by voting aye; those opposed vote no. The motion prevails. The vote will be reconsidered.

[If a motion to reconsider a vote is made within the allowed time, the bill will remain in the Senate until the motion has been decided, withdrawn, or tabled.<sup>32</sup>]

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

Senator: Having voted on the prevailing side, I now move that the vote by which the amendment (or bill) was adopted (passed) be reconsidered.

Other Senator: I move that the motion lie upon the table.

President: Senator \_\_\_\_\_ moves that the vote by which the amendment (bill) was adopted be reconsidered. Senator \_\_\_\_\_ moves that the motion lie upon the table. The question is on the motion to table. Those in favor will signify by voting aye; those opposed vote no. The motion to table prevails (or fails).

[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**

### **House Bills**

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

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

### **Senate Bills Amended in the House**

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

President: On the order of Concurrence. Senate Bill 451. Read the motion, Madam Secretary.

Secretary: Senate Bill 451. The motion to concur in House Amendments 1 and 2 has been filed by Senator \_\_\_\_\_ and has been approved for consideration.

President: The chair recognizes Senator \_\_\_\_\_ [Senate sponsor].

Senator: Mr. President, I move that the Senate concur (or refuse to concur) in House Amendments No. 1 and 2 to Senate Bill 451. [Explains House amendments.]

## **Joint Action Between the Houses (cont'd)**

### **Conference Reports**

If the Senate refuses to concur with one or more House amendments, the Senate will ask the House to recede from them. If the House 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 Committee on Assignments, which may refer them to substantive committees.<sup>36</sup> However, conference committees are very rarely used at present.

President: Do you have on file a Conference Committee Report with respect to S.B. 301?

Secretary: 1st Conference Committee Report on S.B. 301.

President: The Chair recognizes Senator \_\_\_\_\_ [Senate sponsor].

Member: Mr. President, I move that the Senate adopt the Conference Committee Report on Senate Bill 301.

[If a conference committee report is not adopted, a second conference committee may be appointed and the above process repeated. 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.

## Resolutions (cont'd)

### 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 are not "agreed resolutions" and normally are sent to the Committee on Assignments. If it determines that a resolution is nonsubstantive, commemorative, or congratulatory, it is returned to the sponsor to be treated as a certificate of recognition.<sup>39</sup>

Resolutions usually require only a simple majority of those voting to pass. But the Rules require 30 votes to pass any resolution that would require the spending of state funds,<sup>40</sup> and 36 votes to pass a resolution related to amending the U.S. Constitution.<sup>41</sup> In addition, the Illinois Constitution requires the vote of three-fifths of members elected (36) to send the voters a proposed amendment to the Illinois Constitution.<sup>42</sup> Roll calls are required in all these cases.

President: Senator \_\_\_\_\_ is recognized in regard to Senate Resolution 186.

Sponsor: I move to suspend Rule 3-6 for the immediate consideration of Senate Resolution 186. The subject of the resolution is . . . .

President: The question is on the suspension of Rule 3-6 for immediate consideration of Senate Resolution 186. Those in favor signify by voting aye; those opposed vote no.

[Unless Rule 3-6 is suspended, the resolution is sent to the Committee on Assignments. If the rule is suspended, the following dialog may occur.]

Senator: I move the adoption of Senate Resolution 186. [Explains resolution.]

President: The gentleman offers and moves the adoption of Senate Resolution 186. The question is on the motion. Those in favor signify by voting aye; those opposed vote no. The resolution is adopted (or lost).

### Death

Resolutions mourning the death of a person are treated like agreed resolutions but are handled at a separate time for the sake of dignity. Death resolutions for former senators and other state officers are traditionally taken up as the last item of business of the day. The death resolution is read in full by the Secretary, and the Presiding Officer asks that all who are in favor of the resolution rise to adopt the resolution. The Senate then adjourns.

- Notes
1. Senate Rules 2-5(c)(3) and (20), and 4-4 (introductory clause), 99th General Assembly.
  2. Senate Rule 3-8(a), 99th General Assembly.
  3. Senate Rule 5-4(b), 99th General Assembly.
  4. Senate Rule 3-8(c), 99th General Assembly.
  5. Senate Rule 5-4(b), 99th General Assembly.
  6. Senate Rule 5-4(g), 99th General Assembly.
  7. Senate Rule 7-10(d), 99th General Assembly.

8. Senate Rule 7-4(1), 99th General Assembly.
9. Senate Rules 7-10(d) and 1-9, 99th General Assembly.
10. Senate Rule 3-8(b), 99th General Assembly.
11. Senate Rules 5-4(e) and 7-9, 99th General Assembly.
12. Senate Rules 5-4(b) and 1-9, 99th General Assembly.
13. Senate Rule 7-3(g), 99th General Assembly.
14. Senate Rule 7-8, 99th General Assembly.
15. Senate Rule 7-1, 99th General Assembly.
16. Senate Rule 7-6, 99th General Assembly.
17. Senate Rule 7-19, 99th General Assembly.
18. Senate Rule 7-20, 99th General Assembly.
19. See Senate Rules 3-8(b), 7-19(b) (last sentence), and 7-20 (next-to-last sentence), 99th General Assembly.
20. Senate Rule 7-12, 99th General Assembly.
21. See Senate Rules 7-2 and 7-6(a), 99th General Assembly.
22. Senate Rule 7-12, 99th General Assembly.
23. Senate Rule 7-3(b), 99th General Assembly.
24. Senate Rule 7-7(a), 99th General Assembly.
25. Senate Rule 7-8(a), 99th General Assembly.
26. Senate Rule 7-4(1), 99th General Assembly. It says in part: “Unless otherwise provided in these Senate Rules, no second shall be required to any motion presented to the Senate.” Only Senate Rule 7-7, on appealing a ruling by the Presiding Officer (or by the chairperson of a committee), requires a second for a motion. The only other kind of action for which the Rules require a second is nominating a person to be Senate President (Senate Rule 2-2(a)).
27. Senate Rule 7-10(b), 99th General Assembly.
28. Senate Rule 7-17(d), 99th General Assembly.
29. Senate Rule 7-17(d), 99th General Assembly.
30. Senate Rule 7-9(a), 99th General Assembly.
31. Senate Rule 7-11(a), 99th General Assembly.
32. Senate Rule 7-15(d), 99th General Assembly.
33. Senate Rule 7-15(c), 99th General Assembly.
34. Senate Rules 3-8(a) and 5-1(d), 99th General Assembly.
35. Senate Rules 3-8(b) and 8-1(a), 99th General Assembly. See also Senate Rule 1-6, 99th General Assembly.
36. Senate Rule 3-8(b), 99th General Assembly.
37. Senate Rule 8-5(b), 99th General Assembly.
38. Senate Rule 6-2, 99th General Assembly.
39. Senate Rule 3-6(a), 99th General Assembly.
40. Senate Rule 6-1(b), 99th General Assembly.
41. Senate Rule 6-3, 99th General Assembly.
42. Ill. Const., Art. 14, subsec. 2(a).



## CHAPTER 6 - TAXES, CAMPAIGN FINANCE, AND ETHICS LAWS

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## CHAPTER 6

### TAXES, CAMPAIGN FINANCE, AND ETHICS LAWS

Numerous legal provisions affect legislators personally, both during their service and for some time afterward. This chapter addresses three important kinds of laws that legislators need to know about. For advice on their application, legislators may want to contact experienced private tax preparers or legal counsel; their caucus legal staffs; or the Legislative Inspector General, as is appropriate for 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 (currently limited to \$111<sup>1</sup>) as reimbursement for lodging, food, and all other expenses for each day the General Assembly is in session. For most legislators, neither of these amounts paid by the state is subject to federal or state income tax. A provision in the Internal Revenue Code applying specifically to state legislators who live more than 50 miles from their 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 Form W-2 for that tax year, and need not pay federal or state income tax on those *per diems*.

A Treasury regulation interprets 50 miles for this purpose as being by “the shortest of the more commonly traveled routes between the two points.”<sup>3</sup>

Legislators who live within 50 miles of the State House have the option of declining to accept the *per diems*, thus avoiding having to deal with them for tax purposes. The Comptroller’s legal counsel can offer guidance when deciding whether to do that.

Furthermore, the Internal Revenue Code counts as a legislative day for this purpose 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—*plus* any day that is part of a legislative recess of 4 or fewer calendar days.<sup>4</sup> Thus, while the General Assembly is meeting on Tuesday through Thursday of a 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 and makes the election described above can deduct for federal tax purposes, for each of those other 4 days of each

such week, the amount that the federal government pays its employees while temporarily working in Springfield (\$142<sup>5</sup> in federal fiscal year 2017).<sup>6</sup>

(Note for tax filing time: IRS Form 2106, Employee Business Expenses, is used to claim the \$142 deduction for days when the General Assembly is out of session for no more than 4 days at a time. The legislator's completed Form 2106 should show *per diems* actually paid by the state, along with the \$142 deductions for days for which none were paid. But the *per diems* that were paid by the state (for days attending floor sessions or committee hearings) 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 and similar expenses. The interpretation said that if a person seeks to deduct more for daily living costs when 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 incidental expenses, and (2) lodging and similar costs. That allocation must be in the same ratio as the ratio between the amounts the federal government allows its employees for (1) meals and (2) lodging in the city where the person stayed (currently about 36% for meals and 64% for lodging in Springfield). The significance of that allocation is this:

- All of the amount allocated for *lodging*—plus half of the excess spending on *meals and similar expenses* over the amount reimbursed—is deductible as a “miscellaneous deduction” (if the legislator is an itemizer, and to the extent that the sum of all miscellaneous deductions exceeds 2% of adjusted gross income). The other half of the excess spent on meals and similar expenses over the state reimbursement is not deductible at all.<sup>7</sup>

Example: A legislator gets \$111 in *per diem* for a day of legislative business in Springfield, but actually incurs \$136 of ordinary and necessary legislative expenses that day. The \$111 paid by the state is excluded from gross income and thus not taxable. The remaining \$25 would be allocated as follows:

64% for lodging and other travel-related expenses        =        \$16.00

36% for meals and incidental expenses                        =            9.00

The entire \$16 for lodging and other expenses, plus half of the \$9 for meals (\$4.50), would qualify as “miscellaneous” deductions that could be taken (to the extent that all miscellaneous deductions exceed 2% of adjusted gross income). The remaining half of \$9 (\$4.50) would not be deductible under that IRS interpretation.

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 calendar year 2016 is 54¢);<sup>8</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>9</sup>

Under option (b), if a legislator drives 20,000 miles in a tax year, of which 8,000 miles is on legislative business,  $\frac{2}{5}$  of the cost of operating a car that year (including fuel, depreciation, and repairs) is deductible for that year. 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 those that are automatically deductible—such as travel on legislative business that is not reimbursed by the *per diem* and mileage allowances paid for attending the General Assembly—these four elements must be recorded:

- (1) amount (which may be totaled within reasonable categories for each day, such as meals, fuel, and taxi fares);
- (2) dates of departure and return, and how many days were spent on state business;
- (3) place (name of city visited); and
- (4) business (legislative) purpose for the travel.

The records must include (a) a travel diary or other record containing information on expenditures, recorded near the time of each expenditure (such as weekly); and (b) documentary evidence such as receipts and paid bills for lodging away from home, and for any other expenditure of at least \$75 (except transportation charges for which the carrier provides no receipts or other documentary evidence).<sup>10</sup> Again, such nonreimbursed expenses are deductible only to the extent that they, plus other “miscellaneous” itemized deductions, exceed 2% of adjusted gross income.<sup>11</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>12</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 from the state, those amounts cannot be deducted from income on the legislator’s state income tax return. Any amounts spent above the \$111 state-paid *per diem* 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 their income. Veteran legislators strongly recommend that new members seek

experienced preparers for their tax returns, rather than preparing their returns themselves.

## **Campaign Finance Reporting**

Illinois law requires the treasurer of every “political committee” (as defined in the Election Code<sup>13</sup> and described below) to report to the State Board of Elections on that committee’s campaign contributions and spending in each calendar quarter, by the 15th of the month immediately following that quarter.<sup>14</sup> Each contribution of at least \$1,000 must be reported electronically within 5 business days after being received (2 business days if the contribution is received during the last 30 days before an election for which the committee supports or opposes a candidate).<sup>15</sup>

The term “political committee” includes a candidate political committee, a political party committee, a political action committee, a ballot initiative committee, and an independent expenditure committee.<sup>16</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 \$5,000 on behalf of the candidate.<sup>17</sup>

The person filing each of these reports must keep a copy of it for 2 years.<sup>18</sup> Each political committee’s treasurer must also keep for 2 years a record of the name and address of each person who made a campaign contribution to, or received an expenditure from, the political committee, including amount and date.<sup>19</sup>

The State Board of Elections can impose a civil penalty up to \$5,000 for violating these or other requirements on reporting campaign funding by a candidate for state legislative office.<sup>20</sup>

(The above summary does not address limits imposed by Illinois law on campaign contributions by individuals; businesses and unions; or political action committees (PACs).<sup>21</sup> Two aspects of those limits—limiting the receipt of money and making of political contributions by PACs not connected with candidates<sup>22</sup>—were held unconstitutional in part in March 2012 in federal district court in Chicago. The judge concluded that as applied to a PAC that makes only independent expenditures, not connected with any candidate, those provisions unduly restricted political speech under the First Amendment to the U.S. Constitution.<sup>23</sup> That decision was not appealed.)

## **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 using 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 on 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 specifically affect state legislators and state legislative candidates. Legislators should become thoroughly familiar with these provisions to avoid unintentional criminal violations.

#### Statements of Economic Interests

The Illinois Constitution<sup>24</sup> and Illinois Governmental Ethics Act<sup>25</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 about the economic interests of (1) a legislator, (2) the legislator's spouse if any, and (3) any other person whose interests are constructively controlled by the legislator (an example could be a minor child of a legislator). The phrase "the person" as used in the list below refers 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 of such a unit.
- (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 read literally, the requirement includes 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 also generally to investments and similar assets. (A capital gain normally is “realized” when something of value is sold for a higher price than the seller paid for it.)<sup>26</sup>

The economic interests statement is not to include campaign receipts (which, as stated above, must be reported to the State Board of Elections). 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 receiving 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>27</sup>

Note: As required by law,<sup>28</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>29</sup>

State Officials  
and Employees Eth-  
ics Act

This 2003 act<sup>30</sup> imposes many requirements on state officers and employees to promote ethical action in government. It applies to persons in both the executive and legislative branches. The following is a brief summary of the Act as it affects state legislators. Legislators with concerns about the application of the Act are urged to examine it directly, and/or to seek advice from the Legislative Inspector General (described below) or from the person designated by their leadership to handle ethics questions. (Requests for such advice that are made to the Legislative Inspector General, or to a person so designated by the leadership, and responses by the Legislative Inspector General or a person so designated, are exempt from disclosure under Illinois’ Freedom of Information Act.<sup>31</sup>) The Act can be seen by going to the General Assembly website:

w w w . i l g a . g o v

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

**Illinois Compiled Statutes**

- CHAPTER 5 GENERAL PROVISIONS
- 5 ILCS 430/ State Officials and Employees Ethics Act.

Three articles of the Act have major effects on state legislators: 5, 10, and 25. Each of those articles has numerous provisions, which are outlined and then described in more detail over the next few pages.

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

Article 10 (“Gift Ban”) has detailed provisions on the kinds of gifts (broadly defined) that state legislators and their families can accept from any source.

Article 25 (“Legislative Ethics Commission and Legislative Inspector General”) has institutional and procedural provisions for enforcing the Act.

Penalties for violations are stated in Article 50, and are mentioned below when discussing prohibitions to which they apply.

*Article 5:  
Ethical conduct*

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

Ethics training. All legislators and their employees are to take ethics training at least annually. This mandate is to be implemented by the four legislative leaders for their caucuses, and overseen by the Legislative Ethics Commission and Legislative Inspector General,<sup>32</sup> discussed later. (The legislative leadership has developed an online training and review program that can be taken in about 1 hour to help legislative personnel comply with this mandate.)

Hours worked. All employees in the legislative branch (but not legislators) must be covered by personnel policies adopted by the leaders of the caucuses for which they work. The policies must require that employees report the amount of time they work for the state each day to the nearest quarter-hour.<sup>33</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 and enforcing the policies of the leader of that legislator’s caucus.<sup>34</sup>

Political activities. State employees may neither voluntarily perform, nor be required to perform, any “prohibited political activity” while being paid to work for the state (except during paid vacation, personal, and other time off).<sup>35</sup> The Act lists 15 types of political activity to which this prohibition applies.<sup>36</sup> Violation is a Class A misdemeanor,<sup>37</sup> punishable by up to 364 days in jail and/or a fine up to \$2,500.<sup>38</sup>

Public service announcements; advertising items. Advertisements or public service announcements that promote state programs on radio, television, commercial print media, or billboards or message boards may not contain a

state legislator’s name, image, or voice. Items such as billboards, stickers, and magnets, if 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>39</sup> Violation is punishable by a fine of \$1,001 to \$5,000.<sup>40</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>41</sup> Violation is a Class A misdemeanor.<sup>42</sup> Any state employees who are asked or directed to make such promises must report that fact to their ethics officer or to the Legislative Inspector General.<sup>43</sup>

Contributions in state buildings. With exceptions listed below, legislators, legislative employees, candidates for legislative office, lobbyists, and personnel of political organizations may not intentionally solicit, offer, make, or receive political contributions in a state building (which includes a building or part of a building that a state agency leases from a private owner). The exceptions apply to (a) property owned by the state but leased to a private entity (such as a restaurant), and (b) official residences of state officers or employees—although fundraising events at such residences are prohibited.<sup>44</sup> Violation is punishable by a fine of \$1,001 to \$5,000.<sup>45</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 the spring session; or during a fall veto session. This prohibition does not apply on perfunctory session days.<sup>46</sup> Violation is a Class A misdemeanor.<sup>47</sup>

Employment after public service. For 1 year after ending state service, no former legislator, or spouse or immediate family member who lives with the former legislator, may knowingly accept employment or compensation for services rendered to any entity if the legislator, during the last year of state service, participated “personally and substantially” in an award to the employing entity of one or more state contracts worth a total of at least \$25,000.<sup>48</sup> Violation is a Class A misdemeanor.<sup>49</sup>

*Article 10:  
Gift ban*

Article 10 imposes detailed restrictions on the receipt of gifts by legislators (along with other state officers and employees), or their spouses or immediate family members who live with them. These restrictions are not aimed at outright bribery (which is prohibited by an act described later), but at the appearance or possibility of improper influence that might result from a gift to a state officer or employee. Violating any part of Article 10 is punishable by a fine of \$1,001 to \$5,000.<sup>50</sup>

The method that the Act uses to prevent 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 the gift 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>51</sup>

Obviously, any such action should be carefully documented to avoid the risk of criminal liability. If the recipient chooses method (2) or (3), the Act does not address whether the recipient can deduct the donation from income for federal tax purposes as a charitable gift. But doing so would provide a tax benefit to the recipient-donor, so such a deduction might be viewed as violating at least the spirit of the State Officials and Employees Ethics Act.

The Act defines “prohibited source” broadly. The definition is quoted in full below, with parts that are significant to legislators (called “members” in the Act<sup>52</sup>) boldfaced for easier comprehension. Legislators should particularly note item (4) because it has the broadest application.

**“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>53</sup>

The Act also defines “gift” broadly, to include any good, service, or other tangible or intangible thing of value—even a loan.<sup>54</sup> Any “gift” as so defined, from a “prohibited source” as defined above, to a legislator, employee in the legislative branch, or spouse or family member living with any such person, *presumptively* violates the Act.<sup>55</sup> But the Act has 12 exceptions for types of gifts that are unlikely to involve impropriety. Those exceptions are summarized below. In the event of uncertainty about any of them, the actual list of exceptions<sup>56</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 the 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 actually 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 in “any governmental entity”—including the General Assembly, any other Illinois state agency (as defined in the Act<sup>57</sup>), and the federal government.
- (11) Inheritances and other transfers at death.
- (12) Items from any one “prohibited source” whose total value during a year is under \$100.<sup>58</sup>

Article 10 adds that any state agency (which includes the House, Senate, and other legislative entities<sup>59</sup>) can impose more restrictive rules on the receipt of gifts.<sup>60</sup>

*Article 25:  
Legislative  
Ethics Commission  
and Legislative In-  
spector 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>61</sup> It makes recommendations for selection of a Legislative Inspector General, who is appointed by a joint legislative resolution passed by at least three-fifths of the members elected to each house.<sup>62</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>63</sup>

The Legislative Inspector General’s duties include investigating allegations that the Act has been violated, and (with Commission approval) issuing subpoenas requiring testimony before the Commission.<sup>64</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>65</sup> Such a summary report on a matter, if it involved termination of employment or suspension for at least 3 days, and the response to it (after deletion of portions tending to reveal identities of complainants, informants, or witnesses) are normally to be opened to the public within 60 days. But the Commission can withhold publication if it would interfere with an investigation that is underway.<sup>66</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>67</sup> The Legislative Inspector General is required to post on the Internet a policy on handling and recording of investigations.<sup>68</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 for investigation or review by the Attorney General.<sup>69</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>70</sup> The Commission can also refer allegations to the Attorney General, who can investigate upon receipt of such a referral.<sup>71</sup>

Each of the four legislative leaders is to appoint an ethics officer for the legislators and employees in that officer’s caucus. Each ethics officer’s duties include (1) reviewing statements of economic interests filed by legislators and employees in that caucus, and (2) providing legislators and employees guidance for interpreting the Act. The Act says that legislators and employees can rely on that guidance if they do so in good faith.<sup>72</sup>

<i>Disclosure of investigations</i>	<p>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 (1) the person consents to disclosure or (2) disclosure is required by law.<sup>73</sup> Ethics commissions acting under the Act are exempt from the Open Meetings Act.<sup>74</sup> Documents obtained or created by the Commission regarding allegations—except the “summary reports” of investigations mentioned earlier—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>75</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 any discipline imposed.<sup>76</sup></p> <p>Other provisions in Article 25 describe procedures to be followed during ethics investigations,<sup>77</sup> and quarterly reports by the Legislative Inspector General and Attorney General under the Act.<sup>78</sup></p>
<i>Other parts of the Act</i>	<p>Other articles of the Act address protection of whistleblowers, by methods that can include judicial action;<sup>79</sup> appointment of an Inspector General for personnel under the Auditor General;<sup>80</sup> the Act’s application to the executive branch;<sup>81</sup> and its application to local governments (including home-rule units) and school districts.<sup>82</sup></p> <p>Other Illinois laws related to ethics in government are described below.</p>
Interest in Public Contracts	<p>Three separate laws address interests of legislators and their families in public contracts.</p>
<i>Office-allowance nepotism law</i>	<p>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>83</sup> That law lists no penalty. However, the Criminal Code section on official misconduct<sup>84</sup> says that any public officer who, acting in an official capacity, does 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>85</sup>) and also forfeits the public office.<sup>86</sup></p>
<i>Public Officer Prohibited Activities Act</i>	<p>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.” It also prohibits a public officer from representing any entity regarding a contract or bid on which the officer may need to vote.<sup>87</sup> These prohibitions do not apply to persons serving only on advisory panels and commissions.<sup>88</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>89</sup></p>

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 specific business. Violation is a Class 4 felony (punishable by 1-3 years in prison and/or up to \$25,000<sup>90</sup>) and also results in forfeiture of office.<sup>91</sup>

*Illinois Procurement Code*

This comprehensive law<sup>92</sup> governs purchasing by agencies under the Governor. (The five other elected executive officers are directed to follow its principles, but are not bound by its exact provisions.<sup>93</sup>) Its “Procurement Ethics and Disclosure” article<sup>94</sup> contains 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>95</sup>

Violation is a business offense, punishable by a fine of \$1,000 to \$5,000.<sup>96</sup>

The Illinois Supreme Court in a 1967 case held that the term “direct pecuniary interest” in a predecessor to subsection (a) did not include simple ownership of stock in a corporation having a state contract.<sup>97</sup> In a 1977 case, an Illinois Appellate Court panel held that a law similar to subsection (a) was not automatically violated because a city mayor’s spouse was employed by the city water department.<sup>98</sup> But subsections (b) and (c) go on to establish specific ownership percentages in a public contract that are prohibited. 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 1967 case also held that a prohibition nearly identical to subsection (b) applied only to the business, and did not subject a shareholder to personal liability.<sup>99</sup> Of course it is not certain that courts would apply the current law similarly.

There are several exceptions to these prohibitions, including contracts for teaching; contracts for a legislator's spouse or minor child to perform "ministerial" (such as clerical) duties; 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 any of the following Departments: Healthcare and Family Services, Human Services, or Public Health.<sup>100</sup> Also, this section does not invalidate any contract that was made before the legislator was elected; but such a contract is voidable if it cannot be completed within 365 calendar days after the legislator takes office.<sup>101</sup>

Also, upon application by the relevant agency's chief procurement officer<sup>102</sup> and after notice and 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. It also is to be published in the Illinois Procurement Bulletin.<sup>103</sup>

Another section of the Illinois Procurement Code prohibits all current and former elected and appointed state officials and employees from using confidential information available to them due to their offices or employment "for actual or anticipated gain for themselves or another person."<sup>104</sup> No penalty specific to that prohibition is stated; but a general provision makes violation of the Code a Class A misdemeanor<sup>105</sup> (punishable by up to 364 days in jail and/or a fine up to \$2,500<sup>106</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>107</sup>

#### Misuse of Office and Bribery

Some kinds of actions in the course of legislating are more specifically prohibited. The Illinois Governmental Ethics Act says that a legislator may not:

- Lobby the General Assembly for compensation;<sup>108</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>109</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>110</sup>
- Accept any honorarium. That term is defined essentially as a payment for an appearance or speech, other than reimbursement for actual travel, lodging, and meal expenses for a legislator and one relative. The definition 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 honorarium paid, if not exempted by the Act, be surrendered to the state.<sup>111</sup> The Act does not mention a criminal penalty for violation, although violation may be punishable under the Official Misconduct section of the Criminal Code.<sup>112</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:

(a) A member of the General Assembly commits legislative misconduct when he or she knowingly accepts or receives, directly or indirectly, any money or other valuable thing, from any corporation, company or person, for any vote or influence he or she may give or withhold on any bill, resolution or appropriation, or for any other official act.

(b) Sentence. Legislative misconduct is a Class 3 felony.<sup>113</sup>

A Class 3 felony is punishable by 2-5 years in prison and/or a fine up to \$25,000.<sup>114</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 or she is not authorized by law to accept knowing that the property or personal advantage was promised or tendered with intent to cause him or her to influence the performance of any act related to the employment or function of any public officer [or] public employee . . . .<sup>115</sup>

Violation of that prohibition is a Class 2 felony,<sup>116</sup> which is punishable by 3-7 years in prison and/or a fine up to \$25,000.<sup>117</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>118</sup>

In addition, Article 3 of the Illinois 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 that it is being offered to influence the legislator.<sup>119</sup>
- Charging a person known to have a legislative interest substantially more to lease or buy any property, or to obtain any service, than would be charged in the ordinary course of business.<sup>120</sup>
- Using confidential information acquired in the course of official duties for private benefit.<sup>121</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>122</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>123</sup>
- “[O]ther conduct which is unbecoming to a legislator or which constitutes a breach of public trust.”<sup>124</sup>

Although the Act lists no specific penalty for doing those things, 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>125</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>126</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>127</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>128</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>129</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>130</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>131</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 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>132</sup> or (2) were paid for in whole or in part from a legislator's "district office" allowance.<sup>133</sup> These prohibitions have exceptions that allow mailing a newsletter or brochure to a constituent in response to a specific request or inquiry.<sup>134</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>135</sup> This prohibition presumably is intended to prevent state officers and 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>136</sup> but this prohibition may apply to items that were procured by the executive branch even if they are 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>137</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>138</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>139</sup> Other provisions that could apply occasionally are in the article of the Criminal Code of 2012 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>140</sup>

#### Other Ethical Principles

Article 3 of the Illinois Governmental Ethics Act ("Code of Conduct") contains both "Rules of Conduct for Legislators"<sup>141</sup> (summarized above) and "Ethical Principles for Legislators."<sup>142</sup> The "Ethical Principles" are not enforceable<sup>143</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>144</sup> Signing the Code is voluntary, and courts cannot force a signer to adhere to it. <sup>145</sup> Any copy of the Code signed by a candidate and filed with the State Board of Elections becomes a public record. <sup>146</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>147</sup>

The exact scope of “infamous” crimes is not clear. The Illinois Supreme Court, interpreting a similar provision in the 1870 Constitution, said that “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>148</sup> But the provision in the 1970 Constitution applies more broadly to *all* felonies, and to any other crimes that are infamous.

A 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>149</sup>

However, there is some uncertainty about how long the disqualification from holding office continues. Another section of the Election Code says that a person convicted of an infamous crime is not eligible for any office of trust or profit unless eligibility is restored by a pardon “or otherwise according to law.”<sup>150</sup> But a provision in the Unified Code of Corrections seemingly implies (indirectly) that eligibility to hold a public office—if it was created by the Constitution—is automatically restored upon completion of the sentence for a felony: “(b) A person convicted of a felony shall be ineligible to hold an office created by the Constitution of this State until the completion of his sentence.”<sup>151</sup> That interpretation seems to be supported by another provision of the Unified Code of Corrections, saying that the rights of a person upon discharge from parole (or from mandatory supervised release, which replaced it) “shall be restored under” the section that includes the sentence just quoted.<sup>152</sup>

The combined effect of these provisions of the Constitution, Election Code, and Unified Code of Corrections—assuming that they all apply—seemingly would be as follows:

- (1) Persons convicted of infamous crimes are disqualified from later serving in offices *not* created by the Constitution.
- (2) Persons convicted of felonies can run for offices that *were* created by the Constitution immediately after completing their sentences (including the

mandatory supervised release term, which is 2 years for some of the more serious felonies<sup>153</sup>).

Those provisions have been interpreted that way by two districts of the Illinois Appellate Court. But the judges hearing those cases reached opposite conclusions about the constitutionality of that result. In a 1980 case, an Illinois Appellate Court panel found no rational basis for barring a person who had completed a sentence from running for a local office *not* created by the Constitution, while allowing a person who had completed a sentence to run for an office that *was* created by the Constitution. Therefore, the judges held that the person could run for a local office even though it was not created by the Constitution.<sup>154</sup> That decision was not appealed.

A different district of the Appellate Court held the opposite in 2006. The judges in that case held that it was rational for the General Assembly to bar persons with criminal records from local offices not created by the Constitution, because “the opportunities and the means to scrutinize candidates for municipal offices and to oversee the activities of those elected are significantly less than the opportunities for scrutiny and oversight of those who run for and serve in constitutional offices.”<sup>155</sup> That decision also was not appealed. Thus, this issue has not been settled.

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>156</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>157</sup>

Thus the Constitution does not prohibit dual public officeholding if the legislator is not being paid for working for 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>158</sup> Another principle occasionally cited in the dual-officeholding area is separation of powers among the three branches of government. But 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 state legislators' holding local public office or employment, if the time commitments are compatible with those of a state legislator. 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 as amended by P.A. 99-523, sec. 5-7 (2015).
  2. 26 U.S. Code subsecs. 162(h)(1) and (4).
  3. Treas. Reg., subsec. 1.162-24(c), added April 8, 2010.
  4. 26 U.S. Code subsec. 162(h)(2) and Treas. Reg., subsec. 1.162-24(b).
  5. "FY 2017 Per Diem Rates for Illinois" (last reviewed Aug. 12, 2016), downloaded 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. Internal Revenue Service, IR-2015-137 (news release, Dec. 7, 2015), downloaded from IRS Internet site.
  9. Rev. Proc. 2010-51 (Dec. 20, 2010), downloaded from IRS Internet site.
  10. 26 U.S. Code subsec. 274(d); 26 Code of Fed. Regs. sec. 1.274-5 and subsec. 1.274-5T(c).
  11. See 26 U.S. Code subsecs. 67(a) and (b).
  12. See 35 ILCS 5/203(e)(1) and (a)(1); 5/202; and 5/201(b).
  13. The definition is in 10 ILCS 5/9-1.8(a).
  14. 10 ILCS 5/9-10(a) and (b).
  15. 10 ILCS 5/9-10(c).
  16. 10 ILCS 5/9-1.8(a).
  17. 10 ILCS 5/9-1.8(b).
  18. 10 ILCS 5/9-10(f).
  19. 10 ILCS 5/9-7.
  20. 10 ILCS 5/9-10(b) and 5/9-23. Section 9-23 authorizes a civil penalty up to \$10,000 if the office involved is a statewide executive office.
  21. Those limits are stated in 10 ILCS 5/9-8.5. See the immediately following text and notes regarding the validity of subsection 9-8.5(d).
  22. The parts that the judge declared unconstitutional—to the extent applying to independent-expenditure-only PACs—were 10 ILCS 5/9-2(d), first sentence and 10 ILCS 5/9-8.5(d), first sentence.
  23. *Personal PAC v. McGuffage*, 858 F. Supp. 2d 963 (N.D. Ill. 2012).
  24. Ill. Const., Art. 13, sec. 2.
  25. 5 ILCS 420/1-101 ff., and specifically 420/4A-101 ff.
  26. 5 ILCS 420/4A-102. The items that the Act requires to be disclosed have been re-arranged from the order in which they appear in the Act to promote comprehension.
  27. 5 ILCS 420/4A-105, last two paragraphs.
  28. 5 ILCS 420/4A-106, last paragraph.
  29. 5 ILCS 420/4A-107, second paragraph, second sentence.
  30. The State Officials and Employees Ethics Act resulted from two Public Acts enacted in 2003. The Act was initially enacted by P.A. 93-615, and then greatly expanded and changed by P.A. 93-617. It is codified as 5 ILCS 430/1-1 ff.

31. 5 ILCS 430/25-95(a-5); see also 5 ILCS 140/7.5(h).
32. 5 ILCS 430/5-10.
33. 5 ILCS 430/5-5(c).
34. 25 ILCS 115/4, third paragraph.
35. 5 ILCS 430/5-15(a) and (b).
36. 5 ILCS 430/1-5, definition of “Prohibited political activity.”
37. 5 ILCS 430/50-5(a).
38. 730 ILCS 5/5-4.5-55(a) and (e).
39. 5 ILCS 430/5-20.
40. 5 ILCS 430/50-5(b).
41. 5 ILCS 430/5-30.
42. 5 ILCS 430/50-5(a).
43. 5 ILCS 430/5-30(b).
44. 5 ILCS 430/5-35.
45. 5 ILCS 430/50-5(b).
46. 5 ILCS 430/5-40.
47. 5 ILCS 430/50-5(a).
48. 5 ILCS 430/5-45.
49. 5 ILCS 430/50-5(a).
50. 5 ILCS 430/50-5(c).
51. 5 ILCS 430/10-30.
52. 5 ILCS 430/1-5, definition of “Member.”
53. 5 ILCS 430/1-5, definition of “Prohibited source” (emphasis added as described in the text).
54. 5 ILCS 430/1-5, definition of “Gift.”
55. 5 ILCS 430/10-10.
56. 5 ILCS 430/10-15.
57. 5 ILCS 430/1-5, definition of “State agency.”
58. 5 ILCS 430/10-15.
59. 5 ILCS 430/1-5, definition of “State agency.”
60. 5 ILCS 430/10-40.
61. 5 ILCS 430/25-5(b) and (c).
62. 5 ILCS 430/25-10(b), first and second paragraphs.
63. 5 ILCS 430/25-15.
64. 5 ILCS 430/25-20.
65. 5 ILCS 430/25-50(a).
66. 5 ILCS 430/25-52 and 430/25-95(b).
67. 5 ILCS 430/25-20(5).
68. 5 ILCS 430/25-20(9).
69. 5 ILCS 430/25-50(c-10).
70. 5 ILCS 430/25-21.
71. 5 ILCS 430/25-20a.
72. 5 ILCS 430/25-23.
73. 5 ILCS 430/25-90.
74. 5 ILCS 120/1.02, definition of “Public body,” last sentence.
75. 5 ILCS 430/25-95(a) and (b). A parallel provision is in 5 ILCS 140/7.5(h).
76. 5 ILCS 430/25-50(l).
77. 5 ILCS 430/25-35 to 430/25-80.
78. 5 ILCS 430/25-65, 430/25-85, and 430/25-86.
79. 5 ILCS 430/15-5 ff.
80. 5 ILCS 430/30-5 ff.

81. 5 ILCS 430/20-5 ff. and 430/35-5 ff.
82. 5 ILCS 430/70-5 ff.
83. 25 ILCS 115/4.2.
84. 720 ILCS 5/33-3(a).
85. 730 ILCS 5/5-4.5-40(a) and 5/5-4.5-50(b).
86. 720 ILCS 5/33-3(c).
87. 50 ILCS 105/3(a), first two sentences.
88. 50 ILCS 105/3(a), fifth sentence.
89. 50 ILCS 105/3(b), (b-5), and (c).
90. 730 ILCS 5/5-4.5-45(a) and 5/5-4.5-50(b).
91. 50 ILCS 105/4.
92. 30 ILCS 500/1-1 ff.
93. See 30 ILCS 500/1-30.
94. 30 ILCS 500/50-1 ff.
95. 30 ILCS 500/50-13(a) to (c).
96. 30 ILCS 500/50-13(g).
97. *People v. Isaacs*, 37 Ill. 2d 205, 226 N.E.2d 38 (1967).
98. *People v. Simpkins*, 45 Ill. App. 3d 202, 359 N.E.2d 828 (1977), review denied by Ill. Sup. Ct.
99. 37 Ill. 2d at 214-15, 226 N.E.2d at 44-45.
100. 30 ILCS 500/50-13(f).
101. 30 ILCS 500/50-13(e).
102. 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.
103. 30 ILCS 500/50-20.
104. 30 ILCS 500/50-50.
105. 30 ILCS 500/50-75(b).
106. Penalties for such misdemeanors are listed in 730 ILCS 5/5-4.5-55.
107. 30 ILCS 500/1-30(b).
108. 5 ILCS 420/2-101.
109. 5 ILCS 420/2-104.
110. 5 ILCS 420/2-103. The maximum fine for a petty offense is stated in 730 ILCS 5/5-4.5-75.
111. 5 ILCS 420/2-110.
112. See 720 ILCS 5/33-3.
113. 720 ILCS 5/33-8.
114. 730 ILCS 5/5-4.5-40 and 5/5-4.5-50.
115. 720 ILCS 5/33-1(d).
116. 720 ILCS 5/33-1(g).
117. 730 ILCS 5/5-4.5-35 and 5/5-4.5-50.
118. 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*, not 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 2012, 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 in the county where the bribe attempts took place.

119. 5 ILCS 420/3-102.
120. 5 ILCS 420/3-103.
121. 5 ILCS 420/3-104.
122. 5 ILCS 420/3-105.
123. 5 ILCS 420/3-106.
124. 5 ILCS 420/3-107.
125. 720 ILCS 5/33-3.
126. Ill. Const., Art. 8, subsec. 1(a).
127. Opinion S-960 (1975 Ops. Atty. Gen., p. 212).
128. 25 ILCS 115/4, end of first sentence.
129. Opinion S-960 at p. 213.
130. 30 ILCS 500/20-105.
131. 720 ILCS 5/33-3.
132. 25 ILCS 130/9-2.5.
133. 25 ILCS 115/4, fourth paragraph.
134. 25 ILCS 130/9-2.5 and 115/4, fourth paragraph.
135. 30 ILCS 500/20-105, first paragraph, last sentence.
136. See 30 ILCS 500/1-30(b).
137. 230 ILCS 5/24(c) and (d).
138. 230 ILCS 5/24(f).
139. 50 ILCS 40/2.
140. 720 ILCS 5/33E-1 ff. (especially 5/33E-6).
141. These rules are in 5 ILCS 420/3-102 to 420/3-107.
142. 5 ILCS 420/3-201 to 420/3-205.
143. 5 ILCS 420/3-206.
144. 10 ILCS 5/29B-10.
145. 10 ILCS 5/29B-35.
146. 10 ILCS 5/29B-25.
147. Ill. Const., Art. 13, sec. 1.
148. *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.
149. 10 ILCS 5/25-2(5) and fifth unnumbered paragraph in the section.
150. 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.
151. 730 ILCS 5/5-5-5(b).
152. 730 ILCS 5/3-3-8(d).
153. 730 ILCS 5/5-4.5-30(l) (Class 1 felony) and 5/5-4.5-35(l) (Class 2 felony).
154. *Coles v. Ryan*, 91 Ill. App. 3d 382, 414 N.E.2d 932 (1980).
155. *People v. Hofer*, 363 Ill. App. 3d 719 at 724, 843 N.E.2d 460 at 464-65 (2006). The statutory provision barring the person from running for office in that case was subsection 3.1-10-5(b) of the Illinois Municipal Code (65 ILCS 5/3.1-10-5(b)), which applies to a broader class of crimes than the Election Code provision cited earlier (10 ILCS 5/29-15).
156. 40 ILCS 5/2-156.
157. Ill. Const., Art. 4, subsec. 2(e), first paragraph.

158. Opinions S-1027 (1976 Ops. Atty. Gen., p. 49) and 80-027 (1980 Ops. Atty. Gen., p. 116).

## **CHAPTER 7 - STATE BUDGET AND APPROPRIATION PROCESS**

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## CHAPTER 7

### 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 when the Governor presents his proposed budget to a joint session of the General Assembly—normally on the third Wednesday in February.<sup>1</sup> The Governor outlines his fiscal program for the year and argues for its adoption. This message and documents related to it also alert the many groups interested in state programs about how much support they can expect from the Governor. This budget message marks the opening of the first round in the fight for state money.

The Governor's proposed budget for the current fiscal year (2017) was a volume of over 500 pages. 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 . . . ." As required by the section of the State Budget Law commonly known as "Budgeting For Results,"<sup>3</sup> it listed categories of programs such as education, economic development, 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 volume outlined a plan of capital improvements for the year, and a program to fund those. 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.

Fiscal year 2016 was unique in having no general state budget enacted. The Governor's proposed fiscal year 2017 budget listed the estimated amount needed to sustain each agency's core mission and programs for fiscal year 2016, and each agency's estimated fiscal year 2016 spending. The Governor's recommended appropriations for fiscal year 2017 were based partly on those estimates.<sup>4</sup>

The State Finance Act says that 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 either introduced in the General Assembly or sent to the legislative leaders.<sup>5</sup>

### **Restrictions on Spending Public Funds**

The Illinois 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>6</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>7</sup>
- (2) Public funds can be spent only as authorized by law.<sup>8</sup> Records of those expenditures must be available for public inspection.<sup>9</sup>
- (3) Appropriations may not exceed funds estimated by the General Assembly to be available for the fiscal year.<sup>10</sup> To meet that 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 state employee group health insurance costs for the next fiscal year.<sup>11</sup> The General Assembly often meets the requirement by passing a resolution with a General Revenue Fund revenue estimate before passing a budget.

### **Appropriations**

Every deposit of money into the state treasury goes into a particular fund. The main fund used by the 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 School 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>12</sup> Thus, every bill is either an appropriations bill or (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 begins 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 20 categories<sup>13</sup> and defines the purposes of most of them.<sup>14</sup> The categories typically receiving 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. Under that exception, in a normal year 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>15</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>16</sup> Exceptions were made by law, for fiscal years 2010 and 2014 only, to restrictions (1) to (3) just stated.<sup>17</sup> In fiscal year 2015 only, each agency under the Governor could make transfers among line items within the same fund for “operational or lump sum expenses” (broadly defined); the sum of such transfers could not exceed 4% of the agency’s total appropriation for expenses fitting the definition.<sup>18</sup> Some agencies have special transfer authority for specified line-item purposes.<sup>19</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 (such as the New Members’ Conference) rather than by spending categories. Such a “lump-sum” appropriation is a separate amount for a single project, so no transfers can be made into or out of it.<sup>20</sup>

An appropriations bill normally 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 thus there could be changes in the holders of some offices, the General Assembly typically allows no more than half of each appropriation for operation of those offices to be spent in the first 6 months of that fiscal year (July through December). But some bills proposing supplemental appropriations to complete a fiscal year (often enacted in the last half of that fiscal year) also propose new appropriations for the next fiscal year.<sup>21</sup>

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 appropriations act, as was done for fiscal years 2007<sup>22</sup> and 2008.<sup>23</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, chargebacks, increased-fee transfers, and Executive Order 03-10 transfers (the latter in fiscal year 2004 only). Fund sweeps are amounts directed by a Public Act to be transferred during the current or next fiscal year. Chargebacks 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) were 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 would leave in the fund 25% of the amount at the beginning of that fiscal year; some funds were exempt from such transfers.<sup>24</sup>

Increased-fee transfers are transfers from funds that are receiving higher revenues due to increased fees. The Governor allocates an amount to go to the General Revenue Fund after learning 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>25</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.

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
2015	1,284.1
<b>Total</b>	<b>\$3,446.0</b>

There were no special transfers in fiscal years 2011 to 2014. But two laws for fiscal year 2011,<sup>26</sup> and one for fiscal year 2015,<sup>27</sup> allowed the Governor to borrow from special-purpose funds in those years. Borrowing had to be paid back within 18 months after money was borrowed. Total borrowing of this type was \$496 million in fiscal year 2011 and \$454 million in fiscal year 2015.<sup>28</sup>

## 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 such 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. Similar projections are to be made for any bill to authorize bond issuance. <sup>29</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. 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. Analysis of a bill that would affect pension systems for non-Chicago firefighters or police officers may include impacts on specific municipalities. Copies of the note go to the Presiding Officer and Minority Leader of each house; the Clerk and Secretary; the chairperson of the committee in each house that considers pension bills; the sponsor; and the legislator (if any) who asked for the note. <sup>30</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 case-load data for the area affected. If this need cannot be determined, the note will say so and give the reason. <sup>31</sup>   |

State Debt  
Impact Notes

If a bill would increase the state's authorized long-term debt, or would appropriate money from bond financing, the chairperson of the committee that assigns bills to committees in its house of origin 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 a further 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 chairperson and minority spokespersons of the appropriations and revenue committees of each house, and the legislator (if any) who asked for the note.<sup>32</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.

If a bill would create a new crime punishable by detention in a juvenile facility, probation, intermediate sanctions, or community service; or would 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 of the bill on probation caseloads and staffing needs statewide, and on the annual budgets of the Illinois Supreme Court and of counties.<sup>33</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 complexity. The note is to include immediate effects of the bill, and long-term effects if foreseeable.<sup>34</sup> Under the Illinois Constitution,<sup>35</sup> some kinds of bills to limit home rule will not have that effect unless passed by at least three-fifths of the members elected to each house. The rules of each house require such a majority to pass such a bill.<sup>36</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 the sponsor of the amendment, if not the same person).<sup>37</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. 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>38</sup>

#### State Mandate Notes

The State Mandates Act<sup>39</sup> says that if a law puts added responsibilities on units of local government, school districts, or community college districts, causing their revenues or spending 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>40</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>41</sup>

One way of dealing with the State Mandates Act has been to include, in a bill proposing a new program, an exemption of that new program from the Act.<sup>42</sup> But even if a bill would create such an exemption, a State Mandates Act note must be filed with it.<sup>43</sup> A 2010 act added a section to the School Code saying that (with some exceptions) public and private schools need not comply with any later state mandates for which the state does not provide funding.<sup>44</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(s).
- 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>45</sup> This is called a land conveyance appraisal note.

## State Borrowing 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>46</sup> and that the General Assembly may not appropriate amounts that exceed estimated revenues.<sup>47</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 that state debt be authorized by a law stating its purposes and manner of repayment. A law authorizing long-term debt must be either (1) passed by three-fifths of the members elected to each house, or (2) passed by the usual majority of members elected to each house *and* approved by a majority of persons voting on the question at a referendum.<sup>48</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>49</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>50</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. Amounts so borrowed must be repaid by the end of that fiscal year.<sup>51</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, due to "failures in revenue," but only after 30 days' 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>52</sup> This act was used in fiscal years 1983, 1987, 1992, 1993, 1994, 1995, 1996, and every year from 2003 to 2011 to meet temporary shortfalls in state revenues.<sup>53</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>54</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>55</sup> Some of the short-term borrowing described above has been used to fund Medicaid costs.

## 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>56</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, would vote to pay off the bonds if necessary to avoid default and protect 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 a 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 the *Appropriations Report*, 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 and reprints the fiscal year’s appropriations act(s), with appropriations classified by agency. It also has information on supplemental appropriations to finish the previous fiscal year.

The other book is the *Detailed 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 fund in the state treasury, it shows revenues by source. 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 were incurred under appropriations for the just-ended fiscal year.<sup>57</sup> The lapse period for paying fiscal years 2010, 2011, and 2012 bills was extended to December 31 of those years.<sup>58</sup> A 2012 law authorizes the Comptroller to pay bills—if the Comptroller receives agency vouchers for them by the end of August—for 4 months after the lapse period each year, in effect extending the lapse period through December 31.<sup>59</sup>

The Comptroller’s Website at

<https://illinoiscomptroller.gov>

has much current information of the types that will later be collected in the *Appropriations Report* and the *Detailed Annual Report*.

- Notes
1. See 15 ILCS 20/50-5(a), first sentence. That sentence allowed postponement of the message to the fourth Wednesday in March in 2014. The speech was also statutorily permitted to be postponed in 2003, 2007, 2009, 2010, 2011, 2012, and 2013.

2. Ill. Const., Art. 8, subsec. 2(a).
3. 15 ILCS 20/50-25.
4. Illinois State Budget (proposed, FY 2017), pp. 18-21, downloaded from Governor's Office of Management and Budget Internet site.
5. 30 ILCS 105/13.4.
6. Ill. Const., Art. 8, subsec. 1(a).
7. Examples are *People ex rel. City of Urbana v. Paley*, 68 Ill. 2d 62, 368 N.E.2d 915 at 920-21 (1977); *Friends of the Parks v. Chicago Park Dist.*, 203 Ill. 2d 312, 786 N.E.2d 161 (2003); and *Empress Casino Joliet Corp. v. Giannoulis*, 231 Ill. 2d 62 at 86-87, 896 N.E.2d 277 at 294-95 (2008).
8. Ill. Const., Art. 8, subsec. 1(b).
9. Ill. Const., Art. 8, subsec. 1(c).
10. Ill. Const., Art. 8, subsec. 2(b).
11. 25 ILCS 155/4(a) and (b).
12. Ill. Const., Art. 4, subsec. 8(d), second paragraph.
13. 30 ILCS 105/13.
14. 30 ILCS 105/14, 105/15a to 105/24.7, and 105/24.11 to 105/24.13.
15. 30 ILCS 105/13.2(a) to (a-3) and (c).
16. 30 ILCS 105/13.2(a-2).
17. 30 ILCS 105/13.2(a-2), fifth sentence.
18. 30 ILCS 105/13.2(c-3), added by P.A. 99-2 (2015).
19. See 30 ILCS 105/13.2(b) and (e).
20. See 30 ILCS 105/13, last paragraph, and 105/13.2(a-2), first sentence.
21. Supplemental appropriations are referred to in 15 ILCS 20/50-5(a), third paragraph and 25 ILCS 80/5.
22. P.A. 94-798 (2006).
23. P.A. 95-348 (2007).
24. 30 ILCS 105/8h.
25. 30 ILCS 105/8j.
26. P.A. 96-958, sec. 5-15 (2010).
27. P.A. 98-682 (2014).
28. Commission on Government Forecasting and Accountability, "FY 2016 Budget Summary," downloaded from CGFA Internet site, pp. 191-294.
29. 25 ILCS 50/1 ff.
30. 25 ILCS 55/1 ff.
31. 25 ILCS 60/1 ff.
32. 25 ILCS 65/1 ff.
33. 25 ILCS 70/1 ff.
34. 25 ILCS 75/1 ff.
35. Ill. Const., Art. 7, subsec. 6(g).
36. House Rule 70 and Senate Rule 7-20, 99th General Assembly.
37. 25 ILCS 80/1 ff.
38. 25 ILCS 82/1 ff.
39. 30 ILCS 805/1 ff.
40. 30 ILCS 805/6.
41. 30 ILCS 805/8(b)(2).
42. See 30 ILCS 805/8.1 ff. to 805/8.39.
43. See 30 ILCS 805/8(b)(1), second paragraph and 805/8(b)(2).
44. P.A. 96-1441 (2010); 105 ILCS 5/22-60.
45. House Rule 41(b), 99th General Assembly.
46. Ill. Const., Art. 8, subsec. 2(a).
47. Ill. Const., Art. 8, subsec. 2(b).
48. Ill. Const., Art. 9, subsec. 9(b).

49. Ill. Const., Art. 9, subsec. 9(c).
50. Ill. Const., Art. 9, subsec. 9(d).
51. 30 ILCS 340/1.
52. 30 ILCS 340/1.1.
53. Commission on Government Forecasting and Accountability, "FY 2012 Capital Plan," downloaded from CGFA Internet site, p. 21.
54. P.A. 93-674 (2004). The Children's Health Insurance Program Act was established at 215 ILCS 106/1 ff.
55. 30 ILCS 342/5 as amended by P.A. 93-674, sec. 15 (2004).
56. Ill. Const., Art. 9, subsec. 9(f).
57. 30 ILCS 105/25(b).
58. 30 ILCS 105/25(b-2) to (b-2.6).
59. 30 ILCS 105/25(m), added by P.A. 97-932 (2012).



## CHAPTER 8 - OTHER PARTICIPANTS IN THE LEGISLATIVE PROCESS

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## CHAPTER 8

### 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<sup>1</sup> set forth the Governor's legislative purposes. Arrangements between the Governor and legislators can 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; 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 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.

After a bill is enacted, or a resolution is adopted, the Governor may also be able to affect how it is applied. The Governor may be empowered to appoint some or all members of a task force, commission, or committee created by the law or resolution. Or a law may authorize agencies under the Governor to propose regulations to implement it.

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 made. They also are interested in bills that would affect the functioning of their offices, and often have their own legislative programs on topics related to their duties. Thus they seek to maintain good relations with legislators. The executive-branch officers may 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 other 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 aides to the Governor" access to the floor during sessions.<sup>2</sup> A House rule allows "the designated aide to the Governor" access to the floor "except as limited by the Speaker."<sup>3</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 work 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 or agency 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>4</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>5</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>6</sup> requires a broad class of persons to register as lobbyists.<sup>7</sup> The Act, and regulations issued by the Secretary of State seeking to interpret and modify it,<sup>8</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 the Act requires lobbyists to report all expenditures on behalf of legislators—even for items such as food and beverages—in a database posted on the Internet. The Act also requires legislators to be notified that they will be named as beneficiaries of such expenditures; and it allows any 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>9</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>10</sup> Anyone (including a firm, organization, committee, or group<sup>11</sup>) that employs another person or entity for any of those purposes must also register<sup>12</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>13</sup> The regulations state that the definition also includes other persons of “comparable ranking” to directors, assistant directors, and chief or general legal counsels, if the statewide executive officer employing them designates them as officials for this purpose. The regulations also limit the boards, commissions, authorities, and task forces affected to those that have authority to make binding recommendations or determinations.<sup>14</sup>
- The word “influencing” is defined as “any communication, action, reportable expenditure . . . or other means used to promote, support, affect, modify, oppose or delay any executive, legislative or administrative action or to promote goodwill with officials . . . .”<sup>15</sup> The regulations state that “goodwill” for reporting purposes means “any expenditure made on

behalf of officials that has no direct relation to a specific executive, legislative or administrative action, regardless of whether the lobbyist making the expenditure is reimbursed . . . .”<sup>16</sup> Thus, if read literally, the regulations require registration by anyone, not specifically exempted, who spends anything to benefit one or more public officials.

The Act and regulations contain extensive lists of kinds of persons who are exempt from the registration requirements. They include legislators and employees of the General Assembly, legislative commissions, and legislative agencies, when acting in pursuance of their official duties.<sup>17</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>18</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>19</sup> Registrants that are firms or organizations must list all people lobbying on their behalf; each registrant who is a human being 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 \$300 fee.<sup>20</sup>

*Filing of  
spending reports*

Each registrant must file a report on expenditures twice each month.<sup>21</sup> Each report must list spending on items such as travel, lodging, meals, beverages, entertainment, gifts (including any reported as being on the basis of personal friendship), honoraria, and anything else of value.<sup>22</sup> The regulations say that travel of less than 20 miles need not be reported.<sup>23</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” if the official returns or repays it to the registrant before the report is filed.<sup>24</sup> (A section of the Illinois Governmental Ethics Act prohibits a legislator from accepting an “honorarium” as that section defines that term. But it allows legislators to accept payments for “actual and necessary” costs of travel, lodging, and meals for any appearances and speeches.<sup>25</sup>)

A registrant who ends activities for which registration is required must file a final report within 30 days.<sup>26</sup>

The Act 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>27</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>28</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 or official lobbied and the subject matter.<sup>29</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>30</sup> A legislator who does not get such notice, or who returns the expenditure or reimburses the registrant for it, may contest the report at any time by sending the Secretary of State's office a letter, which is to be public information.<sup>31</sup> The Secretary of State's regulations, but not the Act, say that any such letter will be forwarded to the registrant; that the registrant must respond in writing within 30 days; and that the response will be "public information."<sup>32</sup>

Registrants are also required to report substantial changes or additions to their information at any time.<sup>33</sup> The regulations say that this is to be done by filing an amended statement or report.<sup>34</sup>

*Public access  
to reports*

All registration and expenditure reports are open for public inspection. The Secretary of State's regulations say that they are also available for copying. They may be inspected free of charge, and are available on the Internet at no charge. Copies can be obtained for a fee.<sup>35</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. An alleged violator then has 30 days to dispute the allegation or agree to take action to correct it. If an 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>36</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 the Illinois Petroleum Council. There are also issue-oriented groups, such as the Taxpayers' Federation of Illinois, and lobbyists who represent very specific interests, such as individual major-league sports teams. Still other lobbyists represent local government units, such as an individual city, school district, or community college; or colleges and universities. As last reported by the Secretary of State's office in March 2016, 1,507 people and 1,858 other entities were registered lobbyists.<sup>37</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](http://www.cyberdriveillinois.com/departments/index/lobbyist/home.html)

by clicking on the link labeled “Lobbyist List” or “Lobbyist Cross Reference List” (in each case as a PDF file).

### Lobbyists: How They Work

Lobbyists have been described as the “Third House” of a legislature. Lobbyists for groups that receive state money (such as highway construction contractors, schools, or social services 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 an electronic or 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 client make a case for or against it.

The process of consultation between lobbyists and clients continues throughout the session. Bills may 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, websites, mass e-mails, and/or other electronic communication methods—including social media sites. Such communications list bills of significant interest to the organization; name their sponsors; give brief descriptions of their contents; and report the group’s positions on them. This information may be accompanied by commentary on what is happening in the General Assembly, and by suggested actions by members to further the organization’s legislative program. Such actions might include 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

websites 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 constituents 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. Some of these lobbying efforts are annual events planned well in advance to allow legislators and group members from across the state to prepare and participate in the day's events. Such efforts often highlight an organization's mission, in addition to its legislative positions. Other efforts are prepared in response to specific bills or resolutions before the General Assembly.

## 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, and various duties that they fulfill.

### Administrative Staffs

The House and the Senate offer very similar clerical and custodial services, but with differences in formal administrative structures. In the House, the Speaker is the chief administrative officer.<sup>38</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 and one assistant minority leader; and one other member appointed by the President.<sup>39</sup>) The administrative staffs include 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, operate the post offices and bill rooms, coordinate committee operations, and produce floor transcripts; secretaries; custodians to maintain the chambers; and pages to run errands for members.

### *Clerk of the House and Secretary of the Senate*

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 announce and 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 bills with any 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 of 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.

### Chiefs of Staff

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.

The organization and role of the policy staffs vary 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.

**Press** 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). Some legislators send regular e-mails or post on social media sites to update constituents and reporters on future, current, or past events or actions in the General Assembly. Such updates often include links to or excerpts from news stories favorable to their actions or their caucus. Press relations staff may also provide training for legislators on handling press inquiries, and on deportment at news conferences. They are also responsible for maintaining relations with the news media.

**Committee Staffs** The formal development of committee staffs began in 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>40</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, and can change as caucus staffs are reorganized.

*Substantive committee staffs* These staffs’ structures parallel the standing committees. One or more staff members from each party work with each committee. These staffers analyze every bill sent to their committees. They are also called on to analyze and draft amendments to bills.

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.

In the months following 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, present analyses to legislators, and prepare bill topics for the next legislative session.

*Appropriations staffs* Appropriations staffs usually prepare initial analyses of the Governor’s proposed budget, detailed analyses of each agency’s submitted budget, and continuing analyses of each appropriations bill for the appropriations committees before their members meet. These staffs consult with agency budget representatives and analysts from the Governor’s Office of Management and Budget to provide a framework for budget negotiations. If committee members decide to amend a bill, their staff prepares the necessary draft.

After committee hearings, the appropriations staff prepares materials based on the hearings. The appropriations 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.

During the summer, the appropriations 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.

#### Other Staff Duties

In addition to directly supporting legislators and committees, staff members generally perform other short- and long-term duties during and between sessions. Although caucuses have differing structures (some having formal divisions for these tasks, with different responsibilities for some staffers), each partisan staff generally performs the tasks described below, whether or not they are done under the formal labels used here.

#### *Review legislative documents*

Staffs must do technical reviews of bills, amendments, and other documents, checking for correctness in page numbering, spelling, punctuation, statute references, and the like. They also provide legal counsel for legislators and committees. This involves evaluating whether bills and amendments would do what legislators want them to do, and analyzing how they might interact with other state or federal laws and court cases.

#### *Issues and policy development*

Staffs also provide long-term planning and problem-solving services for legislators. These staffers 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 seek support for favored ones.

#### *Constituent services staff*

Although most constituents' concerns and requests for information or help are handled by their district office staffs, some such "casework" may be assigned to partisan staffers. A staff may have a person assigned to do casework; may assign a person to a group of legislators to do both casework and press services; or may assign casework to appropriate staffers as it comes in.

### **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 creating this office, the Constitution for the first time clearly put the 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>41</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>42</sup> The Auditor General is to do a program audit of each state mental health and developmental disabilities facility,<sup>43</sup> and other audits that are deemed to be in the public interest or are directed by the Legislative Audit Commission, or by either

legislative house.<sup>44</sup> Audits cover agency financial operations, program management, and compliance with state laws.<sup>45</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>46</sup> Under a 2011 law, the Auditor General reported on whether general funds appropriations exceeded limits listed in the Illinois Income Tax Act for fiscal years 2012 through 2015.<sup>47</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 actions.<sup>48</sup>

### Legislative Support Services 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. Four of those support agencies (the Commission on Government Forecasting and Accountability, Joint Committee on Administrative Rules, Legislative Audit Commission, and Legislative Research Unit) are governed by boards 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 on Legislative Support Services appoints the two co-chairpersons of each board.<sup>49</sup>

The other four legislative support agencies (the Legislative Information System, Legislative Printing Unit, Legislative Reference Bureau, and Office of the Architect of the Capitol) are governed by a board consisting of the Secretary and Assistant Secretary of the Senate, and the Clerk and Assistant Clerk of the House.<sup>50</sup> These boards administer the agencies under the laws establishing them, and policies and regulations established by the Joint Committee on Legislative Support Services.

#### Architect of the Capitol

The Architect of the Capitol is directed to prepare and implement a long-range master plan for historic preservation, restoration, construction, and maintenance of the State House complex and the land and state facilities within the rectangle bounded by Washington, Third, Cook, and Pasfield streets (some 30 blocks). The plan is to be submitted for review and comment (on portions of the plan not involving the State House) to the advisory Capitol Historic Preservation Board.<sup>51</sup> The Architect is also to monitor any work in the complex or the facilities in the master plan that might alter its historic integrity, and keep an inventory and registry of all historic items there.<sup>52</sup>

All contracts for construction or major repair of state buildings in the 30-block area described above (except the Supreme Court and Fourth District Appellate Court buildings) must have the Architect's approval.<sup>53</sup> The Office of the Architect of the Capitol is also responsible for allocating space for the General Assembly and its agencies.<sup>54</sup>

With approval by the Board of the Office of the Architect of the Capitol, the Architect can acquire land in the 30-block area for legislative or other state use.<sup>55</sup>

Commission on  
Government Fore-  
casting and Ac-  
countability

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 statutory duties to project annual state receipts<sup>56</sup> and make 3-year budget forecasts that include opportunities and threats to revenues and expenditures.<sup>57</sup> A major purpose of those 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. The Commission prepares an annual state economic report giving information on economic development and trends in the nation, the state, and its regions, and the effect of economic trends on the state's long-range planning and budgeting.<sup>58</sup> It also publishes an annual summary of appropriations; "monthly briefings" on various economic, revenue, and spending topics, including monthly and year-to-date general funds revenues; and other studies deemed appropriate or requested by the General Assembly.<sup>59</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>60</sup> and administers the State Facilities Closure Act.<sup>61</sup>

The Commission also prepares Pension Impact Notes; makes a continuing study of public pension laws and practices in Illinois; recommends changes to those laws and practices, reporting to the General Assembly annually or as needed;<sup>62</sup> and annually estimates state pension system funding requirements and state employee group health insurance program liabilities.<sup>63</sup>

Joint Committee  
on Administrative  
Rules

The Joint Committee on Administrative Rules (commonly called "JCAR") examines proposed regulations issued by state agencies, and can object to any that it considers contrary to law.<sup>64</sup> It does not draft regulations, but it can make recommendations for changing them. If three-fifths of its board determines that a proposed regulation does not meet statutory requirements, and poses a serious threat to the public interest, it can block the regulation from taking effect unless the General Assembly by joint resolution decides otherwise.<sup>65</sup> The Committee is also required to examine all existing regulations of executive agencies every 5 years; monitor agencies' compliance with laws; study legislative, administrative, and court actions that may affect regulations and the process of issuing them; and make recommendations for changes.<sup>66</sup>

The *Illinois Register*, published weekly by the Secretary of State, is the official organ for public notices of state rulemaking activity. It contains proposed and final changes to the Illinois Administrative Code (the official compilation of the state's regulations). It is available from the Secretary of State's office in print for \$290 annually (for nongovernmental organizations)<sup>67</sup> and on the Secretary's website free of charge. JCAR publishes a weekly newsletter, *The Flinn Report*, summarizing new and proposed regulations; proposed regulations that have gone to Second Notice; and JCAR meeting actions. It is available only on the JCAR website, at no charge.

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 annually 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>68</sup> The Illinois State Auditing Act authorizes the Commission to direct the Auditor General's office to do special studies or investigations.<sup>69</sup>

Legislative Information System (LIS)

The Legislative Information System operates the computer system that stores and retrieves data for the General Assembly and its committees and service agencies. Services offered by LIS include the General Assembly website; the laptop computer system for members; the voting systems in each chamber; and computer applications developed for the operations of legislative support agencies, operations of each chamber, and recording of legislative activities.

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

- Summaries and texts of all bills, resolutions, amendments, and conference committee reports of the current General Assembly, and of past ones starting in 1997.
- 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, but is offered free of charge).
- Texts of Public Acts of the current General Assembly, and of past ones starting in 1997.
- The current Illinois Compiled Statutes, reflecting changes made by recent Public Acts.
- Transcripts of House and Senate sessions since 1971 (when debates were first required to be recorded).

It offers the following information on legislative activities:

- Weekly schedules of floor sessions.
- Committees, committee members, and hearing schedules.
- Rules of each house.
- Journals showing floor action in each house.
- Several system-generated reports to aid tracking of bills and resolutions.

The site also allows users (after registering with it) to personalize bill tracking reports. Through the site, LIS offers live audio and video feeds of House and Senate sessions, and audio feeds of most committee hearing rooms in the State House complex.

In cooperation with the Administrative Code Unit of the Secretary of State's office and JCAR, LIS maintains the Illinois Administrative Code and the *Illinois Register* in a computer database.<sup>70</sup> This information is provided on JCAR's website, which is hosted by LIS.

Legislative  
Printing Unit  
(LPU)

The Legislative Printing Unit prints legislative documents and reports, including daily calendars and amendments. It also provides letterheads, envelopes, newsletters, business cards, notepads, and other items for legislators, legislative staff, and legislative agencies. The Printing Unit has rules governing printing for legislators, under policies set by the Joint Committee.<sup>71</sup> State law also puts restrictions on the Unit's printing of brochures and newsletters at times leading up to elections, as described in Chapter 6.<sup>72</sup>

Legislative Refer-  
ence Bureau  
(LRB)

The primary service of the Legislative Reference Bureau is drafting bills, amendments, and resolutions for legislators. Legislators and staff describe provisions they want in bills, and the lawyers on the LRB staff convert them into bill drafts. Most House and Senate bills, and most amendments to them, are either drafted or put into proper form by the LRB. The LRB also codifies the Illinois Compiled Statutes and, along with LIS, makes it available on the General Assembly website.

The LRB prepares the revisory bills that are needed to bring Illinois laws into conformity with one another and with court decisions.<sup>73</sup> It also drafts bills to implement executive reorganization orders that are not disapproved by the General Assembly.<sup>74</sup>

The LRB publishes the *Legislative Synopsis and Digest* each week during the legislative session, and a final issue each year showing all actions of the preceding year. The "*Digest*" 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. These entries on bills and resolutions are indexed by subject, sponsor, and (in the case of bills) the parts of the Illinois Compiled Statutes to be affected. Two copies of the *Digest* are provided to each legislator. It is also sent to county clerks. Others can subscribe to it for \$55 for a calendar year.<sup>75</sup>

The LRB maintains a legal and legislative library for use by legislators and their staffs.<sup>76</sup> The library contains the annotated laws of all states and the United States; Illinois and federal court decisions, 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 that raise substantive issues as to Illinois laws.<sup>77</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>78</sup>

Legislative Re-  
search Unit (LRU)

The Legislative Research Unit is the general-purpose research agency for Illinois legislators and their staffs. On request by legislators, partisan staff members, 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 e-mail, telephone, or fax.

The LRU issues the following publications (among others) 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*
- *Catalog of State Assistance to Local Governments*
- *Federal Funds to State Agencies*

The LRU's quarterly legislative newsletter, *First Reading*, contains articles on issues of interest to state government, and abstracts of reports that state agencies send to the General Assembly. The late-summer issue contains articles summarizing major bills 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, or to consumers generally.

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>79</sup> which keeps a computerized database of them.<sup>80</sup> The 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 federal grant information from state agencies. A tracking system designed by LIS 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 and awards reported by agencies.<sup>81</sup> The LRU's monthly *Grant Alerts* newsletter summarizes federal grant notices for state and local governments and community agencies.

Printed editions of LRU publications are available free of charge. Most are also available for download from the LRU website:

[www.ilga.gov/commission/lru/lru\\_home.html](http://www.ilga.gov/commission/lru/lru_home.html)

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), which provides intern staffs for each legislative caucus and the LRU.

Notes

1. 15 ILCS 20/50-5.
2. Senate Rule 4-3(a), 99th General Assembly.

3. House Rule 30(a), 99th General Assembly.
4. U.S. Const. Amdt. 1, cl. 3; Ill. Const., Art. 1, sec. 5.
5. Ill. Const., Art. 1, sec. 5.
6. 25 ILCS 170/1 ff.
7. See 25 ILCS 170/3(a).
8. Those regulations from the Secretary of State are codified in 2 Ill. Adm. Code secs. 560.100 to 560.430 and their appendices (labeled “Section 560.APPENDIX A” and “Section 560.APPENDIX B”).
9. 25 ILCS 170/3(a).
10. 25 ILCS 170/2(e).
11. See 25 ILCS 170/2(a) (definition of “Person”).
12. 25 ILCS 170/3(a) and 2 Ill. Adm. Code subsec. 560.200(b).
13. 25 ILCS 170/2(c).
14. 2 Ill. Adm. Code sec. 560.100 (definition of “Official”).
15. 25 ILCS 170/2(f); 2 Ill. Adm. Code sec. 560.100.
16. 2 Ill. Adm. Code sec. 560.100 (definition of “Goodwill”).
17. 25 ILCS 170/3(a)(5) and 2 Ill. Adm. Code subsec. 560.210(e).
18. 25 ILCS 170/3(a)(8); 2 Ill. Adm. Code subsec. 560.210(b).
19. 25 ILCS 170/5, first two undesignated paragraphs and paragraphs (a) through (c-6).
20. 25 ILCS 170/5, last paragraph.
21. 25 ILCS 170/6(f) and 2 Ill. Adm. Code sec. 560.305.
22. 25 ILCS 170/6(b-2) and 2 Ill. Adm. Code sec. 560.310.
23. 2 Ill. Adm. Code sec. 560.340(a), last sentence.
24. 25 ILCS 170/6(b-7). The corresponding regulations are 2 Ill. Adm. Code secs. 560.345 to 560.370.
25. 5 ILCS 420/2-110.
26. 25 ILCS 170/6(c). The corresponding regulation is 2 Ill. Adm. Code sec. 560.385.
27. 25 ILCS 170/5, third undesignated paragraph, and 170/7(c) and (d).
28. 25 ILCS 170/6(b). The corresponding portion of the regulations is 2 Ill. Adm. Code subsec. 560.310(b).
29. 25 ILCS 170/6(b-1).
30. 25 ILCS 170/6.5(a) and 2 Ill. Adm. Code sec. 560.371.
31. 25 ILCS 170/6.5.
32. 2 Ill. Adm. Code sec. 560.372.
33. 25 ILCS 170/5, second undesignated paragraph.
34. 2 Ill. Adm. Code sec. 560.380.
35. 25 ILCS 170/7(a) and 2 Ill. Adm. Code subsec. 560.400(b) and sec. 560.420.
36. 25 ILCS 170/11.
37. Illinois Secretary of State, Index Department, “Lobbyist List” (updated March 31, 2016), downloaded from Secretary of State’s Internet site.
38. 25 ILCS 10/5.
39. 25 ILCS 10/4.
40. Laws 1967, p. 280, now codified as 25 ILCS 160/0.01 ff.
41. Ill. Const., Art. 8, sec. 3.
42. 30 ILCS 5/3-2, first paragraph.
43. 30 ILCS 5/3-2, third paragraph.
44. 30 ILCS 5/3-2 (last paragraph) and 5/3-3.
45. 30 ILCS 5/1-13 to 5/1-14.
46. P.A. 95-708 (2008), adding 30 ILCS 5/3-2.3 and amending 40 ILCS 5/22-101B (among other changes).

47. P.A. 96-1496, secs. 10 and 20 (2011), adding 30 ILCS 5/3-20 and 35 ILCS 5/201.5(b) and (c) (among other changes).
48. *Illinois Blue Book* 2013-2014, p. 126 (“Office of the Auditor General”).
49. 25 ILCS 130/1-5(a).
50. 25 ILCS 130/1-5(b).
51. 25 ILCS 130/8A-15(b).
52. 25 ILCS 130/8A-15(e) and 130/8A-25.
53. 25 ILCS 130/8A-30.
54. 25 ILCS 130/8A-20.
55. 25 ILCS 130/8A-30.
56. 25 ILCS 155/4(a).
57. 25 ILCS 155/3(14).
58. 25 ILCS 155/3.
59. 25 ILCS 155/3(2).
60. 5 ILCS 375/3(e) and 375/4.
61. 30 ILCS 608/5-5 and 608/5-10.
62. 25 ILCS 55/1 ff. and 130/3A-1.
63. 25 ILCS 155/4(b).
64. 5 ILCS 100/5-90 ff.
65. 5 ILCS 100/5-115.
66. 5 ILCS 100/5-100 to 100/5-130.
67. Subscriptions to the printed *Illinois Register* can be ordered by e-mail to: [eadministrativecode@ilsos.net](mailto:eadministrativecode@ilsos.net).
68. 25 ILCS 150/3.
69. 25 ILCS 150/3 and 30 ILCS 5/3-15.
70. 25 ILCS 145/5.08.
71. 25 ILCS 130/9-2.
72. 25 ILCS 130/9-2.5. See Chapter 6 of this publication, “Ethics, Conflicts of Interest, and Worse” section, “Misuse of Public Funds” heading.
73. 25 ILCS 135/5.04.
74. 25 ILCS 135/5.06.
75. 25 ILCS 135/5.02.
76. 25 ILCS 135/5.01.
77. 25 ILCS 135/5.05.
78. 25 ILCS 135/5.07.
79. 25 ILCS 110/1.
80. 25 ILCS 130/10-2, second paragraph.
81. 25 ILCS 130/4-2.1.

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## CHAPTER 9

### 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, wire services, and at least one blog, who cover the General Assembly and state government generally. They work from assigned spaces in the press room in the State House basement. 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 is managed by a press secretary. In addition to supervising its physical facilities, the press secretary distributes news releases, posts notices of interest to members of the news media, and schedules use of facilities for news conferences. 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. The press officers help legislators prepare press releases and other matters relating to the media, and constituent newsletters.

Illinois  
Office of Commu-  
nication and Infor-  
mation

Within the Department of Central Management Services, the Illinois Office of Communication and Information (and specifically the part described as “media 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 can send live or recorded programs to radio and television stations around the state. A number of legislators send weekly reports for broadcast by radio stations in their districts. Video recordings will typically be broadcast only if requested by the station, or used in public-access cable programming. Live video uplink facilities allow users to participate interactively in broadcast programs. On request, the media services staff will record events or messages for non-broadcast use. Past use has included recording messages for conferences and posting on social media sites. Users must pay for all materials used, and postage. Arrangements for using these facilities are usually handled through the Senate and House leadership press staffs.

- Notes
1. See *Illinois Blue Book* 2013-2014, pp. 134-36.
  2. See House Rule 30(a) and Senate Rule 4-3(a), 99th General Assembly.

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