

PREFACE TO LAWMAKING

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COMMISSION ON GOVERNMENT
FORECASTING AND ACCOUNTABILITY

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Preface to
LAWMAKING

Twenty-fourth Edition

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Foreword

The Commission on Government Forecasting & Accountability is pleased to present the Twenty-fourth 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.¹

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's² 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.³ 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 other 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.⁴ Mr. Miller, currently Research Administrator at the Commission on Government Forecasting & Accountability, 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 Commission on Government Forecasting & Accountability (CGFA) staff.

Preface to Lawmaking continues to be used as the primary training text at New Members' Conferences. This publication was used at the 29th Biennial Conference, held November 28 to 30, 2022 in Springfield, Illinois.

I hope you find it useful and informative.

Clayton Klenke
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 Commission on Government Forecasting and Accountability. 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. Public Act 100-1148 (2018) abolished the Legislative Research Unit and transferred its functions to the Commission on Government Forecasting & Accountability.
 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 further 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 beginning with the 103rd General Assembly, to \$85,000 per year. Legislative leaders, and those who chair or are minority spokespersons on committees, get extra amounts ranging from \$11,098 to \$29,530 per year.¹

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.² 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.³ A 2009 law abolished the Compensation Review Board,⁴ but implied that the automatic inflation adjustments called for in the Board’s 1990 report were to continue except as otherwise provided.⁵ That 2009 law barred inflation adjustments in fiscal 2010 (July 2009 through June 2010). More recent laws barred them for later fiscal years⁶—most recently including a 2018 law that barred them in fiscal year 2019.⁷ No such law barred the adjustment for fiscal 2020, so compensation rates rose in July 2019. Although no such law barred adjustments for fiscal 2021, the appropriation for that year’s salaries included enough for the base salary only, and specifically appropriated \$0 for inflation adjustments for the legislative branch.⁸

In 2017, two legislators who had retired or were about to retire from legislative office, and had voted for the acts that suspended the inflation adjustments, sued for the amounts they had forgone due to those acts. A Cook County circuit judge held in their favor.⁹ But on appeal, the Illinois Supreme Court held that they could not succeed in a claim filed long after the suspensions occurred.¹⁰

The base legislative salary rose to \$70,645 on July 1, 2021, and to \$72,906 on July 1, 2022.¹¹ Legislative salaries formerly were paid monthly, but starting in the 103rd General Assembly are paid twice monthly.¹² After providing the necessary information to the Comptroller's office, each legislator is paid without further action. This may be done by direct deposit to the legislator's bank account. If a legislator prefers to be paid by checks, the Comptroller's office mails them early enough to arrive by the last working day of each month.

Travel Allowances

While the General Assembly is in session, each legislator is entitled to be reimbursed for one round trip per week between the district and Springfield (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.¹³ The state reimbursement for automobile travel is set by general statute at what the federal government pays its employees for such travel.¹⁴ Illinois laws enacted for each fiscal year from 2011 to 2019 set the rate for Illinois legislators at 39¢ per mile.¹⁵ No such law was enacted for later fiscal years; so the rate is once again equal to the federal rate, which is now 62.5¢ per mile.¹⁶ Members who use public transportation must submit original receipts to the fiscal officer of their house.

During weeks in which the General Assembly is *not* in session, each senator is entitled to reimbursement for up to 2 days' lodging and up to 4 days of meals in Springfield per month (if applicable), plus mileage for such trips between the district and Springfield.¹⁷ 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.¹⁸ Members' travel reimbursements on *non-session* days are calculated using guidelines of the Legislative Travel Control Board.¹⁹ The latest version of the Board's Travel Guide is available at:

www.auditor.illinois.gov

by clicking on the "Legislative Travel Control Board" link on the left side of the page. Current rates for lodging in Cook County vary by season. They are \$95 per day in the "collar" counties; \$85 per day in populous downstate counties, including Sangamon County; and \$75 per day elsewhere in the state. The rate for meals and incidentals is \$28 per day in all Illinois counties.²⁰ Members must provide documentation of their lodging and other expenses to get reimbursement for out-of-session travel to Springfield. The tax status of these reimbursements is discussed in Chapter 6 of this book.

Living Expenses

While attending the General Assembly, each legislator is eligible for a *per diem* amount to cover each day's lodging, meals, and incidental expenses.²¹ That amount is based on the amount allowed to federal employees while serving away from home in Springfield. It is currently \$157 per day.²² (The

laws mentioned on the previous page kept it at \$111 from 2011 to 2019.²³) 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.

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

A parking space near the State House is assigned to each legislator at no charge.

License Plates 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 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.²⁴ The administrative staffs of the House and Senate coordinate plate assignment with the Secretary of State’s office.

Group Insurance Legislators are eligible for the same group insurance benefits that state employees get. Information on those benefits is available on two websites that serve different functions, as described below. The following instructions for getting to those sites were current as of mid-2022.

Where to find information

The first site, the MyBenefits Service Center, is used for online enrollment for the benefits described below. It is at:

<https://mybenefits.illinois.gov>

On its home page, on the left side, under

STATE EMPLOYEES GROUP
INSURANCE PROGRAM (SEGIP)

click on “Select.” When a dropdown opens, choose “SEGIP Member.”

The page that will open is hosted by the firm LifeWorks (US) Ltd., with which the Department of Central Management Services (CMS) contracts to administer the program. This site allows members to search for plan information, find contact information, and download benefit books and forms. General information on benefits offered can be viewed without logging in. Members must register and log in to the site to view personal information. Videos (in the row of pictures near the bottom of the screen) describe “How to Navigate the site,” “How to Login / Register,” and “How to Enroll.” (If those pictures are not visible, click the (>) button on the right side, near the bottom, to move rightward in the row of pictures.) Members can also get

assistance from the MyBenefits Service Center at (844) 251-1777 or (844) 251-1778 (TDD/TTY).

The other website is CMS's Group Insurance site:

www.benefitschoice.il.gov

On its home page, look for a box, either on the right side or near the bottom, headed "BUREAU OF BENEFITS" and select its first link, "State Employee Benefits."

On the page that will open, partway down, click on "Group Insurance Benefits and Programs." The page that will open contains information on how to enroll online for benefits. The links in the blue box on the right include information on the following topics:

- Health Plans. Members can read general overviews of the coverage available through each plan offered.
- Publications & Benefit Booklets. These books include the FY 2023 Benefit Choice Booklet; the State Employee Benefits Handbook with amendments (updated in May 2020); and the State Retiree, Annuitant and Survivor Benefits Handbook (updated in August 2020).
- Plan Administrators. This link connects members to plan administrators and websites.
- Change in Status Events. This link is to a page on changes in status (such as marital status) that enable members to make coverage changes.
- Dependent Coverage offers information on dependent eligibility and coverage.
- Tax-saving programs. Separate links provide information on the Commuter Savings Program; the Deferred Compensation Program; and the Flexible Spending Accounts Program. (Each is described later in this chapter.)
- Other Benefit Programs. Other benefit programs include the Employee Assistance Program; the Adoption Benefit Program; the Smoking Cessation Program; and the Weight-Loss Benefit.
- Rates and Calculators shows group insurance rates, including those for members and dependents; civil unions; a "non-IRS domestic partner;" 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); COBRA coverage (temporary coverage for persons after leaving a group); and retirees, annuitants, and survivors.

Other topics addressed on the page include flu shots; Medicare requirements; privacy notices; and Be Well Illinois (the state's wellness program).

Enrollment periods

The Internal Revenue Service requires (for purposes of deductibility of member contributions from federal taxable income) that each group member choose medical care options when entering state service, 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:²⁵

- 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 State Employee Benefits Handbook on pages 11-14.

Health Insurance

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

- (1) The Quality Care Health Plan (QCHP)—a Preferred Provider Organization (PPO) plan administered by Aetna that is available statewide.
- (2) Four health maintenance organizations (HMOs) covering various areas of the state.
- (3) Three open access plans (OAPs), available statewide.
- (4) The Consumer Driven Health Plan (CDHP), a high-deductible plan available statewide.

All plans are funded mostly by the state, but require monthly “health care contributions” that are deducted from members’ pay, based on their monthly salaries. Dependent coverage 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 out-of-pocket costs are generally lower for care from a QCHP network provider than from an out-of-network provider. Notification to the plan administrator (Aetna) for some medical services is required to avoid financial penalties, or even lack of coverage of a service. QCHP uses Magellan Health Services for behavioral health benefits, and CVS Caremark for pharmacy benefits. Each participant has an

annual \$175 prescription deductible. Details on QCHP benefits are on page 35 of the State Employee Benefits Handbook, or page 6 of the FY 2023 Benefit Choice booklet.

*Health
Maintenance
Organizations*

HMOs are managed-care plans that also provide a comprehensive range of benefits. 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 \$150 prescription deductible. Some HMOs provide other coverage. Minimum levels of HMO coverage provided by all plans are described in the FY 2023 Benefit Choice booklet on page 4.

Open Access Plan

OAPs are similar to HMOs, but with different levels of coverage. Tier I offers a managed-care network with HMO-type benefits. It requires copayments but does not require annual deductibles. Tier II also offers a provider network, but requires copayments and/or coinsurance and deductibles. Tier III covers all other providers, with higher deductibles and copayments and/or coinsurance requirements than Tier II. Some services are not covered for Tier III providers. Regardless of the tier, each participant has an annual \$150 prescription deductible. Specific benefit levels are described in the FY 2023 Benefit Choice booklet on page 5.

*Consumer Driven
Health Plan*

The CDHP is a high-deductible health plan, as defined by the IRS, available for current employees (except as described later in this paragraph). The plan has a network of providers through Aetna PPO. Although members may choose any provider, services from in-network providers have lower out-of-pocket costs than services from out-of-network providers. A member's deductible is \$1,500 and the out-of-pocket maximum is \$3,000. The family deductible is \$3,000 and the out-of-pocket maximum is \$6,000. The CDHP can be paired with a Health Savings Account (HSA), described in the next paragraph, in which case the state will contribute to the HSA each year \$500 for an individual or \$1,000 for a family. Retirees, and persons not yet retired but on Medicare (including those with only Part A coverage), cannot use a CDHP. Details on CDHP benefits are on page 7 of the FY 2023 Benefit Choice booklet.

*Health Savings
Accounts*

A member who enrolls in the CDHP can also set up an HSA—a tax-favored, interest-earning account used to pay qualified medical expenses. Money in an HSA need not be spent by the end of the year, and can stay in the HSA or be transferred to another HSA after state employment ends. Each year the state will contribute to an active employee's HSA one-third of the deductible (\$500 for a member or \$1,000 for a family). Employees may make additional contributions through pre-tax payroll deductions or post-tax direct payments. Annual contribution limits are \$3,650 for an individual and \$7,300 for a family. Details, including qualification requirements, are on page 8 of the FY 2023 Benefit Choice booklet.

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 the annual deductible on the first prescription medication(s) for the new plan year. After paying that deductible amount, the

patient is charged copayments for the remainder of the plan year. Copayments vary by type of health plan and where drugs fit in each plan’s formulary. All plans require higher copayments for brand-name drugs than for generic ones. Details of the Prescription Benefit are in the State Employee Benefits Handbook on pages 37-39, and in the FY 2023 Benefit Choice booklet on pages 4-7.

Dental care All members and enrolled dependents are offered the same dental plan, regardless of which medical plan they select. Members may add or drop that coverage during the Benefit Choice Period. That choice remains in effect for the entire plan year, without exception.

The single dental plan is called 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 at www.benefitschoice.il.gov, in the blue box on the right, under “BUREAU OF BENEFITS” by clicking on “State Employee Benefits.” When its page opens, click in the blue box on the right on “Dental”—or type this into a browser:

<https://www2.illinois.gov/cms/benefits/StateEmployee/Pages/State-Dental-Plan.aspx>

Each participant is subject to an annual \$175 deductible for dental services other than those listed as diagnostic or preventive. After the deductible is paid, the maximum annual dental benefit is \$2,500 in-network or \$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: PPO Network dentists and Premier Network dentists. Each network accepts either a reduced PPO fee or an allowed Premier fee. Members may be required to pay the difference between the Schedule of Benefits and the PPO fee or Premier fee. Non-network dentists can require members to pay the entire charges for services before providing them; members’ net cost will be the difference between their dentist’s regular fee and the amount in the Schedule of Benefits.

More information on the dental benefit is in the State Employee Benefits Handbook on pages 42-44, and in the FY 2023 Benefit Choice booklet on page 9.

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 45, and in the FY 2023 Benefit Choice booklet on page 9.

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 \$2,850 tax-free each year for MCAP (up to \$570 can be rolled over annually). Separately, up to \$5,000 per household can be set aside for DCAP. Members must re-enroll annually in these programs. Participants who have HSAs cannot use MCAP, but can use DCAP. An overview is in the State Employee Benefits Handbook on pages 49-52, and in the FY 2023 Benefit Choice booklet on page 8.

Optum Financial ConnectYourCare is the plan administrator for the FSA Program. Information on enrollment is available on the CMS Group Insurance website (entered as described previously) by clicking on the [Flexible Spending Accounts \(FSA\) Program](#) link—or type this into a browser:

<https://www2.illinois.gov/cms/benefits/StateEmployee/Pages/FlexibleSpendingAccounts.aspx>

ConnectYour-Care healthcare card

Each MCAP participant receives a ConnectYourCare preloaded, stored-value debit 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.

Legislators who start service after July 1, 2020 and have not previously participated in the General Assembly Retirement System, the Judges Retirement System, or the State Employees' Retirement System are automatically enrolled in the plan 30 days after starting, unless they opt out during that time. Members can withdraw within 90 days after enrollment and receive a refund of amounts deferred, plus or minus any earnings, investment fees, and administrative fees.²⁶ Those who are automatically enrolled will have 3% of their pre-tax gross compensation deferred into their deferred compensation accounts. A 2021 law required the State Board of Investment to establish annual, automatic increases in employee contribution rates, not to exceed 1%, for those who are enrolled in the plan automatically. They may opt out of those increases.²⁷

Participants who will *not* be at least age 50 by the end of the year can contribute up to \$22,500 in calendar year 2023 to their accounts in the Plan. Those who *will* be at least 50 by the end of the year can contribute up to \$30,000 in that year.²⁸ (These amounts change in \$500 increments as needed to adjust for inflation.²⁹)

The Plan also has 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 pre-tax 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; re-enroll; stop contributions; or change amounts to be contributed in the future at any time by contacting the Plan's recordkeeper, Empower. Enrollments, revocations, and changes can be made online or over the phone. Enrollments and changes will be effective the first pay period of the month following the request. Revocations will be effective as soon as is administratively possible. 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 available investment vehicles. They include several index funds and "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. 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. The start of distributions can be delayed until at least age 73 (except for persons who turned 72 before the end of 2022). For persons who will not turn 74 until after the year 2032, the start of distributions can be delayed until age 75.³⁰ Under current Illinois law, retirement accounts (including deferred compensation accounts) are exempt from Illinois income tax.

More information on the deferred compensation plan is available on the CMS website at:

<https://cms.illinois.gov/benefits/deferred/deferredcompensation.html>

Life Insurance The state also provides basic term life insurance through MetLife 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.

Legislators can also buy (1) a death benefit of 1 to 8 times annual salary, subject to underwriting; (2) 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 (3) \$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 46-47, and in the FY 2023 Benefit Choice booklet on page 10.

Commuter Savings Program (CSP) Under this program, members (and employees working at least half-time, if 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 \$280 per month for parking and \$280 per month for transit.³¹ These monthly maximums may change at the start of each calendar year; current amounts can be found on the CMS Group Insurance website by clicking on the "Commuter Savings Program" link in the blue box on the right side or bottom of the page. The plan administrator's website (<https://commuterbenefits.com/>) can be used to enroll, change, or cancel deductions. The State Employee Benefits Handbook gives details on page 53.

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.

If required conditions are met, legislators can get GARS credit for service in a number of other public entities before they became legislators. GARS provides all new legislators with this information.

A 2010 act³² 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.

<p>Members Who Joined GARS Before 2011 (Tier 1)</p>	<p>Members who joined GARS before 2011 are called “Tier 1” participants. Each Tier 1 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 service³³—subject to a maximum of 85% of salary.³⁴ Such a member may retire after 4 years of service at age 62, or after 8 years at 55.³⁵ Annual 3% pension increases are provided.³⁶</p>
<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 service³⁷). 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.³⁸</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 retire as early as age 62 with a pension reduced 0.5% for each month (6% for each year) that the member was under age 67 at retirement.³⁹ 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 on a yearly basis after retirement. For members who retire before age 67, the increases begin in the first January or July after they turn 67 and have received their pensions for 1 full year. For those retiring at or after age 67, the increases begin in the January or July after the first anniversary of retirement. Each annual increase will be the lesser of 3% or the annual unadjusted percentage change in the Consumer Price Index for All Urban Consumers (CPI-U), compounded on the past year’s amount.⁴⁰</p>
<p><i>Survivors’ annuities</i></p>	<p>A survivor’s annuity is paid to the qualified surviving spouse, or eligible children, 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 base survivor’s annuity is two-thirds of the pension to which the member was entitled, increased annually by the lesser of 3% or the percentage 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.⁴¹ Benefits are shared equally among eligible survivors.</p>
<p>All Members <i>Optional rever- sionary 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 would be in addition to any survivor’s annuity payable to an eligible survivor. This reversionary annuity would begin at the member’s death.⁴²</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.⁴³ 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.⁴⁴</p>

<i>Refunds</i>	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 will be made after the member retires. ⁴⁵
<i>Obligation to pay pensions</i>	The Illinois Constitution says: "Membership in any pension or retirement system of the State . . . shall be an enforceable contractual relationship, the benefits of which shall not be diminished or impaired." ⁴⁶
For More Information	Information on all the benefits above is available from GARS. Members with questions about retirement benefits can contact GARS at (217) 782-8500.

Springfield and District Offices

Each legislator has a Springfield office, operated with state funds. Legislators whose districts are not 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. If a House member wants a state-issued cellphone for use on the House floor, the member should contact the Clerk's Office to arrange it. Members may take such cellphones with them to use elsewhere, but the cellphones may be used for legislative business only. The Senate has telephones, for senators and staff only, at the rear of the chamber.

District Office Allowance Each legislator can spend for office expenses an annual amount of \$179,000 for a representative and \$214,407 for a senator.⁴⁷ 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;⁴⁸ 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.⁴⁹

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.⁵⁰

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 was suspended each year starting in fiscal year 2010, and in 2019 was suspended indefinitely.⁵¹ 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.⁵²) But a legislator who wants to pay a person as an independent contractor is encouraged to 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. Such expenditures will not be paid.

New legislators should consult the Secretary of the Senate or the Clerk of the House for more information on their district office allowances. Legislators can also examine the section of the law on district office allowances (25 ILCS 115/4). It (like all Illinois statutes) can be viewed by going to www.ilga.gov and clicking on the "Illinois Compiled Statutes" link in the upper-right area of that page.

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 or early February after a legislative general election, for new district staff personnel on processing vouchers for district office expenses and managing and operating a district office. The Secretary of the Senate’s office can be contacted for training or assistance with processing vouchers, personnel hiring, and other district office expenditures.

Constituent Services 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.⁵³

Other Constituent Services The Commission on Government Forecasting and Accountability’s book *Constituent Services Guide* has information on how legislators’ office staffs can help constituents with problems they have with major state agencies. Two copies of it are sent to each legislator. The Commission on Government Forecasting and Accountability’s “Constituent Service Form” can be used by legislative office staff to record a constituent contact and their actions on the constituent’s behalf. Supplies are available from the Legislative Printing Unit. The form may also be downloaded from the commission’s website at:

<http://www.ilga.gov/commission/lru/ConstituentServiceForm.pdf>

- Notes
1. Email messages from Chris Belle, State Comptroller’s office, Jan. 30, 2023 and June 6 and 15, 2022
 2. P.A. 83-1177, sec. 5 (1984).
 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 120 ILCS 120/6.1; P.A. 98-682 (2014), adding 25 ILCS 120/6.2; P.A. 99-355 (2015), adding 25 ILCS 120/6.3; P.A. 99-523 (2016), adding 25 ILCS 120/6.4; and P.A. 100-25 (2017), adding 25 ILCS 120/6.5.
7. P.A. 100-587, sec. 70-10 (2018), adding 25 ILCS 120/6.6.
8. P.A. 101-637, Art. 41, secs. 15-15 and 15-24 (2020).
9. *Noland v. Mendoza*, No. 2017 CH 07762 (Cook Co. Cir. Ct. July 2, 2019), rev'd in part 2022 IL 127239 (2022).
10. *Noland v. Mendoza*, 2022 IL 127239 (2022). The Court did not decide the constitutionality of the acts that suspended inflation adjustments, because doing so was not necessary to decide the case.
11. P.A. 102-17 (2021), art. 35, sec. 45; P.A. 102-1115 (2023), sec. 35-5; and Chris Belle email messages.
12. 25 ILCS 115/1, second paragraph, first sentence.
13. 25 ILCS 115/1, third paragraph, second sentence.
14. 25 ILCS 115/1, third paragraph, first sentence.
15. 25 ILCS 115/1, third paragraph, last sentence.
16. U.S. General Services Administration, "Privately Owned Vehicle (POV) Mileage Reimbursement Rates" (rev. June 29, 2022, eff. July 1, 2022), downloaded from GSA Internet site.
17. Email message from Carla Smith, Senate Chief Fiscal Officer, June 7, 2022.
18. Email message from Nancy Daugherty, House Fiscal Officer, June 7, 2022.
19. 25 ILCS 115/1, third paragraph, added by P.A. 97-71 (2011) and amended by P.A. 97-718 (2012).
20. Legislative Travel Control Board, "Travel Guide" (updated Jan. 3, 2022), downloaded from Illinois Auditor General's Internet site.
21. 25 ILCS 115/1, third 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.
22. Illinois page on U.S. General Services Administration Internet site showing lodging and meals and incidental per diems allowed by state and locality for federal fiscal year 2023; email message from Nancy Daugherty, House Fiscal Officer, Sept. 21, 2022.
 23. 25 ILCS 115/1, third 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), P.A. 99-523 (2016), P.A. 100-25 (2017), and P.A. 100-587 (2018).
 24. 625 ILCS 5/3-606.
 25. “Qualifying Changes in Status,” updated April 25, 2019 from Illinois Department of Central Management Services Internet site.
 26. 40 ILCS 5/24-105.2.
 27. P.A. 102-219 (2021), amending 40 ILCS 5/24-105.2.
 28. “Retirement Topics—457(b) Contribution Limits” and “Retirement Topics—Catch-Up Contributions,” rev. Oct. 26, 2022, downloaded from IRS Internet site. Those contribution limits are set under 26 U.S. Code subsecs. 457(e)(15) and (18), and 414(v).
 29. 26 U.S. Code subsecs. 457(e)(15)(B) and 415(d).
 30. 26 U.S. Code subsecs. 401(a)(9)(C) (as amended by Pub. L. 117-328 (2022)) and 457(d)(2).
 31. “Commuter Savings Program (CSP),” downloaded June 7, 2022 from Department of Central Management Services Internet site.
 32. P.A. 96-889 (2010).
 33. 40 ILCS 5/2-105 (first paragraph); 5/2-108.1(a)(1) and (2); and 5/2-110.
 34. 40 ILCS 5/2-119.01(b).
 35. 40 ILCS 5/2-119(a).
 36. 40 ILCS 5/2-119.1(a), (b), and (e).
 37. 40 ILCS 5/2-108.1(a).
 38. 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 less than that.
 39. 40 ILCS 5/2-119(a), last paragraph; 5/2-119(a-5); and 5/2-119.01(d).
 40. 40 ILCS 5/2-119.1(b-5).
 41. 40 ILCS 5/2-121(a), (c), and (d), and 5/2-121.1(d-5).
 42. 40 ILCS 5/2-120.
 43. 40 ILCS 5/2-126.1.
 44. 40 ILCS 5/2-126.
 45. 40 ILCS 5/2-123.
 46. Ill. Const., Art. 13, sec. 5.

47. Email messages from Carla Smith, June 7, 2022 and Nancy Daugherty, June 7, 2022. See 25 ILCS 115/4, second paragraph. The statute authorizing the allowance says the amounts are to be adjusted for inflation each year, with no year's increase exceeding 5%.
48. 25 ILCS 115/4, second paragraph, first sentence.
49. 25 ILCS 115/4.2.
50. 30 ILCS 605/7a.
51. 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); P.A. 99-523 (2016); P.A. 100-23 (2017); P.A. 100-587, sec. 55-5 (2018); and P.A. 101-10, sec. 10-5 (2019).
52. 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).
53. House Rule 48 and Senate Rule 6-4, 103rd 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 an overview of how the General Assembly works. Chapters 3, 4, and 5 give more specific information.

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 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”¹ 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 legislature 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 deemed 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 changes.

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 financial inducements have led states to adopt many programs to get federal funds. Those 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 Clause² 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 Court³).

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, courts 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 the book *1970 Illinois Constitution Annotated for Legislators* (5th edition 2018). It is available in print to legislators, and also can be downloaded from the Commission on Government Forecasting and Accountability web page:

<http://cgfa.ilga.gov/>

by clicking on the “[CGFA Research Unit](#)” link.

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 nearly equal populations. They were last redrawn in 2021. All House seats are up for election every 2 years; all Senate and House seats were 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.⁴ Those three groups are as follows for the five elections held in 2022 through 2030 (in which legislators will be elected to terms through 2032):⁵

Elected in 2022, 2026, and 2030 (terms of 4, 4, and 2 years):

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

Elected in 2022, 2026, and 2028 (terms of 4, 2, and 4 years):

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

Elected in 2022, 2024, and 2028 (terms of 2, 4, and 4 years):

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

The Legislative Biennium

The 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.⁶ That provision is meant 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 for the next fiscal year, which begins July 1.

In 2000 the General Assembly adjourned its spring session on April 15. In more recent years, sessions have followed the more typical pattern of ending in May (2006, 2008, 2010, 2013, 2014, 2018), June (2002, 2009, 2011, 2016, and 2019), 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 in 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 in the summer of 2015.

Due to the COVID-19 pandemic, the 2020 spring session was unlike any other. Both committee and floor activity were greatly limited, and most of

the substantive legislative action of the spring occurred during a special session in late May.

Due to the pandemic and the 2020 U.S. Census, the 2022 spring session was also unusual. Due to redistricting delays, the 2022 primary election was moved to June 28 instead of the usual March date. Both houses followed a condensed schedule and adjourned early. The Senate adjourned on April 9, and the House did so early on the morning of April 10.

The table “Important Dates for the 103rd General Assembly” near the end of this chapter gives projected dates of actions in 2023 and 2024. Due to the pandemic and recent redistricting changes, deadlines are impossible to project reliably.

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.⁷ 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.⁸ 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 comes 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.⁹ 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 requires 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 its spring session.

Veto Session Consideration of the Governor’s vetoes is the primary purpose of 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.¹⁰ 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.

New measures can be introduced as amendments to existing bills and be considered during the veto session. During the veto session, each house can act on bills that did not pass during the spring session, if (1) they had moved far enough along in the legislative process to survive the deadlines or (2) the house considering a bill votes to waive the deadlines for it 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.¹¹ 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 may do limited work until after the March primary election, unless some matter requires early legislative attention. 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 and 2022 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 often 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 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.¹² 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 summer or fall). On the other hand, the Illinois Constitution says that a bill passed after the intended spring session cutoff date (May 31) must get a three-fifths majority in each house to take effect before June 1 of the following year.¹³ Special sessions can also be called during a regular session, in which case legislators’ attention is less focused 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, which remains as the record.

The table “General Assembly Workloads, 2003 to 2022” at the end of this chapter gives statistics on legislative workloads and action on vetoes in the last 10 General Assemblies.

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 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 of 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.¹⁴ (These constitutional requirements govern legislative meetings in lieu of the Open Meetings Act.¹⁵ The Act excludes the General Assembly and its committees and commissions from its definition of "Public body,"¹⁶ 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.¹⁷ The rules of each house establish procedural details for giving such notice.¹⁸

Witnesses
and Records

The House or Senate, or any of their committees, may subpoena witnesses and records relevant to a legislative purpose.¹⁹ (However, a 1974 Illinois Appellate Court decision—which the Illinois Supreme Court declined to re-view—held that despite the constitutional provision so stating, a legislative committee did not have authority to subpoena witnesses without a specific delegation of authority from its house.²⁰) 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 rare. A statute enacted under this provision also permits legislative committees to take testimony under oath.²¹

Passage
of Bills

Several requirements in the Constitution apply to bills specifically.

- Laws can be enacted only by bills—not by resolutions or other measures. Each bill must begin with this enacting clause: “Be it enacted by the People of the State of Illinois, represented in the General Assembly.”²²
- Each bill must be read by title on three different days in each house before passage.²³ These events are called First Reading, Second Reading, and Third Reading. Third Reading is the most important stage in the passage of a bill; Second Reading can also be important, if one or more proposed amendments to the bill are considered on the floor.
- Except for appropriation and revisory bills, each bill must be limited to one subject. Appropriation bills must be limited to appropriations.²⁴
- Bills and any amendments must be printed or copied, and on legislators’ desks before final passage.²⁵ This is usually done by making them available on laptop computers provided to members, but paper copies are available on request.²⁶ Legislators can also view and download current bills and amendments from the General Assembly’s website:

www.ilga.gov

- Any bill proposing to amend a law must set forth the entire text of each section that it proposes to amend.²⁷
- 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.²⁸ (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.²⁹
- The Speaker of the House and President of the Senate certify that all procedural requirements have been met in the passage of any bill.³⁰ 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.³¹ But the leaders’ signatures do not establish compliance with *substantive* requirements, such as the one limiting each

bill to a single subject.³² The courts examine challenged laws to determine compliance with those requirements.³³

- Each bill passed goes to the Governor for approval or veto.³⁴

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 to the Executive Appointments Committee. The nominee must appear before that Committee unless its chair, without objection (or with the concurrence of a majority of all members of the committee), waives that requirement.³⁵ 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 Constitution³⁶ and the Election Code³⁷ 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.³⁸

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.³⁹ 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.⁴⁰

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.⁴¹ 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.⁴² On December 17, 2008 the Committee adopted rules to govern its proceedings.⁴³ The Committee's report recommended that the Governor be impeached.⁴⁴ The House (of the 95th General Assembly) adopted articles of impeachment on January 9, 2009.⁴⁵ The House of the

96th General Assembly affirmed that action after the 96th General Assembly convened on January 14, 2009.⁴⁶ The Senate on January 14, 2009 adopted rules to govern an impeachment trial.⁴⁷ 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.⁴⁸

Caucus or Party
Conference

Party caucuses or conferences are important bodies in Illinois. 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 frequently recesses to permit one or both parties to confer on a pending action. Caucus or conference meetings are closed to the public.

The purposes of caucuses are to provide information to caucus members; 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. Comments on personalities are out of order.⁴⁹ 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 two-thirds vote of the members elected to that house, and only once for the same offense.⁵⁰ Rules of each house govern other issues of decorum and discipline.

Legislative
Immunities

The Illinois Constitution grants 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,⁵¹ is almost meaningless today because “breach of the peace” is interpreted to include ordinary offenses such as speeding. Thus this immunity effectively 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.⁵²

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 news conferences, election campaigns, and newsletters.

Important Dates for the 103rd General Assembly

(These dates are based on constitutional and statutory provisions, and the House and Senate session calendars for the 2023 spring session. An asterisk (*) represents a date not yet announced.)

Month	Day	2023
Jan.	11	103rd GENERAL ASSEMBLY CONVENES—MEMBERS SWORN IN
Feb.	10	Last day to introduce substantive Senate bills in the Senate
	15	Governor’s budget address
	17	Last day to introduce House bills in the House
March	10	Last day for committees to report substantive bills in their houses of origin
	24	Last day for Third Reading in the House
	31	Last day for Third Reading in the Senate
April	9	Easter
	28	Last day for committees to report Senate bills in the House and House bills in the Senate
May	11	Last day for Third Reading of substantive House bills in the Senate
	12	Last day for Third Reading of Senate bills in the House
	19	Spring session adjournment
	29	Memorial Day
Oct.	*	Veto session (first part)
Nov.	*	Veto session (second part)

2024 (projected)

Jan.	10	103rd GENERAL ASSEMBLY RECONVENES
Feb.	21	Governor’s budget address
	*	Last day(s) to introduce bills in house of origin
March	19	Primary election
	*	Last day for Senate committees to report Senate bills
	*	Last day for House committees to report House bills
	31	Easter
April	*	Last day(s) to pass bills in house of origin
May	*	Last day for committees to report Senate bills in the House and House bills in the Senate
	*	Last day to pass Senate bills in the House and House bills in the Senate
	27	Memorial Day
	31	Spring session adjournment
Nov.	5	General Election
	*	Veto session (first part)
Dec.	*	Veto session (second part)

General Assembly Workloads, 2003 to 2022¹

	<i>93rd</i> <u>2003-04</u>	<i>94th</i> <u>2005-06</u>	<i>95th</i> <u>2007-08</u>	<i>96th</i> <u>2009-10</u>	<i>97th</i> <u>2011-12</u>	<i>98th</i> <u>2013-14</u>	<i>99th</i> <u>2015-16</u>	<i>100th</i> <u>2017-18</u>	<i>101st</i> <u>2019-20</u>	<i>102nd^l</i> <u>2021-22</u>
BILLS INTRODUCED	10,754	9,073	9,816	10,939	10,204	10,008	10,091	9,649	9,851	9,981
SENATE	3,395	3,204	3,082	3,978	3,944	6,329	3,459	3,649	3,998	4,207
HOUSE	7,359	5,869	6,734	6,961	6,260	3,679	6,632	6,000	5,853	5,774
SENT TO GOVERNOR	1,195	1,147	1,100	1,598	1,197	1,190	1,045	1,281	659	1,106
SENATE	549	538	552	675	497	538	501	577	308	504
HOUSE	646	609	548	923	700	652	544	704	351	602
% OF BILLS INTRODUCED	11.1%	12.6%	11.2%	14.6%	11.7%	11.9%	10.4%	13.3%	6.7%	11.1%
APPROVED ²	1,044	1,094	967	1,506	1,156	1,165	934	1,139	650	1,098
SENATE	473	510	492	638	476	528	442	510	304	500
HOUSE	571	584	475	868	680	637	492	629	346	598
% OF BILLS SENT TO GOV.	87.4%	95.4%	87.9%	94.2%	96.6%	97.9%	89.4%	88.9%	98.6%	11.0%
ITEM/REDUCTION-VETOED ³	16	0	6	4	8	3	1	0	0	0
SENATE	1	0	4	1	3	0	0	0	0	0
HOUSE	15	0	2	3	5	3	1	0	0	0
% OF BILLS SENT TO GOV.	1.3%	0.0%	0.5%	0.3%	0.7%	0.3%	0.1%	0.0%	0.0%	0.0%
TOTALLY VETOED	82	40	62	20	13	14	78	100	8	5
SENATE	43	22	24	11	10	6	44	49	4	1
HOUSE	39	18	38	9	3	8	34	51	4	4
% OF BILLS SENT TO GOV.	6.9%	3.5%	5.6%	1.3%	1.1%	1.2%	7.5%	7.8%	1.2%	0.5%
OVERRIDDEN	14	11	32	3	3	4	1	33	1	1
SENATE	10	7	17	2	2	3	1	16	0	0
HOUSE	4	4	15	1	1	1	0	17	1	1
% OF TOTAL VETOES	17.1%	27.5%	51.6%	15.0%	23.1%	28.6%	1.3%	33.0%	12.5%	0.1%
AMENDATORILY VETOED	53	13	65	68	20	8	32	42	1	3
SENATE	32	6	32	25	8	4	15	18	0	3
HOUSE	21	7	33	43	12	4	17	24	1	0
% OF BILLS SENT TO GOV.	4.4%	1.1%	5.9%	4.3%	1.7%	0.7%	3.1%	3.3%	0.2%	0.3%
ACCEPTED	17	1	14	16	2	0	0	1	0	3
SENATE	9	1	5	6	1	0	0	0	0	3
HOUSE	8	0	9	10	1	0	0	1	0	0
% OF AMEND. VETOES	32.1%	7.7%	21.5%	23.5%	10.0%	0.0%	0.0%	2.4%	0.0%	100.0%
OVERRIDDEN	11	7	37	26	4	3	2	17	0	0
SENATE	7	2	16	9	2	1	1	9	0	0
HOUSE	4	5	21	17	2	2	1	8	0	0
% OF AMEND. VETOES	20.8%	53.8%	56.9%	38.2%	20.0%	37.5%	6.3%	40.5%	0.0%	0.0%
NO ACTION (DIED) ⁴	25	5	14	26	14	5	30	24	1	0
SENATE	16	3	6	10	5	3	14	9	0	0
HOUSE	9	2	8	16	9	2	16	15	1	0
% OF AMEND. VETOES	47.2%	38.5%	21.5%	38.2%	70.0%	62.5%	93.8%	57.1%	100.0%	0.0%

LAWS ENACTED	1,102	1,113	1,056	1,555	1,173	1,175	938	1,190	651	1,102
% OF BILLS INTRODUCED	10.2%	12.3%	10.8%	14.2%	11.5%	11.7%	9.3%	12.3%	6.6%	11.0%
% OF BILLS SENT TO GOV.	92.2%	97.0%	96.0%	97.3%	98.0%	98.7%	89.8%	92.9%	98.8%	99.6%

1. Reflects actions through August 2022.
2. “Approved” bills include bills that received reduction and/or item vetoes, and bills enacted without the Governor’s signature.
3. “Item/Reduction-vetoed” bills are all bills that received item and/or reduction vetoes.
4. “No action (died) reflects all amendatorily vetoed bills whose amendatory vetoes were neither accepted nor overridden.

Sources: Compiled 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 Angela Ryan, Legislative Director, State Board of Elections, June 13, 2022.
 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), 103rd General Assembly.
 10. Ill. Const., Art. 4, subsec. 9(c).
 11. House Rule 18(b) and Senate Rule 3-7(b), 103rd 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), 103rd 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), 103rd 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 violating 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); *People v. Burdunice*, 211 Ill. 2d 264, 811 N.E.2d 678 (2004); and *People v. Olender*, 222 Ill. 2d 123, 854 N.E.2d 593 (2005).
34. Ill. Const., Art. 4, subsec. 9(a).
35. Senate Rules 3-6(b) and 10-1(a), 103rd 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, 103rd 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), 103rd 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.

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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. Chapter 4 gives an overview of legislative procedures within and between the houses. Specific floor procedures in each house 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,¹ 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 a single fiscal year. Under the Illinois Constitution, appropriations bills must be limited to that subject; they cannot contain substantive matter.²

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 *as introduced*. It does not change over time to reflect amendments made to the bill. All proposed or adopted amendments are summarized on the General Assembly website (www.ilga.gov) and in the *Legislative Synopsis and Digest*.)

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 enacted.

If a bill is passed by the first house with one or more amendments, it is “en-grossed”—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 “en-rolled”—printed in its final legislative version to go to the Governor.

Bills and amendments 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 posted electronically or printed, 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.

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.³ 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 so requiring, thus allowing it to go directly to a substantive committee (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). (However, in the Senate, any amendment deemed technical in nature by the parliamentarian can be considered by the Senate without referral to the Committee on Assignments.⁴) 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) (except those deemed technical in the 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 that 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 bill in 2013⁵).

The Governor can sign the bill—thus 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 an amendatory veto, or override any kind of veto and enact the measure as passed by the General Assembly over the Governor’s objections.

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.

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 6 in the Senate).⁶ The sponsor sends those 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.⁷ 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 the bill's initial sponsor with another member; those rules do not require the second house to comply.⁸
- 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").⁹ A principal sponsor often tries to obtain other sponsors who are of the other political party (to suggest bipartisan support) and/or to 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.¹⁰

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. The Speaker of the House or President of the Senate may allow members to participate in hearings remotely.¹¹

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.¹²

The vote required to adopt a proposed amendment in committee is a majority of all members appointed to the committee.¹³

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” (that the bill, as sent to the committee, pass)

“Do pass as amended” (that it pass with one or more amendments adopted in committee)

“Do not pass” (that it be tabled and have no further consideration)

“Do not pass as amended” (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)¹⁴

Such recommendations can be made only upon concurrence of a majority of those appointed to the committee.¹⁵ Reports “without recommendation” are rarely if ever made. Any of the last four kinds of reports effectively kills a bill,¹⁶ 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.¹⁷ 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 for committee action passes—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.¹⁸ However, that seldom happens.

Subcommittees A committee may create a subcommittee to consider particular matters, such as a bill or group of bills on some subject.¹⁹ Reasons for this can range from examining 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. Subcommittee members normally are members of the parent committee.

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 (except, in the Senate, amendments deemed technical by the parliamentarian). The Rules Committee or Committee on Assignments can refer floor amendments to substantive committees for review and consideration.²⁰

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.

Proposed amendments are normally made available to members using their laptop computers.²¹

Amendments approved in committee (“committee amendments”) are considered automatically adopted when the underlying bills get to the floor.²²

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.²³

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 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).²⁴

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 Senate’s Presiding Officer may set specific time limits for debate on a particular measure.²⁵ In general, no representative may speak more than 5 minutes at a time, or more than once on a question, without the consent of the House.²⁶ However, the House has specific time limits (some of them shorter) for measures on “short debate,” “standard debate,” “extended debate,” “unlimited debate,” or “amendment debate” status.²⁷ In either house, members may yield part or all of their allotted time to other members so they can speak longer. Yielding debate time is permitted by rule in the House²⁸ 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.²⁹ However, Senate custom allows members who have their lights on when the motion is made to speak. This motion is used sparingly in both houses, 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.”³⁰ 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 next year.³¹
- Restricting powers of home-rule units if the state itself does not exercise those powers.³²
- Incurring long-term state debt without a statewide referendum.³³

If it is later than 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.³⁴ There are similar provisions for bills proposing to restrict home rule that fail to get three-fifths majorities.³⁵

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 defeat, the sponsor can move that consideration of it be postponed. The bill is then taken "out of the record" and no roll call is recorded in the Journal. The bill will be put on the calendar on the order of bills on postponed consideration. This allows the sponsor to 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.³⁶

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 verification is announced. The rules prevent members from changing their votes during verification.³⁷

Motion to Reconsider In each house, a motion to reconsider—commonly called a "lock-up" motion—can be made within 1 legislative day after a roll call, but only by a member who voted with the majority on the roll call. In such a 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.³⁸

In the case of a bill that passed, this motion—if successful—prevents any reconsideration of the bill in that house; the bill 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.³⁹

(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 opposing interests. Most bills generate less conflict, and many are almost noncontroversial. 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 non-controversial bills quickly: the Short Debate Calendar and the Consent Calendar.

The following paragraphs describe the House rule allowing use of Consent Calendars. That rule is in effect only if ordered by the Speaker, who may suspend that rule at any time.⁴⁰ 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 get a reasonable time to ask and answer questions about it. No bill regarding revenue or appropriations, and no bill or resolution requiring more than a constitutional 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.⁴¹

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 again be put on the Consent Calendar during that session without the written consent of the person(s) who had it removed. A bill so removed goes to the Short Debate Calendar.⁴²

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. If, before the close of debate, seven members request that the bill be opened to standard debate that is to be done.⁴³

The House also has an “Agreed Bill list”—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 when it is in the House, and House Bill 2468 is still House Bill 2468 when 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 have come 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, some way must be found to resolve their differences, or the bill will die. The first attempt 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 every 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 not been used in recent General Assemblies.) If a conference committee is appointed, it has five members from each house—three appointed by the Speaker or President, and two appointed by the Minority Leader.⁴⁴ A majority of all members of the committee (six) must sign a conference report for it to go to the two houses for adoption.⁴⁵ A conference committee report cannot be amended on the floor; it must be either adopted (subject to minor corrections) or rejected.

If the conference committee states that it cannot agree on a report, or if one house rejects its report, a second conference committee can be appointed. No more than two conference committees can be appointed for one bill.⁴⁶ 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.⁴⁷ 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.⁴⁸ 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.⁴⁹ If the Governor approves and signs the bill, a Public Act results. If the Governor does not approve the bill, it is vetoed by returning it with objections to the house where it originated. (If the General Assembly is not in session then, it is filed 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 receiving it, it becomes law without the Governor's signature.⁵⁰

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. Amendatory vetoes are used only on substantive bills (although the Constitution does not so specify). The following discussion describes each kind of veto; 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.⁵¹

Amendatory Veto The Governor may approve the general purpose of a bill, but find fault with one or more of its details. If so, the Governor returns 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).⁵²

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

- (1) Override 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) Accept 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. If the Governor then certifies that it conforms to the 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 accept the Governor’s proposed changes, nor override the amendatory veto. In this case, the bill is dead.

Item and
Reduction
Veto

Item and reduction vetoes allow a Governor to cut parts (“line items”) from appropriation bills without vetoing them entirely. An item veto eliminates an entire line item; a reduction veto merely reduces the amount of a line item. In either event, the amounts in the bill not eliminated or reduced become law immediately upon the Governor’s transmission of a veto message showing the amounts cut or reduced. But the majorities needed to restore the 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.⁵³

Votes Needed to
Respond to Vetoes

The table on the next page summarizes the legislative majorities needed to respond to each kind of veto. House and Senate rules set forth the formats of motions to respond to vetoes.⁵⁴

<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. See the following section.

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.⁵⁵ A statute sets that date as January 1 of the next year.⁵⁶ 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.⁵⁷ Some bills say that they are to take effect upon becoming law; others state specific 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.⁵⁸

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 1.⁵⁹

Determining the effective date of a law resulting from an amendatorily vetoed bill is more complex. Its effective date 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 the second house accepts those changes. 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.⁶⁰ 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 becomes 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.⁶¹ If it was originally passed by 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.⁶²

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.⁶³ 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 enacted, 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.⁶⁴ This was an unusual and perhaps unique action.)

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.⁶⁵ 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.⁶⁶

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.⁶⁷

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.⁶⁸ 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.⁶⁹ 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, such a measure is ratified if it is adopted by three-fifths of the members elected.⁷⁰ 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 that procedure, allowing the Governor by executive order to reorganize agencies under the Governor's direct control. 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.⁷¹

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 occurs on an executive reorganization order unless it is reported by committee, or the committee is discharged from considering it.⁷²

A statute on this subject says that the Governor cannot impose new responsibilities or repeal existing ones by executive order; that may be done only by statute. But the Governor *can* provide for creation of a new department to consolidate or separate some or all functions of some existing agencies. The same statute also prohibits the Governor from reorganizing some independent regulatory boards by executive order.⁷³ 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,⁷⁴ 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 are listed on the General Assembly website (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.⁷⁵ 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.⁷⁶ This is a common constitutional provision in states with two-house legislatures⁷⁷ to compel the houses to coordinate their working schedules. Thus, the two houses must agree on any period of adjournment exceeding 3 days. This is done by adopting a joint "adjournment resolution." Such a joint resolution, which can originate in either house, says that when one house adjourns on a particular date it will stand adjourned until a particular date and time, and when the other 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 date later than the beginning of the next annual session.⁷⁸

Legislative History

As a bill is considered, it leaves a trail of records that can be examined later by legal researchers and historians. Those 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.⁷⁹ 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 many bills are advancing or passing each day, 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, a member can call attention to any errors in it and move their correction.

After the close of the session, the daily journals are bound and indexed by bill number, sponsor, and subject, and uploaded to the General Assembly's website. This is done by the Secretary of State's office and the Legislative Information System.

Audio recordings are made of all floor proceedings, 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 room. 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*. 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 and sponsor, and by the parts of the Illinois Compiled Statutes they propose to add, amend, or delete.

Two printed copies of the *Digest* are provided free of charge to each legislator and county clerk after the end of the session. However, in recent years many people have chosen to use an electronic copy instead.⁸⁰ Others can subscribe to the printed final issue for \$55 for a calendar year. Requests for printed *weekly* issues (from persons eligible for printed final issues) must be received before January 1 of the session year to which they apply, and payment must be made before printing.⁸¹

General Assembly Website Current information about legislative actions on bills is available on the General Assembly's website (www.ilga.gov) maintained by the Legislative Information System (LIS), and in daily LIS reports. The website also archives information on past General Assemblies (starting with the 77th General Assembly, but with more extensive information on more recent ones). These are valuable services to legislators, their support staffs, 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 appropriations acts, which normally are in effect for only 1 year). 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 being cited within that chapter, 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 on legal publishers’ online research sites. Such computer databases make it possible to search the entire statutes for particular words or combinations of words. Such search methods can sometimes find provisions that are difficult to find using printed 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. Senate Rule 3-8(d-10), 103rd General Assembly.
 5. 98th General Assembly S.B. 1 (Raoul-Radogno-Biss—Madigan-Durkin-Nekritz-Senger), enacting P.A. 98-599 (2013). (However, that act was struck down by the Illinois Supreme Court in *In re Pension Reform Litigation*, 2015 IL 118585, 32 N.E.3d 1 (2015).)
 6. House Rule 37(e) and Senate Rule 5-1(e), 103rd General Assembly.
 7. See House Rule 37(b) and Senate Rule 5-1(b), 103rd General Assembly.
 8. House Rule 37(c) and Senate Rule 5-1(c), 103rd General Assembly.
 9. See House Rule 37(a) and Senate Rule 5-1(a), 103rd General Assembly.
 10. House Rule 37(b) and Senate Rule 5-1(b), 103rd General Assembly.
 11. House Rule 25(a), (b), and (d), and Senate Rule 3-1(f), 103rd General Assembly.
 12. House Rule 22(c) and Senate Rule 3-11(c), 103rd General Assembly.
 13. House Rule 40(a) and Senate Rule 5-4(b), 103rd General Assembly.
 14. House Rule 22(a) and Senate Rule 3-11(a), 103rd General Assembly.
 15. House Rule 22(a) and Senate Rule 3-11(a), 103rd General Assembly.
 16. House Rule 24(a) and Senate Rule 3-12(a), 103rd General Assembly.
 17. House Rule 61(a) and (b) and Senate Rule 7-11(a) and (b), 103rd General Assembly.
 18. House Rule 58 and Senate Rule 7-9(a), 103rd General Assembly.
 19. House Rule 14(a) and Senate Rule 3-3(b), 103rd General Assembly.
 20. House Rule 18(e) and Senate Rule 3-8(b) and (d-10), 103rd General Assembly.
 21. See House Rule 39 and Senate Rule 2-7(b)(3), 103rd General Assembly.
 22. House Rule 40(g) and Senate Rule 5-4(g), 103rd General Assembly.
 23. Ill. Const., Art. 4, subsec. 8(c).
 24. House Rule 60(b) and Senate Rule 7-10(b), 103rd General Assembly.
 25. Senate Rule 7-3(g), 103rd General Assembly.
 26. House Rule 52 (a)(4) and (e), 103rd General Assembly.
 27. House Rule 52(a), 103rd General Assembly.

28. House Rule 52(e), 103rd General Assembly.
29. House Rule 59 and Senate Rule 7-8, 103rd General Assembly.
30. See Ill. Const., Art. 4, subsec. 8(c).
31. Ill. Const., Art. 4, sec. 10.
32. Ill. Const., Art. 7, subsec. 6(g).
33. Ill. Const., Art. 9, subsec. 9(b).
34. House Rule 69(b) and Senate Rule 7-19(b), 103rd General Assembly.
35. House Rule 70 and Senate Rule 7-20, 103rd General Assembly.
36. House Rule 62 and Senate Rule 7-12, 103rd General Assembly.
37. House Rules 50 and 56, and Senate Rule 7-6, 103rd General Assembly.
38. House Rule 65(a) and (c) and Senate Rule 7-15(a) and (c), 103rd General Assembly.
39. House Rule 65(c) and Senate Rule 7-15(c), 103rd General Assembly.
40. House Rule 42(g), 103rd General Assembly.
41. House Rule 42(b) to (e), 103rd General Assembly.
42. House Rule 42(f), 103rd General Assembly.
43. House Rule 52(a)(1), 103rd General Assembly.
44. House Rule 73(c) and Senate Rule 8-2(c), 103rd General Assembly.
45. House Rule 74(b) and Senate Rule 8-3(b), 103rd General Assembly.
46. House Rule 76(c) and Senate Rule 8-5(b), 103rd General Assembly.
47. House Rule 18(e) and Senate Rule 3-8(b), 103rd General Assembly.
48. Ill. Const., Art. 4, subsec. 8(d), fourth paragraph.
49. Ill. Const., Art. 4, subsec. 9(a).
50. Ill. Const., Art. 4, subsecs. 9(a) and (b).
51. Ill. Const., Art. 4, subsecs. 9(b) and (c).
52. Ill. Const., Art. 4, subsec. 9(e).
53. Ill. Const., Art. 4, subsec. 9(d).
54. See House Rule 80 and Senate Rule 9-4, 103rd General Assembly.
55. Ill. Const., Art. 4, sec. 10, first sentence.
56. 5 ILCS 75/1 ff.
57. Ill. Const., Art. 4, sec. 10, second sentence.
58. Ill. Const., Art. 4, sec. 10, last sentence.
59. *City of Springfield v. Allphin*, 74 Ill. 2d 117, 384 N.E.2d 310 (1978).
60. *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).
61. *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 Opinions S-890 (1975 Ops. Atty. Gen., p. 77) and 2017-002 (2017), and the Illinois Supreme Court's reasoning in other effective-date cases, support the position described in the text.
62. See Ill. Const., Art. 4, subsec. 9(d).
63. See 5 ILCS 75/1 and 75/2.
64. *People v. Kellick*, 102 Ill. 2d 162, 464 N.E.2d 1037 (1984).
65. Ill. Const., Art. 14, subsec. 2(a).
66. Ill. Const., Art. 14, subsec. 2(c).
67. Ill. Const., Art. 14, subsec. 2(b).
68. Ill. Const., Art. 14, sec. 3.
69. Ill. Const., Art. 14, subsecs. 1(a) to (d).
70. House Rule 47 and Senate Rule 6-3, 103rd General Assembly.
71. Ill. Const., Art. 5, sec. 11.

72. House Rule 16(d) and Senate Rule 3-6(c), 103rd General Assembly.
73. 15 ILCS 15/1 ff.
74. 15 ILCS 15/10.
75. See House Rules 45(c), 46, and 47, and Senate Rules 6-1(b) and 6-3, 103rd General Assembly.
76. Ill. Const., Art. 4, subsec. 15(a).
77. Nebraska has a single-house (unicameral) legislature.
78. Ill. Const., Art. 4, subsec. 15(b).
79. Ill. Const., Art. 4, subsec. 7(b).
80. Email message from Rebecca Hankiewicz, Legislative Editor and Fiscal Officer, Legislative Reference Bureau, May 5, 2022.
81. 25 ILCS 135/5.02 and Rebecca Hankiewicz email message. Weekly printed issues can be requested by emailing: rebeccah@ilga.gov.

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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 normally 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 of 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.¹

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 designate a recent edition of *Robert's Rules of Order* (in the House) or *Mason's Manual of Legislative Procedure* (used in the Senate unless inconsistent with established Senate practice) as the authority on questions not specifically covered by the rules.²

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" before another item of business is taken up. If three-fifths of the full membership votes to sustain the appeal, the ruling of the chair is overturned.³ 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.⁴ Not every item on it is taken up every day; and under the

rules the order can be—and often is—varied on a particular day. The daily orders for the 103rd 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.⁵ 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 that is under debate. This motion itself is not debatable. If it fails, debate continues. If it succeeds, a vote on the question that is under debate follows immediately, with no opportunity for further debate (except that Senate custom allows members who have their lights on when the motion is made to speak). Approval of this motion requires 60 votes in the House or 30 in the Senate.⁶

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.⁷ 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 needs 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 needs the approval of three-fifths of members elected.⁸

Discharge a Committee This motion can be 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 its Second Reading. Such an action needs 60 votes in the House or 36 in the Senate,⁹ 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.¹⁰

In addition to the House and Senate rules, further guidance on procedure can be found in *Robert's Rules of Order* (for the House) and *Mason's Manual of Legislative Procedure* (for the Senate).

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 needs 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 the annual State of the State message or another address, or to hear a distinguished visitor. These are held in the House chamber.

DAILY ORDERS OF BUSINESS IN THE 103rd GENERAL ASSEMBLY

- | | |
|--------------|--|
| <i>House</i> | <ol style="list-style-type: none"> 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. Introduction and 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. Messages from the House (except reading House bills a first time)
 7. Second Reading of Senate bills
 8. Third Reading of Senate bills
 9. Third Reading of House bills
 10. Second Reading of House bills
 11. First Reading of House bills
 12. Senate bills on the order of concurrence
 13. House bills on the order of non-concurrence
 14. Conference committee reports
 15. Motions in writing
 16. Constitutional amendment resolutions
 17. Motions on vetoes
 18. Resolutions
 19. Motions to discharge committee
 20. Motions to take from the table
 21. Motions to suspend the rules
 22. Consideration of bills on postponed consideration

Sources: House Rule 31 and Senate Rule 4-4, 103rd General Assembly.

- Notes*
1. See House Rule 55 and Senate Rule 7-5, 103rd General Assembly.
 2. House Rule 99 and Senate Rule 12-2, 103rd General Assembly.
 3. House Rule 57(a) and Senate Rule 7-7(a), 103rd General Assembly.
 4. House Rule 31 and Senate Rule 4-4, 103rd General Assembly.
 5. House Rule 44, 103rd General Assembly.
 6. House Rule 59(a) and Senate Rule 7-8(a), 103rd General Assembly.
 7. House Rule 60 and Senate Rule 7-10, 103rd General Assembly.
 8. House Rule 61 and Senate Rule 7-11, 103rd General Assembly.
 9. House Rule 58 and Senate Rule 7-9, 103rd General Assembly.
 10. See House Rules 59, 60, and 66, and Senate Rules 7-8, 7-10, 7-16, and 10-1(c-5), 103rd 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 103rd General Assembly are cited in endnotes following this chapter. A few procedural requirements are imposed by the Illinois Constitution. If 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 staff of the Legislative Research Unit and the Commission on Government Forecasting and Accountability, with help from parliamentarians and members of the House. This 2023 revision reflects the 103rd 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: M__ 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: M__ 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.¹

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 M_____.

Speaker: The representative from _____, M_____.

Member: M_____ 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 no. 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 the order of First Reading of House Bills is called, they are introduced and read a first time by number, sponsor, and title, and referred to the Rules Committee,² which may then assign them to substantive committees.³

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 any other amendments.

Committee Amendments

Normally only the principal sponsor or chief co-sponsor of a bill, or member of the committee considering it, can offer an amendment to it in committee. Each proposed amendment goes first to the Rules Committee.⁴ 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.⁵ If a committee adopts one or more amendments and then 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.⁶

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.⁷ If a tabling motion is referred to the full House for floor consideration, it needs 60 votes to pass.⁸

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.⁹

Under the Rules, 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.¹⁰ The Chair may allow a member to exceed those limits in the interest of full debate. The vote needed to adopt a floor amendment is a majority of those voting¹¹—not the higher requirement of a majority of members elected, which is required to pass a bill on Third Reading.

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 for 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 representative from _____, Representative _____ [sponsor] is recognized.
- Sponsor: M__ 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: They indicate they will.
- Member: Thank you. M__ _____, will this bill _____?
- [Any other member can seek recognition to debate the bill.]
- Member: M__ 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 nondebatable.]
- Member: M__ Speaker, I move the previous question.
- Speaker: The representative 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.¹²

Unless authorized by the provisions just described, no member other than the principal sponsor or a designee 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.¹³

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.¹⁴

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 has expired.

Closing Debate

Any member not participating in a debate, who thinks that it has gone on long enough, can “move the previous question” (meaning the question that has been under debate). This motion itself is nondebatable, and needs 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.¹⁵

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? 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 representative from _____ [an opponent of the measure] rise?

Rep. Adams: M__ 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: Representative Adams, are there challenges to the aye vote?

Rep. Adams: M__ _____.

Speaker: M__ _____ is in h__ seat.

Rep. Adams: M__ _____.

Speaker: M__ _____ is not in h__ seat. Is Representative _____ in the chamber? Ms. _____ is not in the chamber. Mr. Clerk, take h__ off the roll call.

Speaker: M__ _____ 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 from the Senate, 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 members in favor say “aye” together, and all opposed say “no” together) are used for other motions and procedures, unless the Rules require a specific number of votes—usually either 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.¹⁶

Verification

If a measure passes, verification may be demanded to confirm 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.¹⁷ 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. The Presiding Officer may also announce the presence of any member and thus verify that member’s vote before verification takes place.¹⁸

Verification can be requested after both the vote *and* the result are announced—until the Presiding Officer calls the next item before the House.¹⁹

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.²⁰
- (2) A bill seeks to limit home-rule powers and needs a three-fifths vote to do so, but does not receive it.²¹

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.²² Leave can be given for bills to be returned to Second Reading for other kinds of amendments. But each of those kinds of proposed amendments must be approved by the Rules Committee (or by another committee to which the Rules Committee refers it).²³

Rounding Up Votes (cont'd)

Postponed Consideration

- Speaker: On this question there are ____ ayes, ____ noes, ____ voting present, and this bill having failed—The representative 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 representative from _____ rise?
- Member: M__ Speaker, ladies and gentlemen of the House, I rise to

Recognition During Debate

- Speaker: The representative from _____ is recognized on House Bill _____.
- Member: M__ 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: M__ Speaker.
- Speaker: For what purpose does the representative 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.²⁴ The sponsor may make such a request after the vote and even after verification, but it must be before the result is announced.²⁵

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.²⁶ 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.²⁷

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: M__ Speaker.

Speaker: For what purpose does the representative 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.²⁸

Member: M__ Speaker, I appeal the ruling of the Chair. [Explanation, followed by an exchange between the proponent and another member if desired.]

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 it is not debatable or amendable.

Member: M__ Speaker.

Speaker: For what purpose does the representative from _____ rise?

Member: I rise on a point of parliamentary inquiry.

[or]

I rise on a point of information.

Speaker: State your point.

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

[or]

M__ 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.²⁹

Member: M__ Speaker.

Speaker: For what purpose does the representative 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

Each motion must be made in writing if the Presiding Officer so requires. No motion requires a second. The Presiding Officer may refer to the Rules Committee any motion except to adjourn, recess, or postpone consideration.³⁰

Table a Bill

Member: M__ 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 representative 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 unanimous consent of members present, or on a motion supported by 60 votes—unless the rule to be suspended requires more votes for suspension.³¹

Member: M__ Speaker, I move to suspend Rule 39 for the purpose of _____.

Speaker: The representative 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.³²]

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.³³

Member: M__ 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 needs 60 votes if the Rules Committee has recommended that the bill be taken from the table; otherwise it needs 71 votes.³⁴

Member: M__ 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 representative from _____ rise?

Member: M__ 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: M__ 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 representative from _____ moves that the vote by which House Floor Amendment 1 to House Bill 2501 was adopted be reconsidered. The representative 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 will be heard if a first one has been tabled.³⁵]

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.³⁶ 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 and 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 such motion will be referred to the House Rules Committee, which may refer it to another committee.³⁷ 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, M___. 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: M__ Speaker, I move that the House concur in Senate Amendments No. 1 and 2 to House Bill 901. [Explains Senate amendments and urges concurrence.]

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 automatically go to the Rules Committee, which may refer them to substantive committees.³⁸ However, no conference committees have been created in recent years.

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

Member: M__ 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.^{39]}

RESOLUTIONS

Constitutional Amendment

Constitutional amendment resolutions require action by both houses, but do not go to the Governor for approval. They are handled much like bills, with First Reading, committee hearing, Second Reading, and passage or failure on Third Reading.⁴⁰

The following actions are all done by joint resolutions:

- 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 need 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,⁴¹ and 71 votes to pass a resolution related to amending the Illinois or U.S. Constitution.⁴² 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.⁴³ Roll calls are required in all of these cases.

Speaker: The representative 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. [Explains resolution.]

Speaker: The representative offers and moves the adoption of House Resolution 372. The question is on the motion. Those in favor signify by saying aye; those 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 House Journal only by number, sponsorship, and subject. The same is true of death resolutions,⁴⁴ except those for former state officers, which are described below.

Death

Death resolutions for former members of the General Assembly, and former statewide officers,⁴⁵ 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(a) (introductory clause), 103rd General Assembly.
 2. House Rules 18(a) and 37(d), 103rd General Assembly.
 3. House Rule 18(b), 103rd General Assembly.
 4. House Rule 18(e), 103rd General Assembly.
 5. House Rule 40(a), 103rd General Assembly.
 6. House Rule 40(g), 103rd General Assembly.
 7. House Rule 18(e), 103rd General Assembly.
 8. House Rule 60(e), 103rd General Assembly.
 9. House Rule 18(e), 103rd General Assembly.
 10. House Rule 52(a)(5), 103rd General Assembly.
 11. House Rules 40(b) and 102(11), 103rd General Assembly.
 12. House Rule 52(a), paragraphs (1) to (4), 103rd General Assembly.
 13. House Rule 52(e), 103rd General Assembly.
 14. House Rule 52(a), paragraphs (1) to (4), 103rd General Assembly.
 15. House Rule 59, 103rd General Assembly.
 16. House Rule 49, 103rd General Assembly.
 17. 25 ILCS 20/1.
 18. House Rule 56(c), 103rd General Assembly.
 19. House Rule 56(a), 103rd General Assembly.
 20. House Rule 69(b), 103rd General Assembly. This rule is based on Ill. Const., Art. 4, sec. 10.

21. House Rule 70, 103rd General Assembly. This rule is based on Ill. Const., Art. 7, subsecs. 6(g) to (k).
22. House Rules 69(b) and 70 (last sentence), 103rd General Assembly.
23. House Rule 18(e), 103rd General Assembly.
24. House Rule 62, 103rd General Assembly.
25. House Rule 50 (fourth sentence), 103rd General Assembly.
26. House Rule 62, 103rd General Assembly.
27. House Rule 51(b), 103rd General Assembly.
28. House Rule 57(a), 103rd General Assembly.
29. House Rule 59(a), 103rd General Assembly.
30. House Rule 54(a)(1), 103rd 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) (nomination of a person to be Speaker).
31. House Rule 67(e), 103rd General Assembly.
32. House Rule 67(e), 103rd General Assembly.
33. House Rule 58, 103rd General Assembly.
34. House Rule 61(a), 103rd General Assembly.
35. House Rule 65(c), 103rd General Assembly.
36. House Rules 18(a) and 37(d), 103rd General Assembly.
37. House Rules 72(a), 75(a), and 102(8), 103rd General Assembly.
38. House Rules 73 and 18(e), 103rd General Assembly.
39. House Rule 76(c), 103rd General Assembly.
40. See House Rules 16(a), 46, and 47, 103rd General Assembly, and Ill. Const., Art. 14, subsec. 1(a).
41. House Rule 45(c), 103rd General Assembly.
42. House Rules 46 and 47, 103rd General Assembly.
43. Ill. Const., Art. 14, subsec. 2(a). See also House Rule 46, 103rd General Assembly.
44. House Rule 16(b), 103rd General Assembly.
45. See House Rule 16(c), 103rd 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 103rd 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, *Mason's Manual of Legislative Procedure* is used as a parliamentary authority, unless it is inconsistent with the Senate rules or with previously established Senate practice.¹ The most important of the unwritten traditions and practices are reflected in this manual.

This 2023 revision reflects the 103rd 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: M__ 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: M__ 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 _____.

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.²

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 the order of First Reading of Senate Bills 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.³

Bills (cont'd)

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

Second Reading

President: Senate Bills on Second Reading. Senate Bill 1251. Read the bill, M__ 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, M__ 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 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 Committee on Assignments as described below—except if the parliamentarian determines an amendment is technical in nature, it is deemed approved for consideration without referral to the Committee on Assignments.⁴ 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 any 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 (unless the bill is an appropriations bill, in which case any senator can offer a committee amendment to it).⁵ Every amendment offered in committee must be filed with the Secretary of the Senate, who automatically refers it to the Committee on Assignments for consideration.⁶ If the Committee on Assignments refers an amendment to the committee in which the bill is pending, the amendment then needs the favorable vote of a majority of all members appointed to the committee to be adopted.⁷ If a committee adopts one or more amendments and then votes to recommend that the bill “do pass as amended,” it goes to the Senate floor with the committee amendment(s) separate from it but already adopted.⁸

Floor Procedure for Amendments

Committee amendments that have been adopted in committee are normally not debated on the floor. But a senator can move on the floor to table a committee amendment, thus deleting it from the bill.⁹ (The Presiding Officer has discretion to refer any motion to the Committee on Assignments.¹⁰) Such a tabling motion needs only a majority of those voting to pass.¹¹

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 it¹² (unless the Senate has discharged that committee from further consideration of the amendment¹³). The vote required to adopt a floor amendment is a simple majority of those voting.¹⁴

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 for 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: M__ 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: They indicate they will yield.

Senator: Thank you. Senator _____, will this bill _____?

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

Senator: M__ 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 nondebateable.]

Senator: M__ 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 the Senate Rules or *Mason’s Manual*. 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 wanting to speak have spoken.¹⁵

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 needs 30 votes to pass. If it succeeds, the bill that was under debate is put to a vote, although Senate tradition allows a member whose light was on when the motion was made to speak. If a motion for the previous question fails, debate on the bill can continue.¹⁶

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 begin voting.]

Have all voted who wish? 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, and ____ 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: M__ 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 h__ seat.

Senator Adams: Senator _____.

President: Senator _____ is not in h__ seat. Is Senator _____ in the chamber? Senator _____ is not in the chamber. Madam Secretary, take h__ 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 members in favor say “aye” together, and all opposed say “nay” together) are used for other motions and procedures, unless the Rules require a specific number of votes—usually either 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 require a roll call if none is required by the Constitution or Senate Rules. The Presiding Officer can also order a roll-call vote.¹⁷

Verification

The Senate has a procedure allowing members to make a motion to verify the roll call after a vote. The procedure is described in Senate Rule 7-6.

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 states an effective date earlier than June 1 of the following year, but does not receive the three-fifths vote (36 votes) needed to make that effective date apply.¹⁸
- (2) A bill seeks to limit home-rule powers and needs a three-fifths vote to do so, but does not receive it.¹⁹

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.²⁰ Leave can be given for bills to be returned to Second Reading for other kinds of amendments. But all 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.²¹

Rounding Up Votes (cont'd)

Postponed Consideration

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

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

Recognition During Debate

President: Senator _____ is recognized on Senate Bill _____.

Senator: M__ 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: M__ 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 before another item of business is taken up. It is the sponsor’s privilege.²²

If consideration is postponed, no official roll call is recorded. Consideration of a bill can be postponed only once.²³

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.²⁴

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: M__ 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.²⁵

Senator: M__ 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: M__ President.

President: For what purpose does Senator _____ rise?

Senator: M__ President, I rise on a point of parliamentary inquiry.

[or]

I rise on a point of information.

President: State your point.

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

[or]

M__ President, does the amendment offered conflict with the amendment just adopted?

Motion for Previous Question

This motion, to end debate, is not debatable and needs 30 votes to pass.²⁶

Senator: M__ 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.²⁷

Change Sponsorship

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

Senator: M__ President, I ask leave to have my name removed as cosponsor of Senate Bill 1502.

President: Does the senator have leave to have h__ name removed as a cosponsor of Senate Bill 1502?

Senators: [Indicate assent.]

Table a Bill

Senator: M__ President, I move to table Senate Bill 3001.

President: The senator moves to table Senate Bill 3001. Is leave granted?

Senators: [Indicate assent.]

[Note: Tabling a bill sponsored by a committee needs 30 votes.²⁸]

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.²⁹ A motion to suspend a rule, except a motion to suspend Rule 3-6(a) for immediate consideration of a celebration of life or adjournment resolution, should generally be in writing.

Senator: M__ President, I move to suspend Rule 3-6(a) for the purpose of _____.

President: The senator 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.³⁰]

President: The senator has moved the suspension of Rule 3-6(a). 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 votes³¹ and is normally required to be in writing.

Senator: M__ 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 needs 30 votes if the Committee on Assignments has so recommended; otherwise it needs 36 votes.³² It normally is required to be made in writing.

Senator: M__ 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 senator 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: M__ 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.³³]

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 will be heard if a first one has been tabled.³⁴]

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.³⁵ 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 and 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.³⁶ 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].

Joint Action Between The Houses (cont'd)

Senator: M__ 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 and urges concurrence.]

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 automatically go to the Committee on Assignments, which may refer them to substantive committees.³⁷ However, no conference committees have been created in recent years.

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: M__ 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.³⁸]

RESOLUTIONS

Constitutional Amendment

Constitutional amendment resolutions require action by both houses, but do not go to the Governor for approval. They are handled much like bills, with First Reading, committee hearing, Second Reading, and passage or failure on Third Reading.³⁹

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.

Resolutions (cont'd)

- 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 are not "agreed resolutions" and normally are sent to the Committee on Assignments. The Presiding Officer may order that a celebration of life resolution be placed on the Resolutions Consent Calendar if no other member objects.⁴⁰ Resolutions on that calendar, and on the Congratulatory Resolutions Consent Calendar, may be moved in one roll call.⁴¹ The principal sponsor of a congratulatory resolution must pay a fee to the Secretary for the cost of producing it.⁴²

Resolutions usually need only a simple majority of those voting to pass. But the Rules require 30 votes to pass any resolution calling for the spending of state funds,⁴³ and 36 votes to pass a resolution related to amending the U.S. Constitution.⁴⁴ The Illinois Constitution requires the vote of three-fifths of the members elected (36) to send to the voters a proposed amendment to the Illinois Constitution.⁴⁵ 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 senator 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).

Celebration of Life

Resolutions honoring a deceased public official are treated like agreed resolutions but are handled at a separate time for the sake of dignity. Such resolutions for former senators and other state officers are traditionally taken up as the last item of business of the day. The 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 Rule 12-2, 103rd General Assembly.
2. Senate Rules 2-5(c)(3) and (20), and 4-4 (introductory clause), 103rd General Assembly.
3. Senate Rule 3-8(a), 103rd General Assembly.
4. Senate Rule 3-8(d-10), 103rd General Assembly.
5. Senate Rule 5-4(b), 103rd General Assembly.
6. Senate Rule 3-8(c), 103rd General Assembly.
7. Senate Rule 5-4(b), 103rd General Assembly.
8. Senate Rule 5-4(g), 103rd General Assembly.
9. Senate Rule 7-10(d), 103rd General Assembly.
10. Senate Rule 7-4(1), 103rd General Assembly.
11. Senate Rules 7-10(d) and 1-9, 103rd General Assembly.
12. Senate Rule 3-8(b), 103rd General Assembly.
13. Senate Rules 5-4(e) and 7-9, 103rd General Assembly.
14. Senate Rules 5-4(b) and 1-9, 103rd General Assembly.
15. Senate Rule 7-3(g), 103rd General Assembly.
16. Senate Rule 7-8, 103rd General Assembly.
17. Senate Rule 7-1, 103rd General Assembly.
18. Senate Rule 7-19, 103rd General Assembly. This rule is based on Ill. Const., Art. 4, sec. 10.
19. Senate Rule 7-20, 103rd General Assembly. This rule is based on Ill. Const., Art. 7, subsecs. 6(g) to (k).
20. Senate Rules 7-19(b) (first sentence) and 7-20 (second sentence), 103rd General Assembly.
21. Senate Rule 3-8(b), 103rd General Assembly.
22. Senate Rule 7-12, 103rd General Assembly.
23. Senate Rule 7-12, 103rd General Assembly.
24. Senate Rule 7-3(b), 103rd General Assembly.
25. Senate Rule 7-7(a), 103rd General Assembly.
26. Senate Rule 7-8(a), 103rd General Assembly.
27. Senate Rule 7-4, item (1), 103rd 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 chair 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)).
28. Senate Rule 7-10(b), 103rd General Assembly.
29. Senate Rule 7-17(d), 103rd General Assembly.
30. Senate Rule 7-17(d), 103rd General Assembly.
31. Senate Rule 7-9(a), 103rd General Assembly.
32. Senate Rule 7-11(a), 103rd General Assembly.
33. Senate Rule 7-15(d), 103rd General Assembly.
34. Senate Rule 7-15(c), 103rd General Assembly.

35. Senate Rules 3-8(a) and 5-1(d), 103rd General Assembly.
36. Senate Rules 3-8(b) and 8-1(a), 103rd General Assembly. See also Senate Rule 1-6, 103rd General Assembly.
37. Senate Rule 3-8(b), 103rd General Assembly.
38. Senate Rule 8-5(b), 103rd General Assembly.
39. Senate Rules 6-2 and 6-3, 103rd General Assembly.
40. Senate Rules 1-28 and 3-6(a) as amended by Sen. Res. 26, 103rd General Assembly.
41. Senate Rule 6-1(c) and (d) as amended by Sen. Res. 26, 103rd General Assembly.
42. Senate Rules 1-29 and 3-6(a), as amended by Sen. Res. 26, 103rd General Assembly.
43. Senate Rule 6-1(b), 103rd General Assembly.
44. Senate Rule 6-3, 103rd General Assembly.
45. 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 legislative service and for some time afterward. This chapter addresses three important kinds of laws with which legislators need to be familiar. For advice on their application, legislators may want to consult knowledgeable tax preparers or legal counsel; their caucus legal staffs; or the Legislative Inspector General, depending on the topic.

Income Tax Status of Legislators' Expense Reimbursements

The 2017 federal law commonly known as the Tax Cuts and Jobs Act¹ made significant changes to the Internal Revenue Code, affecting state legislators for tax years from 2018 through 2025. The following paragraphs reflect the Act and relevant provisions of the Internal Revenue Code that it amended. Legislators may also consider seeking guidance from their tax preparers on the tax treatment of reimbursements for legislative expenses.

Travel and Other Expenses

As described in Chapter 1, the state reimburses legislators for the transportation costs of one round trip, if actually taken, between their homes and Springfield each week the General Assembly is in session, and also pays a flat *per diem* amount (currently \$157²) as reimbursement for lodging, food, and all other living expenses for each day the General Assembly is in session.

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.³ Legislators who make that election (by filing a form with the Comptroller and attaching a statement with each year's federal tax return⁴) will not have their \$157 *per diems* reported to the IRS on Form W-2, and need not pay federal or state income tax on those amounts. (A Treasury regulation says the 50-mile distance from the State House is to be based on "the shortest of the more commonly traveled routes between the two points."⁵)

Legislators who reside within 50 miles of the State House have the option to decline the *per diems* and thus not have to report them for tax purposes. The Comptroller's legal counsel can offer guidance related to that decision.

Until tax year 2018, most of any excess of a legislator's Springfield living expenses over the state *per diem* was deductible from federally taxable income as a "miscellaneous itemized deduction" (to the extent that all miscellaneous itemized deductions exceeded 2% of adjusted gross income). But

the 2017 act abolished most miscellaneous itemized deductions for tax years 2018 through 2025. Only a few kinds, not including work expenses exceeding employer reimbursements, were exempted from the temporary abolition.⁶ Thus, any excess of living costs in Springfield over the \$157 state *per diem*, and any excess of a legislator’s travel expenses over state travel reimbursements, apparently are not deductible for tax years before 2026. Legislators who spend more than they receive from the state for living costs in Springfield, and/or for travel between their districts and Springfield, may want to consult experienced tax counsel regarding the possibility of deducting those unreimbursed amounts.

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 federal adjusted gross income.⁷ Since *reimbursed* living expenses are not part of federal adjusted gross income for legislators who make the election described above, and thus will not appear on their Forms W-2 from the state, those amounts cannot be deducted from income for Illinois tax purposes. Any amounts spent above the state-paid *per diem* likewise are not deductible for Illinois tax purposes.

Note
on Return
Preparation

As the above summary suggests, state legislators are subject to specific legal provisions and face important decisions when reporting and paying federal income tax on payments they receive during their legislative service. Veteran legislators strongly recommend that new members choose experienced preparers for their tax returns, rather than preparing their own returns.

Campaign Finance Reporting

Illinois law requires the chair, treasurer, or other designated person (as set forth in rules of the State Board of Elections) of every “political committee” (defined broadly in the Election Code,⁸ as described below) to report to the State Board of Elections on the committee’s campaign receipts and spending in each calendar quarter, by the 15th of the month immediately following that quarter.⁹ Additionally, any contribution of at least \$1,000 must be reported electronically within 5 business days after being received (2 business days if it is received during the last 30 days before an election in which the committee supports or opposes a candidate).¹⁰

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—each as defined in the Election Code.¹¹ 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.¹²

The person filing each report described above must keep a copy of it for 2 years.¹³ 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, along with the amount and date.¹⁴

The State Board of Elections can impose civil penalties and fines for violating campaign reporting requirements or other provisions in the Election Code.¹⁵ The penalty for failing to file a report of contributions and expenditures can be up to \$500 for the first violation, \$1,000 for a second, \$2,000 for a third, and \$3,000 for any further violation.¹⁶

The brief summary above does not address limits imposed by the Code on political contributions by individuals; businesses and unions; or political action committees (PACs).¹⁷ The federal courts in Chicago have mostly upheld those limits against challenges made by PACs and others seeking more freedom to make political contributions.¹⁸ But two aspects of those limits—on the receipt of contributions and the making of political contributions by PACs that are not connected with candidates¹⁹—were held unconstitutional in part by the federal district court in Chicago in 2012. The federal 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.²⁰ 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; prohibitions on misuse of official powers, and on bribery; restrictions on receipt of gifts by legislators and their families; restrictions on interests in public contracts and on dual officeholding; restrictions or prohibitions on ownership interests of legislators and members of their households in some kinds of businesses; and ethical principles that are not legally enforceable but have been enacted as guides to behavior. Penalties for violating the requirements that are legally enforceable range from fines to prison terms, loss of office, and pension disqualification.

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 Constitution²¹ and the Illinois Governmental Ethics Act²² require candidates for, and holders of, state (and many local) offices to file annual statements disclosing 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, giving information needed to file online.

In addition to the economic interests of each legislator, the Act requires disclosure of interests of the legislator's spouse if any, and of any other person, if those interests are "constructively controlled" by the legislator.

The phrase “constructively controlled” cannot be precisely defined. Such control obviously would exist if a legislator had transferred title to an asset to the legislator’s spouse or minor child but in reality was still able to control and benefit from it. Income received by a spouse or minor child may also be deemed “constructively controlled” by the legislator if it benefits the legislator. There may be less obvious examples. Thus it is prudent for filers to interpret “constructively controlled” assets and income broadly.

A statement of economic interests is not to include campaign receipts (as stated above, they 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 failed to 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 a notice. The officer with whom a statement was to be filed (in this case the Secretary of State) has discretion to waive the penalties if failure to file resulted from catastrophic illness, or from military service.²³

The categories of information required to be disclosed were significantly expanded in 2021.²⁴ Several definitions in the Act are crucial for interpreting the disclosure requirements.²⁵ The discussion below points out some of the more important definitions. All of the definitions should be read in conjunction with the disclosure requirements.

The discussion below of types of information to be disclosed is based on the Act’s definitions and two of its operative sections. One of those sections formally describes what must be disclosed.²⁶ The other section operates in conjunction with it, prescribing the text of the questions in the Statement of Economic Interests form.²⁷ Those two sections must be read together to obtain a full understanding of the disclosure requirements.

One other point should be made about those operative sections. One of them was amended, in different ways, by two 2021 acts.²⁸ A 2022 revisory act²⁹ resolved the differences as to that section. (The other section³⁰ was amended by only one of the 2021 acts, so it had no differences to resolve.) Anyone reading the Act’s disclosure requirements should make sure to use the latest version of each section.³¹

The Act can be read by going to the General Assembly website at:

www.ilga.gov

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 420/ Illinois Governmental Ethics Act.](#)

The provisions discussed below are in the Act's Article 1 (containing definitions) and Article 4A (containing the operative provisions on disclosure of economic interests).

The Statement of Economic Interests form has seven questions, each asking about a different type of economic interest. They are described below.

*(1) Assets
over \$10,000*

Any single "asset" that was worth over \$10,000 at the end of the preceding calendar year, and is held in the name of, or is payable to, (a) the legislator, (b) the legislator and legislator's spouse jointly, or (c) the legislator and a minor child of the legislator jointly, is to be disclosed.³²

However, many kinds of property are excluded from the definition of "asset" for this purpose. The major kinds of property so excluded are:³³

- personal residences
- vehicles and other tangible personal property
- checking and saving accounts
- pensions and annuities
- "retirement accounts" (not defined)
- bonds issued by federal, state, or local governments
- funds in qualified college tuition savings plans
- funds in tax-advantaged programs to save for expenses related to disability
- inheritances and bequests (except interests in trusts)
- "diversified funds"

The Act defines "Diversified funds" for this purpose as follows:

"Diversified funds" means investment products, such as mutual funds, exchange traded funds, or unit investment trusts, that invest in a wide variety of securities across multiple sectors or asset classes. "Diversified funds" does not include sector funds.³⁴

"Sector funds" are defined as "mutual funds or exchange traded funds invested in a particular industry or business."³⁵

Two points about the definitions of those kinds of funds should be noted:

- (1) The Act's definition of "diversified funds" does not adopt or refer to the definition of "Diversified company" in federal securities law³⁶ (which has purposes quite different from the Act's reasons for requiring disclosure of public officers' economic interests). Thus, a mutual fund whose prospectus or other documents describe it as "diversified" (using the federal definition) may or may not be a "diversified fund" for the Illinois Act's purposes.

- (2) The Act's definition of "diversified funds" does not say that every fund that is not a "sector fund" automatically qualifies as a "diversified fund." It says only that "sector funds" are excluded from the "diversified funds" category. There may be funds that do not confine their investments to one industry (which would make them "sector funds"), but also do not invest widely enough to be "diversified funds" under the Act.

Some other exclusions from the definition of "asset" warrant attention. One is "inheritances or bequests, other than beneficial interests in trusts." That might seem to include the proceeds of an inheritance, even after those proceeds are used to buy other property. But such an interpretation may not be consistent with the Act's reasons for requiring disclosure of interests.

At least six major types of property apparently are included in the Act's definition of "Asset":

- (a) ownership interests in specific businesses—such as sole ownership, a partnership interest, or stock
- (b) sector funds, along with other mutual or exchange-traded funds that are neither "diversified funds" under the Act, nor held in a type of account commonly called a "retirement account"
- (c) "beneficial interests in trusts" (not further described in the Act)
- (d) bonds that are not issued by a government
- (e) real estate that is not a personal residence of the filer
- (f) commodity futures

In conclusion, this first category of interests to be disclosed requires care to avoid unintentional violation of the Act.

(2) Income over \$7,500

Any source of "income" in the preceding year, other than compensation as a member of the General Assembly, that was required to be federally reported is to be disclosed. If income over \$7,500 resulted from selling a capital asset at a gain, the date of the transaction is also to be disclosed.³⁷ The section of the Act formally describing the categories of information to be disclosed³⁸ seems to require that sources of income over \$7,500 to the spouse of the legislator must also be disclosed.

As with the term "asset" in the first question on the economic interests form, "income" is defined for purposes of the second question. But its definition specifically excludes only three types of economic gains:

Compensation as a member of the General Assembly (mentioned above)

Income from the sale of a personal residence or personal vehicle

"investment or interest returns on items excluded from the definition of 'asset'"³⁹

That last exclusion should be carefully read in conjunction with the exclusions from the Act’s definition of “asset” to determine whether income from a given source is excluded.

The definition of “income” for this purpose specifically includes “earnings derived from annuities or trusts other than testamentary trusts” among many other types of income listed in that definition.⁴⁰

(3) Debts over \$10,000

For some debts over \$10,000 that the legislator; legislator and spouse jointly; or legislator and minor child jointly owed at any time during the preceding calendar year, the legislator must disclose the creditor’s name—but not the amount or other details of the debt.⁴¹ The Act specifically exempts from disclosure “debts incurred on terms available to the general public, such as mortgages, student loans, and credit card debts,” along with debts to members of the legislator’s family, or to a political committee registered with the State Board of Elections or with the Federal Election Commission.⁴² The Act’s full description of the kinds of debts excluded from the disclosure requirement⁴³ should be consulted in case of doubt.

(4) Service to another government

Any other unit of government of which the legislator or legislator’s spouse was an officer, employee, or contractor during the preceding calendar year is to be named, and that person’s title or the nature of contract services provided to that unit of government is to be described.⁴⁴

An “other” unit of government means a governmental entity other than the General Assembly (“each unit of government . . . other than the unit . . . in relation to which the person is required to file . . .”).⁴⁵

(5) Economic relationship with a lobbyist

The name of any lobbyist with whom the legislator, or a member of the legislator’s family, has an “economic relationship” is to be reported, along with the nature of that economic relationship.⁴⁶ The Act uses numerical criteria to define what an “economic relationship” means for this purpose:

“Economic relationship” means . . . any joint or shared ownership interests in businesses and creditor-debtor relationships with third parties, other than commercial lending institutions, where: (a) the filer is entitled to receive (i) more than 7.5% of the total distributable income, or (ii) an amount in excess of the salary of the Governor; or (b) the filer 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.⁴⁷

(6) Honoraria or gifts received

The “source and type” of any honoraria or gifts, with total value over \$500, that the legislator received in the previous calendar year (with an exception for family members) is to be disclosed.⁴⁸ The section setting forth this question indicates that the \$500 threshold applies to gifts from a single source—not from all sources combined during the year:

6. List the name of each person, organization, or entity that was the source of a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of \$500⁴⁹

The exception mentioned above is for gifts from a member of the legislator’s family who is “not known to be a lobbyist registered with any unit of government in the State of Illinois.”⁵⁰ The Act defines “family” broadly for this purpose:

“Family” means . . . a filer’s spouse, children, step-children, parents, step-parents, siblings, step-siblings, half-siblings, sons-in-law, daughters-in-law, grandparents, and grandchildren, as well as the parents and grandparents of the filer’s spouse, and any person living with the filer.⁵¹

(7) Employment by a public utility

If the legislator’s spouse, or an “immediately family member living with” the legislator, is employed by an Illinois public utility, the employee and the public utility must be identified.⁵² The Act does not say that any other information on such employment must be disclosed. There does not appear to be a definition of “immediate family member” applying specifically to this provision.⁵³

Obtaining guidance for filing

The Act offers some protection to a filer who relies, in good faith, on guidance from the Secretary of State or from the filer’s ethics officer:

Any person required to file a statement of economic interests under this Article who willfully files a false or incomplete statement shall be guilty of a Class A misdemeanor; provided, a filer’s statement made in reasonable, good faith reliance on the guidance provided by the Secretary of State pursuant to Section 4A-102 or his or her ethics officer shall not constitute a willful false or incomplete statement.⁵⁴

As required by law,⁵⁵ the Secretary of State posts all statements of economic interests of state officers and employees on the Internet, where they can be seen by the news media, political opponents, and the public. Posted copies are not to include filers’ addresses or signatures.⁵⁶ The Secretary of State is required to report nonfilers to the Attorney General.⁵⁷

State Officials and Employees Ethics Act

This act⁵⁸ 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 questions about the application of the Act are urged to examine it directly, and/or to seek advice from the person designated by their leadership to handle ethics questions or from the Legislative Inspector General (described below). (Requests to those persons for such advice, and their responses, are exempt from disclosure under Illinois' Freedom of Information Act.⁵⁹) The State Officials and Employees Ethics Act can be read by going to the General Assembly website at:

www.ilga.gov

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 (5, 10, and 25) have major effects on state legislators. Each of those articles has numerous provisions. They are outlined below, and described in more detail on the following pages.

Article 5 (“Ethical Conduct”) has several types of requirements that significantly affect state legislators: (1) ethics and sexual harassment 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 on fundraising events on session days and the day preceding such a day; (7) limitations on employment with state contractors after ending state service; and (8) bans on interests in specific kinds of businesses during and after 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.

Article 50 prescribes penalties for violations of the Act. Penalties are stated below when discussing the 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 must 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,⁶⁰ 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.)

Sexual harassment training. All legislators and their employees must also receive training regarding sexual harassment at least annually. The training is to include information on how to report sexual harassment and the consequences of committing it, among other topics.⁶¹ The legislative leadership arranges for such training to be provided.

The Act also prohibits everyone who is subject to it, including legislators, from sexually harassing anyone, whether or not the victim is an employee.⁶²

(A federal law, the Government Employee Rights Act of 1991,⁶³ may also bar sexual harassment by state legislators of their personal staffs, persons serving them in policymaking capacities, and advisors⁶⁴—who formerly were excluded from coverage by federal law on this topic.⁶⁵ Under the 1991 Act, if the federal Equal Employment Opportunity Commission (EEOC) receives a complaint about a practice, in a state whose law prohibits that practice and authorizes an authority in the state to provide relief from it, the EEOC must notify that state authority and allow it at least 60 days to address the complaint before taking any action on it.⁶⁶)

Hours worked by employees. 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 their time worked for the state to the nearest quarter-hour each day.⁶⁷

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 to the nearest quarter-hour each day. A legislator may fulfill this requirement by adopting and enforcing the policies of that legislator's caucus leader.⁶⁸ The Speaker's Chief Legal Counsel and the Secretary of the Senate provide Personnel Policy templates to members for this purpose.

Political activities of employees. State employees may neither voluntarily perform, nor be required to perform, any "prohibited political activity" while they are paid to work for the state. They may *voluntarily* do so during paid vacation, personal, and other time off.⁶⁹ The Act lists 15 types of political activity to which this prohibition applies.⁷⁰ Violation is a Class A misdemeanor,⁷¹ punishable by up to 364 days in jail and/or a fine up to \$2,500.⁷²

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 . . ." ⁷³ Violation is punishable by a fine of \$1,001 to \$5,000.⁷⁴

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.⁷⁵ Violation is a Class A misdemeanor.⁷⁶ 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.⁷⁷

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 (defined to include 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.⁷⁸ Violation is punishable by a fine of \$1,001 to \$5,000.⁷⁹

Fundraising during sessions. Legislators and candidates for legislative office, along with their political caucuses and committees, are prohibited from holding fundraising events on any regular session day or the day preceding it. A regular session day for this purpose excludes perfunctory session days and days involving only committee meetings. If a fundraising event on a special session day, or the day preceding such a day, was scheduled at least 14 days in advance, this prohibition does not apply to it.⁸⁰ Violation is a Class A misdemeanor.⁸¹

Employment after leaving public service. A provision that took effect at the start of the 103rd General Assembly prohibits a former legislator from lobbying the General Assembly of which the former legislator was a member for 6 months after leaving office. (The Act describes the prohibited actions as engaging in activities at the state level that require registration as a lobbyist, in a General Assembly in which the person served.)⁸²

For 1 year after leaving state service, no former legislator, or spouse or immediate family member living with the former legislator, may knowingly accept employment or compensation for services provided to any entity if the legislator, during the last year of state service, participated “personally and substantially” in the making or fiscal administration of any contract(s) having a total value of at least \$25,000 with that entity.⁸³ Violation is a Class A misdemeanor.⁸⁴

A somewhat similar provision mentions legislative officers and members, along with state employees, as potentially subject to it. It prohibits any such person, for 1 year after leaving state service, from knowingly accepting employment or being compensated for services by an entity (or the parent or subsidiary of an entity) that, during the person’s last year of service, was a party to any state contract(s) “involving the officer, member, or State employee’s State agency” and having a total value of at least \$25,000. Application of this prohibition does not depend on whether the officer, member, or employee was personally involved in making or administering the contract(s).⁸⁵ But it is not clear whether merely voting to appropriate money that funds a contract will make the contract one “involving the . . . member . . .” Violation is a Class A misdemeanor.⁸⁶

Interest in gambling or cannabis business during or after legislative service. During, and for 2 years after, a legislator’s service, the legislator; the legislator’s spouse if any; and an immediate family member living with the legislator may not have an ownership interest in a gaming license under the Illinois Gambling Act, Video Gaming Act, Illinois Horse Racing Act of 1975, or Sports Wagering Act—except a passive interest in a publicly traded company (one whose stock is available to the general public, such as on stock exchanges).⁸⁷ A similar prohibition applies to an ownership interest in a business that is licensed under Illinois’ Cannabis Regulation and Tax Act—again with an exception for passive interests in publicly traded companies.⁸⁸ Violation of either prohibition is a Class A misdemeanor.⁸⁹

As is discussed later in this chapter, the Illinois Horse Racing Act bars racing organizations licensed to race in Illinois from having public officials or their families as holders of direct or indirect ownership or financial interests in those organizations;⁹⁰ and the Foreign Trade Zones Act prohibits legislators and their relatives from having contracts or direct interests in contracts made under that Act.⁹¹

Table 1 following this chapter summarizes major prohibitions on state legislators’ economic activities.

*Article 10:
Gift ban*

Article 10 imposes detailed restrictions on the receipt of gifts by legislators (along with other state officers and employees), and by their spouses and immediate family members who live with them. These restrictions are not aimed at outright bribery—which is 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 \$5,000.⁹² These provisions are not confined to gifts that a legislator constructively controls; they extend unconditionally to a legislator’s spouse and immediate family members living with the legislator.

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,” the definition and exceptions must be consulted to determine whether the gift can be kept. If a gift violates the Act, the recipient can avoid liability by “promptly” doing any of the following things:

- (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.⁹³

The Act defines “prohibited source” broadly. That definition is quoted in full on the next page, with parts that are significant to legislators (called “members” in the Act⁹⁴) boldfaced. Legislators may want to note items (4) and (6) in particular, since they apply to the largest classes of persons.

“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”.⁹⁵

The Act also defines “gift” broadly, to include any good, service, or other tangible or intangible thing of value—even a loan.⁹⁶ Accepting any “gift” as so defined, from a “prohibited source” as defined above, that is made to a legislator, an employee in the legislative branch, or a spouse or family member living with any such person, *presumptively* violates the Act. Intentionally soliciting such a gift also *presumptively* violates the Act.⁹⁷ 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, the actual statutory list of exceptions⁹⁸ should be consulted. Caucus ethics officers can also provide guidance on such matters.

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 may be further defined by Legislative Ethics Commission rule).
- (6) Gifts from persons who are relatives (of types 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 applies to a particular 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 benefits of the same kind 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 Act⁹⁹), and the federal government.
- (11) Inheritances and other transfers at death.
- (12) Items from any one “prohibited source” whose total value in a calendar year is under \$100.¹⁰⁰

Each exception listed above operates separately from the others.¹⁰¹

Article 10 adds that any state agency (which includes the House, Senate, and other legislative entities¹⁰²) can impose more restrictive rules on receipt of gifts.¹⁰³

*Article 25:
Legislative Ethics
Commission
and Legislative
Inspector General*

Article 25 of the Act requires appointment of a Legislative Ethics Commission having eight commissioners—two appointed by each of the four legislative leaders. The Commissioners can include state legislators, but not other state officers or employees.¹⁰⁴ The Commission makes recommendations for selection of a Legislative Inspector General.¹⁰⁵ The Commission’s duties include issuing rules to govern investigations by the Legislative Inspector General (except that it cannot require the Inspector General to seek Commission approval to start an investigation authorized by Article 25); 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.¹⁰⁶

The Legislative Inspector General is appointed by a joint resolution passed by at least three-fifths of the members elected to each house.¹⁰⁷ If there is a vacancy in this office, the Legislative Ethics Commission is to appoint an Acting Legislative Inspector General.¹⁰⁸ Duties of the Legislative Inspector General include investigating allegations that the Act has been violated or that “other wrongful acts within his or her jurisdiction” have occurred; and, with Commission approval, issuing subpoenas requiring testimony before the Commission.¹⁰⁹

If an investigation shows “reasonable cause” to believe that a violation of the Act occurred, the Legislative Inspector General is required to issue a “summary report” on the investigation to the relevant legislative leader and to the member or employee who is the subject of the report. Each of them is to respond within 20 days, describing any corrective or disciplinary action to be imposed.¹¹⁰ If the legislative leader’s response involved termination of employment or suspension for at least 3 days, the summary report and the response to it (after deleting 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 a continuing investigation.¹¹¹

The Legislative Inspector General, acting through the Attorney General, may file pleadings with the Legislative Ethics Commission if the Attorney General finds that reasonable cause exists to think a violation occurred.¹¹² If the Commission believes that more investigation is warranted, it can ask the Legislative Inspector General to investigate further, and may also refer the matter to the Attorney General for investigation or review.¹¹³ If the regular Legislative Inspector General takes more than 6 months to complete an investigation without sufficient reason, or there are allegations against the Legislative Inspector General’s office itself, the Commission can appoint a Special Legislative Inspector General.¹¹⁴ The Commission can also refer allegations to the Attorney General, who can investigate upon receiving such a referral.¹¹⁵

The Legislative Inspector General is required to post on the Internet an overview of the investigative process and a policy for handling and recording investigations.¹¹⁶ The Legislative Inspector General’s web page is:

<https://www.ilga.gov/commission/lig/default.asp>

Each of the four legislative leaders is to appoint an ethics officer for 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 guidance to legislators and employees on interpreting the Act. The Act says that legislators and employees can rely on that guidance if they do so in good faith.¹¹⁷

Disclosure of investigations

The identity of a person providing information or reporting possible misconduct to the Legislative Ethics Commission or Legislative Inspector General is to be kept confidential, except to the extent that (1) the person consents to disclosure or (2) disclosure is required by law.¹¹⁸ The Legislative Ethics Commission is exempt from the Open Meetings Act.¹¹⁹ 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. If it does, such documents can be disclosed after deleting material that is exempt from disclosure.¹²⁰ 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, including any recommendations made and any discipline imposed.¹²¹

Article 25 also describes procedures to be followed during ethics investigations,¹²² and quarterly reports by the Legislative Inspector General, Legislative Ethics Commission, and Attorney General under the Act.¹²³

Other parts of the Act

Other articles of the Act address protection of whistleblowers, by methods that can include judicial action;¹²⁴ appointment of an Inspector General for personnel under the Auditor General;¹²⁵ the Act's application to the executive branch;¹²⁶ and its application to local governments (including home-rule units and school districts)¹²⁷ and the northeastern Illinois transit boards.¹²⁸

Other Illinois laws related to ethics in government are described below.

Interest in Public Contracts

Three separate laws address interests of legislators and their families in public contracts.

Office-allowance nepotism law

The most specific of the three prohibits use of what is commonly called the "district office allowance"¹²⁹ 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."¹³⁰ That law lists no penalty. But the Criminal Code section on official misconduct says that any public officer who, acting in an official capacity, does an act knowing that it is forbidden by law commits a Class 3 felony¹³¹ (which is punishable by 2-5 years in prison and/or a fine up to \$25,000¹³²) and also forfeits the public office.¹³³

Public Officer Prohibited Activities Act

This Act prohibits any public officer from being "in any manner financially interested directly in his own name or indirectly in the name of any other person, association, trust or corporation, in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote." The Act also prohibits a public officer from representing any entity in relation to a contract or bid on which the officer may need to vote.¹³⁴ These prohibitions do not apply to persons serving only on advisory panels and commissions.¹³⁵ 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.¹³⁶

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 \$25,000¹³⁷) and also results in forfeiture of office.¹³⁸

*Illinois
Procurement
Code*

This comprehensive law¹³⁹ 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.¹⁴⁰) Its “Procurement Ethics and Disclosure” article¹⁴¹ contains prohibitions that affect legislators in some instances. The most important of them says this 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.¹⁴²

Violation is a business offense, punishable by a fine of \$1,000 to \$5,000.¹⁴³

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.¹⁴⁴ 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.¹⁴⁵ 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 more than 7½% of the income or the Governor’s (annual) salary—or in which the legislator, legislator’s spouse, and minor children are entitled to more than 15% of the income or twice the Governor’s salary—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.¹⁴⁶ Of course, it is not certain that the courts would apply the current law similarly.

There are several exceptions to these prohibitions, including contracts for teaching; contracts for a legislator’s spouse or minor child to perform “wholly 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 or any of the following Departments: Aging, Healthcare and Family Services, Human Services, or Public Health.¹⁴⁷

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.¹⁴⁸

Upon application by the relevant agency’s chief procurement officer¹⁴⁹ and after notice and a public hearing, the Executive Ethics Commission can exempt a named person from the prohibitions of the section just described, after determining that “the public interest in having the individual in the service of the State outweighs the public policy evidenced in” the 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 online Illinois Procurement Bulletin.¹⁵⁰

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.”¹⁵¹ No penalty applying specifically to that prohibition is stated. But a general provision in the Code makes violation of the Code a Class A misdemeanor¹⁵² (punishable by up to 364 days in jail and/or a fine up to \$2,500¹⁵³).

The Illinois Procurement Code does not cover procurement for the General Assembly’s own use. But it says that legislative procurement rules can incorporate parts of the Code.¹⁵⁴

Misuse of Office
and Bribery

There are more specific prohibitions on some kinds of actions in the course of legislating. The Illinois Governmental Ethics Act says that a legislator may not:

- Lobby the General Assembly for compensation; lobby a county, township, or municipality, or one of its officials, on behalf of a lobbyist or lobbying entity that is required to register to lobby the General Assembly or the state’s executive branch;¹⁵⁵ 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.¹⁵⁶ 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,¹⁵⁷ which is punishable by a fine up to \$1,000 and/or up to 6 months of probation among other possible penalties.¹⁵⁸
- Accept any honorarium. That term is defined essentially as a payment for an appearance or speech, except reimbursement for actual travel, lodging, and meal expenses for a legislator and one relative. The definition also 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.¹⁵⁹ The Act does not mention a criminal penalty for violation, but violation may be punishable under the Official Misconduct section of the Criminal Code.¹⁶⁰

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 provision on a legislator's accepting a bribe says:

(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.¹⁶¹

A Class 3 felony is punishable by 2-5 years in prison and/or a fine up to \$25,000.¹⁶² Another provision 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 employee¹⁶³

Violation of that prohibition is a Class 2 felony,¹⁶⁴ which is punishable by 3-7 years in prison and/or a fine up to \$25,000.¹⁶⁵ 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 State Police, but the latter seems more likely.¹⁶⁶

Article 3 of the Illinois Governmental Ethics Act also bans several bribery-related kinds of actions:

- Accepting any “economic opportunity” (a business or other profitmaking opportunity¹⁶⁷) if the legislator knows or should know that there is a substantial possibility that it is being offered to influence the legislator.¹⁶⁸
- 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.¹⁶⁹
- Using confidential information acquired in the course of official duties for private benefit.¹⁷⁰
- Accepting a representation case (for example, as a lawyer) if there is substantial reason to believe it is being offered to obtain improper influence over a state agency.¹⁷¹
- Using improper means to influence a state agency in a representation case involving the legislator or a close economic associate of the legislator.¹⁷²
- “[O]ther conduct which is unbecoming to a legislator or which constitutes a breach of public trust.”¹⁷³

The Act lists no specific penalty for doing those things. But violation may be punishable under the Official Misconduct section of the Criminal Code (as a Class 3 felony that also results in forfeiture of office).¹⁷⁴

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.¹⁷⁵

The Attorney General, in a 1975 opinion on the subject of legislative newsletters, stated that “public purposes” within the meaning of that provision do not include promotion of partisan political causes.¹⁷⁶ 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.”¹⁷⁷

Drawing the line between governmental and partisan political uses of public funds can sometimes be difficult. This 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’s 1975 opinion stated.¹⁷⁸

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.¹⁷⁹ Privately printed materials need not contain that information. But if they are 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 section.¹⁸⁰

Other laws set specific periods during each election year in 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 were (1) printed by the Legislative Printing Unit¹⁸¹ or (2) paid for in whole or in part from a legislator’s office allowance.¹⁸² Exceptions to these prohibitions allow mailing a newsletter or brochure to a constituent in response to a specific request or inquiry.¹⁸³

Finally, a little-known section in 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].”¹⁸⁴ This prohibition presumably is intended to prevent state officers and employees from seeking 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,¹⁸⁵ but this prohibition may apply to items that were procured by the executive branch but 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.¹⁸⁶ 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 giving a public official or political candidate a gift or contribution prohibited by Article 10 (“Gift Ban”) of the State Officials and Employees Ethics Act.¹⁸⁷

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.¹⁸⁸

A section of the Election Code bans contributions by medical cannabis cultivation centers and dispensaries, and political action committees created by them, to any political committee for a candidate or public official. It adds that candidates, political committees, and other persons may not accept such contributions.¹⁸⁹ However, the federal district court in Chicago held in 2017 that the section unconstitutionally restricts political speech. The judge’s grounds for so holding were basically that (1) the section applies to only one kind of business that is highly regulated by the state, rather than to all such

businesses, and (2) it completely bans contributions by businesses to which it applies, rather than merely limiting amounts that may be contributed (as the Election Code does for donors generally¹⁹⁰). The opinion stated that the judge would issue an injunction against enforcement of the section.¹⁹¹ The decision was appealed to the U.S. Court of Appeals for the Seventh Circuit (in Chicago), but the appeal was voluntarily dismissed by the parties appealing it.¹⁹² Thus the holding appears to be a valid precedent.

As stated earlier, the State Officials and Employees Ethics Act restricts ownership interests of state legislators, their spouses, and immediate family members living with them in gambling and cannabis licenses.¹⁹³

Other provisions that could occasionally apply 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.¹⁹⁴

Other Ethical Principles

Article 3 of the Illinois Governmental Ethics Act (“Code of Conduct”) contains both “Rules of Conduct for Legislators”¹⁹⁵ (summarized above) and “Ethical Principles for Legislators.”¹⁹⁶ The “Ethical Principles” are not legally enforceable,¹⁹⁷ 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.¹⁹⁸ Signing the Code is voluntary, and courts cannot force a signer to adhere to it.¹⁹⁹ Any copy of the Code signed by a candidate and filed with the State Board of Elections becomes a public record.²⁰⁰

Disqualification for Crime

Illinois has several provisions on disqualification from office due to conviction of a crime. Reconciling those provisions with one another is not always a simple task. But their effects on persons holding or seeking state legislative office seem reasonably clear. Below is a brief discussion of the provisions and court cases interpreting them.

The Illinois Constitution says:

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.²⁰¹

It is not possible to define “infamous” crimes precisely for purposes of that provision. 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.²⁰² But the

provision in the current (1970) Constitution is broader, applying to *all* felonies plus any other crimes determined to be infamous. Such provisions in the 1870 and 1970 Constitutions have been held to apply to crimes against the laws of the United States or of other states, as well as Illinois crimes.²⁰³

A section of the Election Code says that any elective office (except offices in municipalities of under 500,000, which are covered by similar provisions in the Illinois Municipal Code²⁰⁴) automatically becomes vacant if the officer is convicted of, or agrees in writing to plead guilty to, an infamous crime. A “conviction” for that purpose occurs when the jury returns a guilty verdict, or (if the trial is by a judge) when the judge enters a finding of guilty.²⁰⁵

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 restoration of rights by the Governor, “or otherwise according to law.”²⁰⁶

But a provision in the Unified Code of Corrections may imply that eligibility to hold a public office—if the office was created by the Constitution—is automatically restored upon completing 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.²⁰⁷

The combined effect of these provisions of the Constitution, Election Code, and Unified Code of Corrections seemingly is 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 mandatory supervised release—which, for the most serious crimes not bringing lifelong imprisonment, is as long as 3 or 4 years²⁰⁸).

An Illinois Appellate Court decision in 1980 found no valid basis for different treatment of offices created by the Constitution and those not created by the Constitution. That case held that a person who had completed a criminal sentence could run, even for a local office not created by the Constitution.²⁰⁹ That decision was not appealed.

However, a 2006 decision in another district of the Illinois Appellate Court held the opposite;²¹⁰ and in two 2007 cases, the Illinois Supreme Court expressed agreement with that 2006 holding.²¹¹ These three cases held that it is rational for the General Assembly to bar persons with criminal records from offices *not* created by the Constitution, because (in the words of the 2006 Appellate Court opinion) “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.”²¹²

A 2014 Illinois Appellate Court decision, involving a person seeking to run for a local school board, held similarly²¹³ under the Election Code provision cited above.²¹⁴ A 2018 Illinois Appellate Court decision, citing the Illinois Municipal Code provision, held the same as to an election for mayor.²¹⁵ In 2014 the U.S. Court of Appeals for the Seventh Circuit also reached a similar result, rejecting arguments that the Illinois Election Code provision violates the federal and state constitutional requirement of equal protection, or violates the First Amendment to the U.S. Constitution.²¹⁶

Loss of Pension or Survivor's Benefits 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.²¹⁷ Nor will survivor's benefits be paid to a survivor of a legislator if the survivor is convicted of a felony "relating to or arising out of or in connection with the service of the [legislator]" ²¹⁸

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.²¹⁹

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 those conditions was present so as to prevent a legislator from also holding office as a county board member or township supervisor.²²⁰ A 2014 Attorney General's opinion advised that a legislator can also serve as a police detective.²²¹

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 holding offices or employment at different levels of government (such as local mayor and state legislator).

Thus, there is little legal obstacle 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. Pub. L. 115-97, 131 Stat. 2054 (2017). Its official title was “An Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.”
2. 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. The federal General Services Administration website shows the maximum amounts that federal employees can be reimbursed per day while on government business away from home (in Springfield) in federal fiscal year 2023 as \$98 for lodging and \$59 for meals and incidentals (Illinois page on U.S. General Services Administration Internet site showing lodging and meals and incidental per diems allowed by state and locality for federal fiscal year 2023).
3. 26 U.S. Code subsecs. 162(h)(1) and (4).
4. 26 Code of Fed. Regs. subsec. 1.162-24(e).
5. 26 Code of Fed. Regs. subsec. 1.162-24(c).
6. Pub. L. 115-97, 131 Stat. at 2088, adding 26 U.S. Code subsec. 67(g); IRS, “Miscellaneous Deductions” (Pub. 529), rev. Dec. 2020, p. 2; IRS, Instructions for Form 2106 (2021), p. 1 flowchart. “Miscellaneous itemized deductions” (including those not allowed in tax years 2018 through 2025) are defined in 26 U.S. Code subsec. 67(b).
7. See 35 ILCS 5/203(e)(1) and (a)(1); 5/202; and 5/201(b).
8. The definition is in 10 ILCS 5/9-1.8(a), listing several kinds of political committees that are defined in the remainder of that section.
9. 10 ILCS 5/9-10(a) and (b).
10. 10 ILCS 5/9-10(c).
11. 10 ILCS 5/9-1.8(a). Those terms are defined in the remaining subsections of that section.
12. 10 ILCS 5/9-1.8(b).
13. 10 ILCS 5/9-10(f).
14. 10 ILCS 5/9-7.
15. 10 ILCS 5/9-10(g) and 5/9-23.
16. 10 ILCS 5/9-10(g).
17. Those limits are stated in 10 ILCS 5/9-8.5. The immediately following text and notes discuss the validity of some aspects of subsec. 9-8.5(d).
18. *Center for Individual Freedom v. Madigan*, 697 F.3d 464 (7th Cir. 2012); *Illinois Liberty PAC v. Madigan*, 212 F. Supp. 3d 753 (N.D. Ill. 2016), aff’d 904 F.3d 463 (7th Cir. 2018), cert. den. 139 S. Ct. 1544; and *Proft v. Raoul*, 944 F.3d 686 (7th Cir. 2019).
19. The parts that the judge declared unconstitutional (to the extent they applied to PACs making only independent expenditures) were 10 ILCS 5/9-2(d), first sentence and 10 ILCS 5/9-8.5(d), first sentence.
20. *Personal PAC v. McGuffage*, 858 F. Supp. 2d 963 (N.D. Ill. 2012).
21. Ill. Const., Art. 13, sec. 2.
22. 5 ILCS 420/1-101 ff. See specifically 5 ILCS 420/4A-101 ff.
23. 5 ILCS 420/4A-105, last five paragraphs.
24. P.A.’s 102-662 and 102-664 (2021). Differences between the changes made by those two acts were resolved by P.A. 102-813, sec. 45 (2022).

25. Definitions applying to the information to be disclosed are in 5 ILCS 420/4A-102 to 420/4A-1-120.
26. 5 ILCS 420/4A-102 as amended by P.A. 102-813, sec. 45 (2022).
27. 5 ILCS 420/4A-103.
28. P.A.'s 102-662 and 102-664 (2021).
29. P.A. 102-813, sec. 45 (2022).
30. 5 ILCS 420/4A-103.
31. At publication time, the latest version of 5 ILCS 420/4A-102 was in P.A. 102-813, sec. 45 (2022), and the latest version of 5 ILCS 420/4A-103 was in P.A. 102-664, sec. 5 (2021).
32. 5 ILCS 420/4A-103, "Statement of Economic Interests" text, question 1.
33. 5 ILCS 420/1-102.5. The definition also excludes "Medicare benefits." But monetary values cannot be assigned to eligibility for such benefits.
34. 5 ILCS 420/1-104.5.
35. 5 ILCS 420/1-113.6.
36. 15 U.S. Code subsec. 80a-5(b).
37. 5 ILCS 420/4A-103, "Statement of Economic Interests" text, question 2.
38. 5 ILCS 420/4A-102, item (a)(2) as amended by P.A. 102-813, sec. 45 (2022).
39. 5 ILCS 420/1-105.6.
40. 5 ILCS 420/1-105.6, first sentence, last item.
41. 5 ILCS 420/4A-103, "Statement of Economic Interests" text, question 3.
42. 5 ILCS 420/4A-103, "Statement of Economic Interests" text, question 3, second paragraph. See also 5 ILCS 420/1-104.4 (defining "Debt").
43. See the lists of excluded kinds of debts in the definition of "Debt" in 5 ILCS 420/1-104.4.
44. 5 ILCS 420/4A-103, "Statement of Economic Interests" text, question 4.
45. 5 ILCS 420/4A-102, item (a)(4) as amended by P.A. 102-813, sec. 45 (2022) and 420/4A-103, "Statement of Economic Interests" text, question 4.
46. 5 ILCS 420/4A-103, "Statement of Economic Interests" text, question 5.
47. 5 ILCS 420/1-105.2.
48. 5 ILCS 420/4A-103, "Statement of Economic Interests" text, question 6.
49. 5 ILCS 420/4A-103, "Statement of Economic Interests" text, question 6.
50. 5 ILCS 420/4A-103, "Statement of Economic Interests" text, question 6.
51. 5 ILCS 420/1-105.3.
52. 5 ILCS 420/4A-103, "Statement of Economic Interests" text, question 7.
53. Several other Illinois acts contain definitions of "immediate family member"—but each such definition is for the purposes of the act in which it appears, and the definitions differ significantly among themselves.
54. 5 ILCS 420/4A-107, first paragraph.
55. 5 ILCS 420/4A-106, last paragraph.
56. 5 ILCS 420/4A-108(b)(8).
57. 5 ILCS 420/4A-107, second paragraph, second sentence.
58. 5 ILCS 430/1-1 ff.
59. 5 ILCS 430/25-95(a-5); see also 5 ILCS 140/7.5(h).
60. 5 ILCS 430/5-10.
61. 5 ILCS 430/5-10.5.
62. 5 ILCS 430/5-65.
63. 42 U.S. Code secs. 2000e-16a to 2000e-16c.
64. Such employees of elected state officials are covered by the Act; see 42 U.S. Code subsec. 2000e-16c(1). *See also Alaska v. EEOC*, 564 F.3d 1062 (9th Cir. 2009), cert. den. 558 U.S. 1111.

65. See 42 U.S. Code subsec. 2000e(f).
66. 42 U.S. Code subsec. 2000e-5(d), made applicable to state and local governments by 42 U.S. Code subsec. 2000e-16c(b)(2).
67. 5 ILCS 430/5-5(c).
68. 25 ILCS 115/4, fourth paragraph, last sentence.
69. 5 ILCS 430/5-15(a) and (b).
70. 5 ILCS 430/1-5, definition of "Prohibited political activity."
71. 5 ILCS 430/5-5(a).
72. 730 ILCS 5/5-4.5-55(a) and (e).
73. 5 ILCS 430/5-20.
74. 5 ILCS 430/50-5(b).
75. 5 ILCS 430/5-30.
76. 5 ILCS 430/50-5(a).
77. 5 ILCS 430/5-30(b).
78. 5 ILCS 430/5-35.
79. 5 ILCS 430/50-5(b).
80. 5 ILCS 430/5-40.
81. 5 ILCS 430/50-5(a).
82. 5 ILCS 430/5-45(b-7).
83. 5 ILCS 430/5-45(a).
84. 5 ILCS 430/50-5(a).
85. 5 ILCS 430/5-45(h).
86. 5 ILCS 430/50-5(a).
87. 5 ILCS 430/5-45(a-5).
88. 5 ILCS 430/5-45(a-10).
89. 5 ILCS 430/50-5(a).
90. 230 ILCS 5/24(c) and (d).
91. 50 ILCS 40/2.
92. 5 ILCS 430/50-5(c).
93. 5 ILCS 430/10-30.
94. 5 ILCS 430/1-5, definition of "Member."
95. 5 ILCS 430/1-5, definition of "Prohibited source" (emphasis added as described in the text).
96. 5 ILCS 430/1-5, definition of "Gift."
97. 5 ILCS 430/10-10.
98. 5 ILCS 430/10-15.
99. 5 ILCS 430/1-5, definition of "State agency."
100. 5 ILCS 430/10-15.
101. 5 ILCS 430/10-15, last sentence.
102. 5 ILCS 430/1-5, definition of "State agency."
103. 5 ILCS 430/10-40.
104. 5 ILCS 430/25-5(b) and (c).
105. 5 ILCS 430/25-10(b).
106. 5 ILCS 430/25-15.
107. 5 ILCS 430/25-10(b), first and second paragraphs.
108. 5 ILCS 430/25-15, item (11).
109. 5 ILCS 430/25-20.
110. 5 ILCS 430/25-50(a).
111. 5 ILCS 430/25-52 and 430/25-95(b).
112. 5 ILCS 430/25-20, item (5).
113. 5 ILCS 430/25-50(c-10).
114. 5 ILCS 430/25-21.
115. 5 ILCS 430/25-20a.
116. 5 ILCS 430/25-20(9) and (10).

117. 5 ILCS 430/25-23.
118. 5 ILCS 430/25-90.
119. 5 ILCS 120/1.02, definition of “Public body,” last sentence.
120. 5 ILCS 430/25-95(a) and (b). A corresponding provision is in 5 ILCS 140/7.5(h).
121. 5 ILCS 430/25-50(l).
122. 5 ILCS 430/25-35 to 430/25-80.
123. 5 ILCS 430/25-65, 430/25-85, 430/25-86, and 430/25-100.
124. 5 ILCS 430/15-5 to 430/15-40.
125. 5 ILCS 430/30-5 and 430/30-10.
126. 5 ILCS 430/20-5 to 430/20-95 and 430/35-5.
127. 5 ILCS 430/70-5 to 430/70-20.
128. 5 ILCS 430/75-5 and 430/75-10.
129. See 25 ILCS 115/4. The allowance typically is used to equip and operate one or more district offices, but it can also be used for expenses in the legislator’s Springfield office that are not otherwise covered.
130. 25 ILCS 115/4.2.
131. 720 ILCS 5/33-3(a)(2) and (c).
132. 730 ILCS 5/5-4.5-40(a) and 5/5-4.5-50(b).
133. 720 ILCS 5/33-3(c).
134. 50 ILCS 105/3(a), first two sentences.
135. 50 ILCS 105/3(a), last sentence.
136. 50 ILCS 105/3(b), (b-5), and (c).
137. 730 ILCS 5/5-4.5-45(a) and 5/5-4.5-50(b).
138. 50 ILCS 105/4.
139. 30 ILCS 500/1-1 ff.
140. See 30 ILCS 500/1-30(a).
141. 30 ILCS 500/50-1 ff.
142. 30 ILCS 500/50-13(a) to (c).
143. 30 ILCS 500/50-13(g).
144. *People v. Isaacs*, 37 Ill. 2d 205, 226 N.E.2d 38 (1967).
145. *People v. Simpkins*, 45 Ill. App. 3d 202, 359 N.E.2d 828 (1977), review denied by Ill. Sup. Ct.
146. 37 Ill. 2d at 214-15, 226 N.E.2d at 44-45.
147. 30 ILCS 500/50-13(f).
148. 30 ILCS 500/50-13(e).
149. 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.
150. 30 ILCS 500/50-20.
151. 30 ILCS 500/50-50.
152. 30 ILCS 500/50-75(b).
153. Penalties for such misdemeanors are listed in 730 ILCS 5/5-4.5-55.
154. 30 ILCS 500/1-30(b).
155. 5 ILCS 420/2-101(a).
156. 5 ILCS 420/2-104.
157. 5 ILCS 420/2-103.
158. The maximum fine for a petty offense is stated in 730 ILCS 5/5-4.5-75.
159. 5 ILCS 420/2-110.
160. See 720 ILCS 5/33-3(a)(2) and (4).
161. 720 ILCS 5/33-8.
162. 730 ILCS 5/5-4.5-40 and 5/5-4.5-50.
163. 720 ILCS 5/33-1(d).
164. 720 ILCS 5/33-1, last sentence.

165. 730 ILCS 5/5-4.5-35 and 5/5-4.5-50.
166. 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 Illinois 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 that state *employees* report bribe attempts to the State Police, but intended that a state *officer* report a bribe attempt to the state’s attorney of the county where the attempt took place. That section adds: “Upon receiving any such report, the Illinois State Police shall forthwith transmit a copy thereof to the appropriate State’s Attorney.”
167. 5 ILCS 420/1-105.
168. 5 ILCS 420/3-102.
169. 5 ILCS 420/3-103.
170. 5 ILCS 420/3-104.
171. 5 ILCS 420/3-105.
172. 5 ILCS 420/3-106.
173. 5 ILCS 420/3-107.
174. 720 ILCS 5/33-3.
175. Ill. Const., Art. 8, subsec. 1(a).
176. Opinion S-960 (1975 Ops. Atty. Gen., p. 212).
177. 25 ILCS 115/4, second paragraph, end of first sentence.
178. Opinion S-960 at p. 213.
179. 30 ILCS 500/20-105.
180. 720 ILCS 5/33-3.
181. 25 ILCS 130/9-2.5.)
182. 25 ILCS 115/4, fifth paragraph.
183. 25 ILCS 130/9-2.5 and 115/4, fifth paragraph.
184. 30 ILCS 500/20-105, first paragraph, last sentence.
185. See 30 ILCS 500/1-30(b).
186. 230 ILCS 5/24(c) and (d).
187. 230 ILCS 5/24(f).
188. 50 ILCS 40/2.
189. 10 ILCS 5/9-45.
190. See 10 ILCS 5/9-8.5.
191. *Ball v. Madigan*, 245 F. Supp. 3d 1004 (N.D. Ill. 2017).
192. *Ball v. Madigan*, 2017 WL 5054202 (7th Cir. May 30, 2017) (appeal voluntarily dismissed).
193. 5 ILCS 430/5-45(a-5) and (a-10).
194. 720 ILCS 5/33E-1 ff. (especially 5/33E-6).
195. These rules are in 5 ILCS 420/3-102 to 420/3-107.
196. 5 ILCS 420/3-201 to 420/3-205.
197. 5 ILCS 420/3-206.
198. 10 ILCS 5/29B-10.
199. 10 ILCS 5/29B-35.
200. 10 ILCS 5/29B-25.
201. Ill. Const., Art. 13, sec. 1.

202. *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.
203. *People ex rel. Keenan v. McGuane*, 13 Ill. 2d 520 at 535-36, 150 N.E.2d 168 at 177 (1958), cert. den. 358 U.S. 828; *People ex rel. Taborski v. Illinois Appellate Court, First Dist.*, 50 Ill. 2d 336, 278 N.E.2d 796 (1972).
204. 65 ILCS 5/3.1-10-50(c)(2) and 5/6-3-8.
205. 10 ILCS 5/25-2, item (5) and third through fifth paragraphs after item (8).
206. 10 ILCS 5/29-15. That 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), which declared 16 crimes to be infamous for purposes of the Code of Criminal Procedure. Section 124-1 was repealed in 1986. Some Illinois Appellate Court cases have treated a repealed provision as still effective for purposes of another, unrepealed provision that cites it; see *Alvarez v. Williams*, 2014 IL App (1st) 133443, 23 N.E.3d 544 (2014) and earlier cases cited in it. Those holdings were based on statements in older Illinois Supreme Court opinions about provisions that were amended after being cited in other statutory provisions (*North Shore Sanitary Dist. v. Pollution Control Bd.*, 55 Ill. 2d 101, 302 N.E.2d 50 (1973), quoting *Kloss v. Suburban Cook Cnty. Tuberculosis Sanitarium Dist.*, 404 Ill. 87 at 94, 88 N.E.2d 89 at 93 (1949)). No Illinois Supreme Court case was found on the specific issue of giving effect to a repealed provision that is cited by another statutory provision.
207. 730 ILCS 5/5-5-5(b). That interpretation may be supported by another provision in the Unified Code of Corrections (730 ILCS 5/3-3-8(d)), which says that the rights of a person upon discharge from parole (or mandatory supervised release, which replaced it) “shall be restored under” section 5-5-5. However, part of section 5-5-5 specifically speaks of restoring “license rights and privileges granted under” state authority; so it is possible to read the quoted statement in subsection 3-3-8(d) as referring only to restoration of those kinds of rights.
208. 730 ILCS 5/5-8-1(d).
209. *Coles v. Ryan*, 91 Ill. App. 3d 382, 414 N.E.2d 932 (1980).
210. *People v. Hofer*, 363 Ill. App. 3d 719, 843 N.E.2d 460 (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 does the Election Code provision cited earlier (10 ILCS 5/29-15).
211. *Bryant v. Board of Election Comm’rs of Chicago*, 224 Ill. 2d 473, 865 N.E.2d 189 (2007) and *Delgado v. Board of Election Comm’rs of Chicago*, 224 Ill. 2d 481, 865 N.E.2d 183 (2007). Each of those two decisions was by the smallest possible majority of the Court (four), because three members, for unstated reasons, did not participate in them.
212. 363 Ill. App. 3d 719 at 724, 843 N.E.2d 460 at 464-65.
213. *Alvarez v. Williams*, 2014 IL App (1st) 133443, 23 N.E.3d 544 (2014).
214. 10 ILCS 5/29-15.
215. *People ex rel. Foxx v. Agpawa*, 2018 IL App (1st) 171976, 105 N.E.3d 846 (2018), citing 65 ILCS 5/3.1-10-5(b).
216. *Parker v. Lyons*, 757 F.3d 701 (7th Cir. 2014).
217. 40 ILCS 5/2-156, first paragraph.

218. 40 ILCS 2/2-156, second to fourth paragraphs. The provision on survivors does not apply to any rights that vested before August 25, 2017.
219. Ill. Const., Art. 4, subsec. 2(e), first paragraph.
220. Opinions S-1027 (1976 Ops. Atty. Gen., p. 49) and 80-027 (1980 Ops. Atty. Gen., p. 116).
221. 2014 Ill. Atty. Gen. Op. 14-002.

Table 1: Ownership, Contract, and Employment Prohibitions on Legislators and Their Families

This table summarizes prohibitions on financial interests of legislators and their families. Those prohibitions are described more fully in Chapter 6 of *Preface to Lawmaking*. There may be other restrictions applying in some situations. See also 5 ILCS 420/3-201 to 420/3-206, stating ethical principles regarding legislator conflicts of interest, which are guides and are not legally enforceable. The Illinois Governmental Ethics Act requires annual disclosure of legislators’ financial interests; see Chapter 6 of *Preface to Lawmaking* and 5 ILCS 420/4A-101 to 420/4A-108. (That requirement, and some prohibitions listed below, apply to some other categories of public officials and employees besides state legislators.)

<i>Type of interest</i>	<i>Persons prohibited</i>	<i>Length of prohibition</i>	<i>Citation</i>
OWNERSHIP INTERESTS			
Horse racing, sports wagering, video gaming, or other legal gambling*	Legislator, spouse, and immediate family living with the legislator	During and for 2 years after service ends	5 ILCS 430/5-45 (a-5)
Business licensed under the Cannabis Regulation and Tax Act*	Legislator, spouse, and immediate family living with the legislator	During and for 2 years after service ends	5 ILCS 430/5-45 (a-10)
Organization licensed to race in Illinois	Legislator and family members†	During service	230 ILCS 5/24(c) and (d)
INTERESTS IN CONTRACTS			
Contracts to be funded in whole or in part from state appropriations, and contracts of the Capital Development Board or Toll Highway Authority	Legislator, spouse, and minor children ^Δ	During service	30 ILCS 500/50-13(a) and (f)
Contracts on which the legislator may be called to vote (explicitly includes indirect interests of a legislator in contracts)	Legislator	During service	50 ILCS 105/3(a)
Contracts made under the Foreign Trade Zones Act	Legislator and 18 categories of relatives	During service	50 ILCS 40/2

EMPLOYMENT OR RECEIPT OF PAYMENT FOR SERVICES

Being paid from a legislator’s “district office” allowance	18 categories of relatives of the legislator	During service	25 ILCS 115/4.2
Representing any entity in relation to an application or bid for a contract on which the legislator may be called to vote	Legislator	During service	50 ILCS 105/3(a)
Lobbying the General Assembly of which the person was a member [◇]	Former legislator	For 6 months after service ends	5 ILCS 430/5-45 (b-7)
Being employed by a holder of state contract(s) worth a total of at least \$25,000, in the making of which the legislator, during the last year of service, “personally and substantially” participated	Former legislator, spouse, and immediate family members living in the same household	For 1 year after service ends	5 ILCS 430/5-45(a)
Being employed or compensated for services by an entity that, during the last year of legislative service, was a party to state contract(s) worth at least \$25,000 “involving the officer, member, or State employee’s State agency.”	Former legislator	For 1 year after service ends	5 ILCS 430/5-45(h)

Notes

- * Passive interests in publicly traded companies are exempt from these prohibitions.
- † This prohibition applies directly to the racing organization, not to the legislator or family member(s) personally. “Family” is defined for this purpose in 230 ILCS 5/3.05.
- △ Several exceptions apply to contracts and kinds of work that have a low risk of impairing a legislator’s judgment.
- ◇ This prohibition applies beginning January 11, 2023—the day the 103rd General Assembly convenes.

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 or her proposed budget to a joint session of the General Assembly—normally on the third Wednesday in February.¹ The Governor outlines his or her 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 following fiscal year is typically a volume of over 500 pages. It shows estimated revenues available to the state for the next fiscal year and, as required by the Constitution,² sets 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 a section of the State Budget Law commonly described as "Budgeting For Results,"³ it lists categories of programs such as education, economic development, and public safety, describing in detail how much money the Governor proposes to allocate for each purpose by department or agency, and what objectives would be met by those expenditures. A separate volume outlines a plan of capital improvements for the year, and a program to fund them. Proposed expenditures are listed and compared to the same categories from recent years. The Governor's proposed budget also sets forth exact amounts proposed to be enacted in appropriations, categorized by line items for each agency.

Fiscal years 2016 and 2017 were unprecedented because no comprehensive state budget was enacted; essential spending continued pursuant to court orders. The Governor's recommended appropriations for fiscal years 2017 and 2018 were based partly on estimated amounts needed to sustain each

agency's core mission and programs in the preceding fiscal year, and its estimated spending in that year.⁴

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.⁵

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.⁶ 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.⁷
- (2) Public funds can be spent only as authorized by law.⁸ Records of those expenditures must be available for public inspection.⁹
- (3) Appropriations may not exceed funds estimated by the General Assembly to be available for the fiscal year.¹⁰ 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 them 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.¹¹ In some years, the General Assembly 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 previous years money has been transferred from some special-purpose funds to help balance the state budget.) An appropriations bill identifies 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.¹² Thus, every bill is either an appropriations bill or—much more often—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 state funds.

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 18 categories¹³ and defines the purposes of most of them.¹⁴ 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 vetoed 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,¹⁵ 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.¹⁶ Exceptions were made by law, for fiscal years 2010 and 2014 only, to restrictions (1) to (3) just stated.¹⁷ In fiscal years 2015, 2018, and 2019 through 2023, any 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% (8% in 2021) of the agency’s total appropriation for expenses within the definition.¹⁸ Some agencies have special transfer authority for specified line-item purposes.¹⁹ 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 dividing an annual total into 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.²⁰

An appropriations bill normally covers no more than 1 fiscal year; in some cases it may further divide a line item into parts to be spent during halves of the fiscal year. 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.²¹

Although appropriations bills must be limited to appropriations, there is no limit on how many appropriations can be proposed in one bill. Most, or even all, of the state budget can be appropriated in one appropriations act, as was most recently done for fiscal years 2008,²² 2018,²³ 2020,²⁴ and 2022²⁵ (For fiscal year 2021 there was one budget act²⁶ and another act making reappropriations for capital spending.²⁷)

Appropriations bills are subject to the same procedural requirements for passage as other bills.

Fund Transfers In fiscal year 2003, the state began transferring excess money 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 an amount equal to 25% of the beginning fiscal year balance. Some funds were exempt from such transfers.²⁸

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 a fund is sufficient to satisfy appropriations from that fund in a given year. Some funds are exempt from this type of transfer also.²⁹ "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
2018	269.1
Total	\$3,715.1

A law also allowed the Treasurer and Comptroller, in consultation with the Governor's Office of Management and Budget, to borrow up to \$1.2 billion from special-purpose funds during fiscal year 2018 and the first half of fiscal year 2019. Four Public Acts extended the borrowing period, most recently through June 30, 2022; the limit is now \$1.5 billion. Borrowing must be paid back within 60 months after money is borrowed.³⁰ Total net transfers (amounts borrowed minus amounts repaid) from FYs 2018 through 2022 were \$1.476 billion. All of the principal has been repaid.³¹

There were no special transfers in fiscal years 2011 to 2014, 2016, 2017, or 2019 through 2022. But two laws for fiscal year 2011,³² and one for fiscal year 2015,³³ 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—but a 2016 law eliminated that requirement for the 2015 borrowing.³⁴ Total borrowing of this type was \$496 million in fiscal year 2011 and \$454 million in fiscal year 2015.³⁵

Notes Required on Some Kinds of Bills

Several laws allow legislators to request the filing of “notes” providing information on some kinds of bills—or even require notes on all bills in some category. These notes attempt to project possible effects (usually financial) if a bill becomes law. The kinds of such “impact notes” that may be requested (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, racial, 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 | 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. ³⁶ |
| 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. ³⁷ |

Judicial Notes If a bill would have the purpose and effect of increasing or reducing the number of any category of state judges, the sponsor must send a copy to the Illinois Supreme Court and ask it to provide a judicial note within 5 days, unless the bill's complexity requires more time. Such a note estimates the need for an increase or decrease in judges, based on population and caseload data for the area affected. If this need cannot be determined, the note will say so and give the reason.³⁸

State Debt Impact Notes If a bill would increase the state's authorized long-term debt, or would appropriate money from bond proceeds, 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 7 more 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 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 go 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.³⁹

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.⁴⁰

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.⁴¹ Under the Illinois Constitution,⁴² some kinds of bills proposing 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.⁴³

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).⁴⁴

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.⁴⁵

Racial Impact Notes If a bill could have a disparate impact on racial or ethnic minorities, any member may request a racial impact note to be prepared before Second Reading in the house of origin. If such a request is made, the sponsor of the bill is to ask the most appropriate state agency to prepare the note. The note must estimate the bill’s impact on minorities and which minority groups may benefit or be disadvantaged by the bill. The responding agency is to prepare the note within 5 days unless the bill’s complexity requires more time.⁴⁶

State Mandate Notes The State Mandates Act⁴⁷ 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.⁴⁸ 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.⁴⁹

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.⁵⁰ But even if a bill would create such an exemption, a State Mandates Act note must be filed with it.⁵¹ 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.⁵²

General Points
on Notes

The following provisions are found in several of the laws that require 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 before a vote on it in committee or on Second Reading.⁵³ 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,⁵⁴ and that the General Assembly may not appropriate amounts that exceed estimated revenues.⁵⁵ 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.⁵⁶ 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.⁵⁷
- (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.⁵⁸

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.⁵⁹ 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 “emergencies or failures in revenue,” but only after 7 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 the Governor recommends to restore the state’s fiscal soundness.⁶⁰ This act was used in fiscal years 1983, 1987, 1992, 1993, 1994, 1995, 1996; every year from 2003 to 2011; and 2020 and 2021 to meet temporary shortfalls in state revenues. The 2020-2021 borrowing of \$1.198 billion was from the federal Municipal Liquidity Facility (MLF), created to aid states and municipalities during the COVID-19 pandemic.⁶¹

Separately, the state borrowed \$2 billion from the MLF in December 2020, under Illinois’ Coronavirus Urgent Remediation Emergency (CURE) Borrowing Act. That money was repaid in 2022.⁶²

Medicaid Borrowing A 2004 law⁶³ (repealed in 2017⁶⁴) 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. The law said that all proceeds were to be deposited into a newly created Medicaid Provider Relief Fund and be repaid within 1 year.⁶⁵ 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.⁶⁶ 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 ratings.) 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 has information on supplemental appropriations to finish the previous fiscal year. The *Appro-*

priations Report also includes the appropriation code (also called the expenditure code) the Comptroller assigns to each budget line item. This code is used by the Comptroller and agency fiscal officers to track and record monies spent by agencies. The code can also be used by agency personnel or even the public to look up expenditures for a particular line item using the Comptroller’s website.

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.⁶⁷ The lapse period for paying bills for fiscal years 2010, 2011, 2012, 2017, 2018, 2019, and 2020 was extended to December 31 of each of those years.⁶⁸ The lapse period for fiscal year 2021 was extended to September 30, 2021.⁶⁹ 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 each year’s lapse period, in effect permanently extending the lapse period through December 31.⁷⁰

The Comptroller’s website at:

<https://illinoiscomptroller.gov/>

has much current information 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 the message to be postponed to specific later dates in 2010, 2011, 2012, 2013, and 2014.
2. Ill. Const., Art. 8, subsec. 2(a).
3. 15 ILCS 20/50-25.
4. Illinois State Budget (proposed, FY 2017 and FY 2018), 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 (before amendment by P.A. 98-599, which the Illinois Supreme Court held unconstitutional in *In re Pension Reform Litigation*, 2015 IL 118585, 32 N.E.3d 1 (2015)).
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), next-to-last sentence (repealed by P.A. 101-10, sec. 5-35 (2019)).
18. 30 ILCS 105/13.2(c-3), added by P.A. 99-2 (2015); 30 ILCS 105/13.2(c-4), added by P.A. 100-23 (2017) (both repealed by P.A. 101-10, sec. 5-35 (2019)); 30 ILCS 105/13.2(c-5), added by P.A. 100-587 (2018) (repealed by P.A. 101-636 (2020)); 30 ILCS 105/13.2(c-6), added by P.A. 101-10, sec. 5-35 (2019) (repealed by P.A. 102-16 (2021)); 30 ILCS 105/13.2(c-7), added by P.A. 101-636 (2020) (repealed by P.A. 102-699 (2022)); 30 ILCS 105/13.2(c-8), added by P.A. 102-16 (2021); and 30 ILCS 105/13.2(c-9), added by P.A. 102-699 (2022).
19. See 30 ILCS 105/13.2(b), (e), and (f).
20. See 30 ILCS 105/13, last paragraph, and 105/13.2(a-2).
21. Supplemental appropriations are referred to in 15 ILCS 20/50-5(a), third paragraph and 25 ILCS 80/5.
22. P.A. 95-348 (2007).
23. P.A. 100-21 (2017).
24. P.A. 101-7 (2019).
25. P.A. 102-17 (2021).
26. P.A. 101-637 (2020).
27. P.A. 101-638 (2020).
28. 30 ILCS 105/8h.
29. 30 ILCS 105/8j.
30. P.A. 100-23 (2017), adding 30 ILCS 105/5h.5, as amended by P.A. 101-10, sec. 5-35 (2019), and P.A. 102-16, sec. 2-5 (2021).
31. Data compiled by CGFA.
32. P.A. 96-958, sec. 5-15 (2010).
33. P.A. 98-682 (2014).
34. P.A. 99-523 (2016), amending 30 ILCS 105/5k.
35. Commission on Government Forecasting and Accountability, "FY 2018 Budget Summary," pp. 215-329, downloaded from CGFA Internet site.
36. 25 ILCS 50/1 ff.
37. 25 ILCS 55/1 ff.
38. 25 ILCS 60/1 ff.
39. 25 ILCS 65/1 ff.
40. 25 ILCS 70/1 ff.
41. 25 ILCS 75/1 ff.
42. Ill. Const., Art. 7, subsec. 6(g).
43. House Rule 70 and Senate Rule 7-20, 103rd General Assembly.
44. 25 ILCS 80/1 ff.
45. 25 ILCS 82/1 ff.

46. 25 ILCS 83/110-1 ff.
47. 30 ILCS 805/1 ff.
48. 30 ILCS 805/6.
49. 30 ILCS 805/8(b)(2).
50. See 30 ILCS 805/8.1 to 805/8.45.
51. See 30 ILCS 805/8(b)(1), second paragraph and 805/8(b)(2).
52. P.A. 96-1441 (2010); 105 ILCS 5/22-60.
53. House Rule 41(b), 103rd General Assembly.
54. Ill. Const., Art. 8, subsec. 2(a).
55. Ill. Const., Art. 8, subsec. 2(b).
56. Ill. Const., Art. 9, subsec. 9(b).
57. Ill. Const., Art. 9, subsec. 9(c).
58. Ill. Const., Art. 9, subsec. 9(d).
59. 30 ILCS 340/1.
60. 30 ILCS 340/1.1.
61. Commission on Government Forecasting and Accountability, “State of Illinois Budget Summary” (FY 2022), p. 143, downloaded from CGFA Internet site, and other information compiled by CGFA.
62. Commission on Government Forecasting and Accountability, “State of Illinois Budget Summary” (FY 2022), pp. 142-143; and other data compiled by CGFA.
63. P.A. 93-674 (2004). The Children’s Health Insurance Program Act is established by 215 ILCS 106/1 ff.
64. P.A. 99-933, sec. 20-35 (2017), repealing the Medicaid Liability Liquidity Borrowing Act.
65. 30 ILCS 342/5 as amended by P.A. 93-674, sec. 15 (2004).
66. Ill. Const., Art. 9, subsec. 9(f).
67. 30 ILCS 105/25(b).
68. 30 ILCS 105/25(b-2) to (b-2.6c) (repealed by P.A. 101-10, sec. 5-35 (2019) and 101-636, sec. 5-5 (2020)), and 30 ILCS 105/25(b-2.6d).
69. 30 ILCS 105/25(b-2.6e).
70. 30 ILCS 105/25(m), added by P.A. 97-932 (2012).

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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 individuals 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 each spring, 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 messages¹ set forth the Governor's legislative agenda. Arrangements between the Governor and legislators can then begin to form. Legislators of the Governor's party provide a core of support; the Governor's office negotiates with legislators of the other party if additional votes are needed. The Governor may try to develop support on the other side to establish bipartisan responsibility for a controversial bill. The Governor also has a political constituency that can be invoked to help move bills in the General Assembly, and groups interested in particular aspects of the Governor's 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 gain the Governor's support, or at least trying to negotiate outcomes that the Governor will not oppose.

After a bill is enacted, or a resolution is adopted, the Governor may also be able to affect how it is applied. The Governor commonly is 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 prescribed roles in lawmaking. But each year they propose budgets for their own operations in the next fiscal year, and ask for needed appropriations. 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 aide to the Governor access to the floor during sessions.² A House rule allows the designated aide to an executive or judicial branch officer access to the floor except as limited by the Speaker.³ Access to the House chamber and adjoining areas is further limited "following a declaration of pestilence or public danger by the Speaker."⁴

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 non-legislative 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 negative connotations for some people. 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.⁵ The Illinois Constitution says: "The people have the right . . . to make

known their opinions to their representatives and to apply for redress of grievances.”⁶ To offer opinions and petitions for redress, both amateur and professional lobbyists come to Springfield every year.

Lobbyist Registration Act

The Lobbyist Registration Act⁷ requires a broad class of persons to register as lobbyists.⁸ The Act, and regulations issued by the Secretary of State seeking to interpret and modify it,⁹ impose a complex body of definitions and requirements. The following summarizes them, focusing on those that directly affect legislators. (The major direct effect of the Act on legislators is that it requires lobbyists to report all expenditures on behalf of legislators—even for items such as food and beverages—in a database posted on the Internet. The Act also requires legislators to be notified that they will be named as beneficiaries of such expenditures; and 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 by anyone, not exempt under it, who (whether or not for compensation) either “undertakes to lobby” or pays anyone else to engage in lobbying.¹⁰ The Act defines “lobbying” as “communicat[ing], including the soliciting of others to communicate, with an official . . . for the ultimate purpose of influencing any executive, legislative, or administrative action at the State, municipal, county, or township government level.”¹¹ Anyone (including a firm, organization, committee, or group¹²) that employs another person, entity, or consultant for any of those purposes must also register,¹³ unless exempt as described in a later paragraph. A consultant who communicates with an official on behalf of a lobbyist, or makes an expenditure benefitting an official, must register as a lobbyist within 2 business days thereafter.¹⁴

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; members of every state “board, commission, authority, or task force” created by law or executive order; and many kinds of local officials.¹⁵ 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 say that the boards, commissions, authorities, and task forces affected are only those that have authority to make “binding recommendations or determinations.”¹⁶
- 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”¹⁷ 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”¹⁸ Thus, if read literally, the regulations require registration by anyone, not specifically exempted, who

communicates with and spends anything to benefit one or more public officials.

The Act and regulations contain extensive lists of kinds of persons exempted from the registration requirements. They include employees of the General Assembly or of legislators, legislative commissions, and legislative agencies, when acting in pursuance of their official duties.¹⁹ Legislators are exempt if their primary nonpublic employment duties do not include influencing units of local government and they make no reportable expenditures.²⁰ (The Act and regulations also exempt anyone who is not compensated, other than by reimbursement of up to \$500 of annual expenses, to lobby—if the person makes no expenditures that the Act requires to be reported.²¹)

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; email address if any; fax number if any; business phone number; any temporary address to be used while lobbying; and any elected or appointed public office held by the registrant. 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 or local governments the registrant expects to lobby.²² A registrant that employs a “sub-registrant” or a consultant must include the sub-registrant’s or consultant’s name, address, and anticipated clients.²³ Registrants that are firms or organizations must list all people lobbying on their behalf.²⁴ 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 a \$300 annual fee.²⁵ Each registrant must have a sexual harassment policy, and each human registrant must get annual harassment and discrimination prevention training to be provided by the Secretary of State.²⁶

*Filing of
spending reports*

Each registrant must file a report on expenditures twice each month.²⁷ 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.²⁸ The regulations say that travel of less than 20 miles need not be reported.²⁹ 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.³⁰ (A section of the Illinois Governmental Ethics Act prohibits a legislator from accepting an “honorarium” as defined in that section. But it allows legislators to accept payments for “actual and necessary” costs of travel, lodging, and meals for their appearances and speeches.³¹)

A registrant who ceases activities for which registration is required must file a final report within 30 days.³²

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.³³

*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, including any expenditures by a consultant.³⁴ The spending 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.³⁵

Every registrant making an expenditure on behalf of a legislator or other official must give that official written notice, when making the expenditure, that it will be reported.³⁶ A legislator who does not receive 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.³⁷ 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."³⁸

Registrants are also required to report substantial changes or additions to their information at any time.³⁹ The regulations say that this is to be done by filing an amended statement or report.⁴⁰

*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.⁴¹

Enforcing the Act

The Lobbyist Registration Act is enforced by the Secretary of State Inspector General. That office is directed to investigate allegations of violations 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 the alleged violator's response will be available to the public. An alleged violator who fails to cooperate with an investigation, or the lobbying entity employing the alleged violator, can be deregistered.⁴²

*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, the American Federation of State, County, and Municipal Employees (AFSCME), and Illinois Education Association (IEA); professional organizations, such as the Illinois State Bar Association (ISBA), 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. Some lobbyists represent issue-oriented groups, such as the Taxpayers' Federation of Illinois, or 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 reported by

the Secretary of State's office in March 2022, 1,957 people and 2,139 entities were registered lobbyists.⁴³ Some have permanent offices in Springfield; 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.ilsos.gov/
departments/index/lobbyist/home.html](http://www.ilsos.gov/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 websites, social media pages, mass emails, and/or other electronic communication methods. Such communications list bills of significant interest to the organization; name their sponsors; give brief descriptions of their contents; and state 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 emailing 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.⁴⁴ 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.⁴⁵) 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 news releases, speeches, and informational brochures to inform constituents about a legislator's activities in Springfield and in the district. News releases are 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 emails 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 assistants⁴⁶ 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 they 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.

The appropriations staffs analyze and test various funding scenarios, and draft the budget bill that will be voted on. 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, statutory 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 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 a three-fifths vote of each house.⁴⁷

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.⁴⁸ The Auditor General is to do a program audit of each state mental health and developmental disabilities facility,⁴⁹ 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.⁵⁰ Audits cover agency financial operations, program management, compliance with state laws, and cybersecurity programs.⁵¹ 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.⁵² 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 2015.⁵³

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.⁵⁴

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 seven legislative support agencies. Three of those support agencies (the Commission on Government Forecasting and Accountability, Joint Committee on Administrative Rules, and Legislative Audit Commission) 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 such board.⁵⁵

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.⁵⁶ 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 Walnut Streets and the block bounded by Madison, Rutledge, Mason, and Klein Streets (some 49 blocks).⁵⁷ 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.⁵⁸ The Architect is also to monitor and

approve 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.⁵⁹

All contracts for construction or major repair of state buildings in the areas described above (except the Supreme Court and Appellate Court buildings) must have the Architect's approval.⁶⁰ The Office of the Architect of the Capitol is also responsible for allocating space for the General Assembly and its agencies.⁶¹

With approval by the Board of the Office of the Architect of the Capitol, the Architect can acquire land in the areas listed above for legislative or other state use.⁶²

Commission on Government Forecasting and Accountability

The Commission on Government Forecasting and Accountability is a bipartisan legislative support service agency responsible for advising the Illinois General Assembly on economic and fiscal policy issues and for providing objective policy research for legislators and legislative staffs. The Commission's board is comprised of twelve legislators—split evenly between the House and Senate and between Democrats and Republicans.

The Commission has three internal units—Revenue, Pensions, and Research, each of which has a staff of analysts and researchers who analyze policy proposals, legislation, state revenues and expenditures, and benefit programs, and who provide research services to members and staff of the General Assembly. The Commission's staff fulfills the statutory obligations set forth in the Commission on Government Forecasting and Accountability Act (25 ILCS 155/), the State Debt Impact Note Act (25 ILCS 65/), the Illinois Pension Code (40 ILCS 5/), the Pension Impact Note Act (25 ILCS 55/), the State Facilities Closure Act (30 ILCS 608/), the State Employees Group Insurance Act of 1971 (5 ILCS 375/), the Public Safety Employee Benefits Act (820 ILCS 320/), the Legislative Commission Reorganization Act of 1984 (25 ILCS 130/), and the Reports to the Commission on Government Forecasting and Accountability Act (25 ILCS 110/).

- The **Revenue Unit** issues an annual revenue estimate, reports monthly on the state's financial and economic condition, and prepares bill analyses and debt impact notes on legislation having a financial impact on the state. The Revenue Unit also provides caucus staffs with valuation analyses of proposals or funding scenarios being considered. The Unit publishes a number of statutorily mandated reports, as well as on-demand reports, including the *Monthly Briefing* newsletter and annually, the *Budget Summary*, *Capital Plan Analysis*, *Illinois Economic Forecast Report*, *Wagering in Illinois Update*, and *Liabilities of the State Employees' Group Insurance Program*, among others. The Unit's staff also fulfills the agency's obligations set forth in the State Facilities Closure Act.
- The **Pension Unit** prepares pension impact notes on proposed pension legislation and publishes several statutorily mandated reports, including the *Financial Condition of the Illinois State Retirement Systems*, the *Financial Condition of Illinois Public Pension Systems* and the *Fiscal Analysis of the Downstate Police & Fire Pension Funds in Illinois*. The Pension Unit also compiles a biennial report on the costs and utilization of health benefits under the Public Safety Employee Benefits Act.

- The **Research Unit** primarily performs research and provides information as may be requested by members of the General Assembly or legislative staffs. The Unit maintains a research library and, by statute, collects information concerning state government and the general welfare of the state, examines the effects of constitutional provisions and previously enacted statutes, considers public policy issues and questions of statewide interest, and tracks appointments to State boards and commissions. Additionally, the Unit publishes *First Reading*, a newsletter for Illinois legislators; *Abstracts of State Reports*, a monthly bulletin that includes abstracts of annual reports or special studies from other state agencies; the *Illinois Tax Handbook for Legislators*; *Federal Funds to State Agencies*; various reports detailing appointments to State Boards and Commissions; *1970 Illinois Constitution Annotated for Legislators*; the *Roster of Illinois Legislators*; and numerous publications on special topics.

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.⁶³ 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.⁶⁴ 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.⁶⁵

The *Illinois Register*, published weekly by the Secretary of State, is the official publication for public notices of state rulemaking activity. It contains proposed and final changes to the Illinois Administrative Code (the official compilation of state regulations). It is available from the Secretary of State’s website free of charge. JCAR issues 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.⁶⁶ The Illinois State Auditing Act authorizes the Commission to direct the Auditor General’s office to do special studies or investigations.⁶⁷

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) 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.
- Searching for 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, updated with changes made by recent Public Acts.
- Transcripts of House and Senate sessions since 1971, the year 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 (and in some cases video 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.⁶⁸ This information is provided on JCAR's website, hosted by LIS.

Legislative
Printing Unit
(LPU)

The Legislative Printing Unit prints legislative documents and reports, including daily calendars. 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.⁶⁹ State law also puts restrictions on the Unit's printing of brochures and newsletters at times leading up to elections, as described in Chapter 6.⁷⁰

Legislative
Reference 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 draft them as bills. 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, working with LIS, posts it 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.⁷¹ It also drafts bills to implement executive reorganization orders that were not disapproved by the General Assembly.⁷²

The LRB provides the *Legislative Synopsis and Digest* online each week of the legislative session, and offers a printed final issue each year showing all actions in 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 that they would affect. Two printed copies of the *Digest* are provided to each legislator after the end of the session. The printed final issue is also sent to county clerks. Others can subscribe to the printed final issue for \$55 for a calendar year. Requests for printed *weekly* issues (from persons eligible for printed final issues) must be received before January 1 of the session year.⁷³

The LRB maintains a legal and legislative library for use by legislators and their staffs.⁷⁴ The library contains 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.⁷⁵

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.⁷⁶

Notes

1. 15 ILCS 20/50-5.
2. Senate Rule 4-3(a), 103rd General Assembly.
3. House Rule 30(a), 103rd General Assembly.
4. House Rule 30(a-5), 103rd General Assembly.
5. U.S. Const., Amdt. 1, cl. 3; Ill. Const., Art. 1, sec. 5.
6. Ill. Const., Art. 1, sec. 5.
7. 25 ILCS 170/1 ff.
8. See 25 ILCS 170/3(a).
9. 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”).
10. 25 ILCS 170/3(a).
11. 25 ILCS 170/2(e).
12. See 25 ILCS 170/2(a) (definition of “Person”), 170/5(b-5), and 170/5(b-7).

13. 25 ILCS 170/3(a) and 2 Ill. Adm. Code subsec. 560.200(b).
14. 25 ILCS 170/3(a-5).
15. 25 ILCS 170/2(c).
16. 2 Ill. Adm. Code sec. 560.100 (definition of “Official”).
17. 25 ILCS 170/2(f); 2 Ill. Adm. Code sec. 560.100.
18. 2 Ill. Adm. Code sec. 560.100 (definition of “Goodwill”).
19. 25 ILCS 170/3(a)(5) and 2 Ill. Adm. Code subsec. 560.210(e).
20. 25 ILCS 170/3(a)(5).
21. 25 ILCS 170/3(a)(8); 2 Ill. Adm. Code subsec. 560.210(b).
22. 25 ILCS 170/5, first two undesignated paragraphs and paragraphs (a) through (f).
23. 25 ILCS 170/5(b-5) and (b-7). The Act does not define “sub-registrant.”
24. 25 ILCS 170/5(a-5).
25. 25 ILCS 170/5, last paragraph.
26. 25 ILCS 170/4.7(b-5) and (c) and 170/5(d), and 2 Ill. Adm. Code sec. 560.235.
27. 25 ILCS 170/6(f) and 2 Ill. Adm. Code sec. 560.305.
28. 25 ILCS 170/6(b-2) and 2 Ill. Adm. Code sec. 560.310.
29. 2 Ill. Adm. Code sec. 560.340(a), last sentence.
30. 25 ILCS 170/6(b-7). The corresponding regulations are 2 Ill. Adm. Code secs. 560.345 to 560.370.
31. 5 ILCS 420/2-110.
32. 25 ILCS 170/6(c). The corresponding regulation is 2 Ill. Adm. Code sec. 560.385.
33. 25 ILCS 170/5, third undesignated paragraph, and 170/7(c) and (d).
34. 25 ILCS 170/6(b). The corresponding portion of the regulations is 2 Ill. Adm. Code subsec. 560.310(b) (at the time this publication was revised, it had not been updated to reflect recent changes in the Act).
35. 25 ILCS 170/6(b-1).
36. 25 ILCS 170/6.5(a) and 2 Ill. Adm. Code sec. 560.371.
37. 25 ILCS 170/6.5.
38. 2 Ill. Adm. Code sec. 560.372.
39. 25 ILCS 170/5, second undesignated paragraph.
40. 2 Ill. Adm. Code sec. 560.380.
41. 25 ILCS 170/7(a) and 2 Ill. Adm. Code subsec. 560.400(b) and sec. 560.420.
42. 25 ILCS 170/11.
43. Illinois Secretary of State, Index Department, “Lobbyist List” (updated March 29, 2022), downloaded from Secretary of State’s Internet site.
44. 25 ILCS 10/5.
45. 25 ILCS 10/4.
46. Laws 1967, p. 280, now codified as 25 ILCS 160/0.01 ff.
47. Ill. Const., Art. 8, sec. 3.
48. 30 ILCS 5/3-2, first paragraph.
49. 30 ILCS 5/3-2, third paragraph.
50. 30 ILCS 5/3-2 (last two paragraphs) and 5/3-3.
51. 30 ILCS 5/1-13 to 5/1-14 and 5/3-2.4.
52. P.A. 95-708 (2008), adding 30 ILCS 5/3-2.3 and 40 ILCS 5/22-101B (among other changes).
53. 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).
54. *Illinois Blue Book* 2021-2022, p. 126 (“Office of the Auditor General”).
55. 25 ILCS 130/1-5(a).

56. 25 ILCS 130/1-5(b).
57. 25 ILCS 130/8A-15(b) as amended by P.A. 102-699, sec. 5-34 (2022).
58. 25 ILCS 130/8A-15(b).
59. 25 ILCS 130/8A-15(e) and 130/8A-25.
60. 25 ILCS 130/8A-30.
61. 25 ILCS 130/8A-20.
62. 25 ILCS 130/8A-30.
63. 5 ILCS 100/5-90 ff.
64. 5 ILCS 100/5-115.
65. 5 ILCS 100/5-100 to 100/5-130.
66. 25 ILCS 150/3.
67. 25 ILCS 150/3; 30 ILCS 5/3-15.
68. 25 ILCS 145/5.08.
69. 25 ILCS 130/9-2.
70. 25 ILCS 130/9-2.5. See Chapter 6 of this publication, “Ethics, Conflicts of Interest, and Worse” section, “Misuse of Public Funds” heading.
71. 25 ILCS 135/5.04.
72. 25 ILCS 135/5.06.
73. 25 ILCS 135/5.02. Weekly printed issues can be requested by email to: rebeccah@ilga.gov.
74. 25 ILCS 135/5.01.
75. 25 ILCS 135/5.05.
76. 25 ILCS 135/5.07.

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CHAPTER 9

THE MEDIA

On each side of the rostrum at the front of the House and Senate chambers are boxes reserved for the news media. 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*.¹

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 audio equipment.² 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.

Press Conferences The current number to schedule a news conference (which is subject to change each year) is (217) 782-7664. 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 news releases and other matters relating to the media, and constituent newsletters.

Illinois Office of Communication and Information 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 in Springfield that are 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 television stations around the state. 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. Arrangements for using these facilities are usually handled through the Senate and House leadership press staffs.

Notes

1. See *Illinois Blue Book* 2021-2022, pp. 133-36.
2. See House Rule 30(a) and Senate Rule 4-3(a), 103rd General Assembly.

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COMMISSION OVERVIEW

The Commission on Government Forecasting & Accountability is a bipartisan legislative support service agency responsible for advising the Illinois General Assembly on economic and fiscal policy issues and for providing objective policy research for legislators and legislative staffs. The Commission's board is comprised of twelve legislators—split evenly between the House and Senate and between Democrats and Republicans. Effective December 10, 2018, pursuant to P.A. 100-1148 the former Legislative Research Unit was merged into the Commission.

The Commission has three internal units—Revenue, Pensions, and Research, each of which has a staff of analysts and researchers who analyze policy proposals, legislation, state revenues & expenditures, and benefit programs, and who provide research services to members and staff of the General Assembly. The Commission's staff fulfills the statutory obligations set forth in the Commission on Government Forecasting and Accountability Act (25 ILCS 155/), the State Debt Impact Note Act (25 ILCS 65/), the Illinois Pension Code (40 ILCS 5/), the Pension Impact Note Act (25 ILCS 55/), the State Facilities Closure Act (30 ILCS 608/), the State Employees Group Insurance Act of 1971 (5 ILCS 375/), the Public Safety Employee Benefits Act (820 ILCS 320/), the Legislative Commission Reorganization Act of 1984 (25 ILCS 130/), and the Reports to the Commission on Government Forecasting and Accountability Act (25 ILCS 110/).

- The **Revenue Unit** issues an annual revenue estimate, reports monthly on the state's financial and economic condition, and prepares bill analyses and debt impact notes on legislation having a financial impact on the State. The Revenue Unit also provides caucus staffs with valuation analyses of proposals or funding scenarios being considered. The Unit publishes a number of statutorily mandated reports, as well as on-demand reports, including the *Monthly Briefing* newsletter and annually, the *Budget Summary*, *Capital Plan Analysis*, *Illinois Economic Forecast Report*, *Wagering in Illinois Update*, and *Liabilities of the State Employees' Group Insurance Program*, among others. The Unit's staff also fulfills the agency's obligations set forth in the State Facilities Closure Act.
- The **Pension Unit** prepares pension impact notes on proposed pension legislation and publishes several statutorily mandated reports including the *Financial Condition of the Illinois State Retirement Systems*, the *Financial Condition of Illinois Public Pension Systems* and the *Fiscal Analysis of the Downstate Police & Fire Pension Funds in Illinois*. The Unit's staff also fulfills the statutory responsibilities set forth in the Public Safety Employee Benefits Act.
- The **Research Unit** primarily performs research and provides information as may be requested by members of the General Assembly or legislative staffs. The Unit maintains a research library and, per statute, collects information concerning state government and the general welfare of the state, examines the effects of constitutional provisions and previously enacted statutes, considers public policy issues and questions of state-wide interest, and tracks appointments to State boards and commissions. Additionally, the Unit publishes *First Reading*, a quarterly newsletter, *Abstracts of State Reports*, a monthly bulletin which includes abstracts of annual reports or special studies from other state agencies, the *Illinois Tax Handbook for Legislators*, *Federal Funds to State Agencies*, various reports detailing appointments to State Boards and Commissions, *the 1970 Illinois Constitution Annotated for Legislators*, the *Roster of Illinois Legislators*, and numerous special topic publications.

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PREFACE TO
LAWMAKING
