

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-SEVENTH GENERAL ASSEMBLY

155TH LEGISLATIVE DAY

PERFUNCTORY SESSION

WEDNESDAY, NOVEMBER 14, 2012

3:04 O'CLOCK P.M.

**HOUSE OF REPRESENTATIVES
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155th Legislative Day**

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NOTE: Full text of Amendments will not be included in House Journals from the 97th GA forward; they can be viewed on the Illinois General Assembly website (www.ilga.gov). For inquiries regarding this, please contact the House Clerk’s office.

The House of Representatives met in Perfunctory Session pursuant to adjournment.

REPORTS

The Clerk of the House acknowledges receipt of the following correspondence:

Illinois Film Office Quarterly Report, submitted on November 9, 2012.

Illinois Tax Theater Tax Credit Quarterly Reports, submitted on November 9, 2012.

State Employee's Retirement System of Illinois Annual Actuarial Valuation as of June 30, 2012, submitted by GRS - Gabriel Roeder Smith & Company on November 13, 2012.

Certification of Required State Contributions to State Universities Retirement System for State Fiscal Year 2014, submitted by the State Universities Retirement System on November 13, 2012.

Certified projected contributions for State fiscal year 2014 to the Community College Board, submitted by the State Universities Retirement System of Illinois on November 14, 2012.

Annual Report on Public University Revenues and Expenditures (FY 2012) as Specified in Public Act 93-0229, submitted by the Illinois Board of Higher Education on November 14, 2012.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on November 9, 2012, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the bill be reported "approved for consideration" and be placed on the order of Second Reading--Short Debate: HOUSE BILL 603; SENATE BILLS 551, 3245 and 3338.

That the bill be reported "approved for consideration" and be placed on the order of Concurrence: HOUSE BILL 5547.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Business & Occupational Licenses: SENATE BILL 3237.

Elementary & Secondary Education: HOUSE JOINT RESOLUTION 102.

Executive: HOUSE BILL 6240; SENATE BILLS 547, 678, 2915, 3180, 3233 and 3430.

Health Care Licenses: SENATE BILL 2580.

Revenue & Finance: SENATE BILLS 3183 and 3212; HOUSE JOINT RESOLUTION 45.

State Government Administration: SENATE BILL 3498.

The committee roll call vote on the foregoing Legislative Measures is as follows:
3, Yeas; 2, Nays; 0, Answering Present.

Y Currie(D), Chairperson
Y Harris, G.(D) (replacing Lang)
Y Williams(D) (replacing Mautino)

N Durkin(R) (replacing Schmitz)
N Tryon(R) (replacing Leitch)

REQUEST FOR FISCAL NOTE

Representative Thapedi requested that a Fiscal Note be supplied for HOUSE BILL 6243.

REQUEST FOR STATE MANDATES FISCAL NOTE

Representative Thapedi requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 6243.

REQUEST FOR BALANCED BUDGET NOTE

Representative Thapedi requested that a Balanced Budget Note be supplied for HOUSE BILL 6243.

REQUEST FOR CORRECTIONAL NOTE

Representative Thapedi requested that a Correctional Note be supplied for HOUSE BILL 6243.

REQUEST FOR HOME RULE NOTE

Representative Thapedi requested that a Home Rule Note be supplied for HOUSE BILL 6243.

REQUEST FOR HOUSING AFFORDABILITY IMPACT NOTE

Representative Thapedi requested that a Housing Affordability Impact Note be supplied for HOUSE BILL 6243.

REQUEST FOR JUDICIAL NOTE

Representative Thapedi requested that a Judicial Note be supplied for HOUSE BILL 6243.

REQUEST FOR LAND CONVEYANCE APPRAISAL NOTE

Representative Thapedi requested that a Land Conveyance Appraisal Note be supplied for HOUSE BILL 6243.

REQUEST FOR PENSION NOTE

Representative Thapedi requested that a Pension Note be supplied for HOUSE BILL 6243.

REQUEST FOR STATE DEBT IMPACT NOTE

Representative Thapedi requested that a State Debt Impact Note be supplied for HOUSE BILL 6243.

MESSAGES FROM THE GOVERNOR

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE – Secretary of State

August 17, 2012

To the Honorable Members of the
Illinois House of Representatives,
97th General Assembly:

I hereby return House Bill 4673 with specific recommendations for change. House Bill 4673 allows a local law enforcement officer to retain his or her Firearm Owner's Identification (FOID) Card if he or she has been a patient in a mental institution within the past five (5) years, so long as the officer has not been involuntarily admitted to a mental institution or has not been treated as an inpatient in a mental institution for more than thirty (30) days.

As Governor, I am a strong supporter of our law enforcement officers and recognize the grueling pressures – both mental and physical – that are placed upon them daily as they protect the citizens of Illinois from harm. These men and women face the same personal pressures as many of us – anxiety, addictions, divorce, financial worries, and job dissatisfaction. On top of personal stresses, the job-related stress of dealing with the most violent members of society and with dangerous or troubling situations can be too much. These officers work in a profession where lack of mental clarity can be deadly, and I want them to feel that they can voluntarily seek the professional mental health assistance they need without the fear of losing their jobs, benefits, and livelihood.

While House Bill 4673 gives officers that freedom, it also allows an officer to continue to possess a valid FOID Card while exhibiting suicidal or threatening behaviors. House Bill 4673 exempts local law enforcement from any type of restriction on the possession of a FOID Card in the event of a voluntary commitment, or an inpatient admission of less than thirty (30) days, regardless of the type of treatment sought. Under the bill there is no requirement that a clinical psychologist, psychiatrist or qualified examiner affirm that the officer, having received treatment, is mentally fit to carry a firearm. Moreover, if a qualified examiner finds that the individual is *not* fit to carry a firearm, there is no requirement that the Illinois State Police (ISP) be notified of this finding.

It is counter-intuitive to exempt from the mental health provisions of the Firearm Owners Identification Act individuals whose occupation is not only stressful but also requires them to carry firearms. The combination of mental health concerns and access to weapons could be lethal and is a result we should seek to avoid at all costs.

I want to commend the sponsors and interested parties for working with me to arrive at some compromise language to address the loopholes created in the underlying bill.

Therefore, pursuant to the sponsors' request and Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 4673, entitled "AN ACT concerning firearms", with the following specific recommendations for change:

on page 1, line 5, by replacing "Sections 4 and 8" with "Sections 4, 8, and 10"; and

on page 2, by replacing lines 8 through 25 with the following:

“(iv) He or she has not been a patient in a mental institution within the past 5 years ~~and he or she has not been adjudicated as a mental defective;~~”; and

on page 4, line 23, by replacing "and" with "~~and~~"; and

on page 5, by inserting immediately below line 1 the following:

“(xiv) He or she has not been adjudicated as a mental defective; and”; and

on page 6, by inserting immediately below line 12 the following:

"(d) Nothing in clause (a)(2)(iv) of Section 4 and subsection (e) of Section 8 of this Act shall be interpreted to independently require or permit a unit of government, which requires the possession of a valid Firearm Owner's Identification Card as a condition of employment, to terminate, suspend, or place on leave without pay an officer subject to subsection (e) of Section 8 of this Act from the time of denial, revocation, or seizure and while the officer's request for relief pursuant to Section 10 of this Act is pending."; and

on page 7, by replacing lines 8 through 22 with the following:

“(e) A person who has been a patient of a mental institution within the past 5 years. An active law enforcement officer employed by a unit of government which requires possession of a valid Firearm Owner's Identification Card as a condition for employment who is covered by this Section but was not acting in a manner which was threatening to the officer, another person, or the public as determined by the treating clinical psychologist or physician, and as a result of their work is referred by the employer for or voluntarily seeks alcohol or mental health treatment may obtain relief as described in subsection (a) of Section 10 of this Act or has been adjudicated as a mental defective.”; and

on page 9, line 24, by replacing "or" with "~~or~~"; and

on page 10, line 1, by replacing "." with "~~.~~ or"; and

on page 10, by inserting after line 1 the following:

“(q) A person who has been adjudicated as a mental defective.”; and

on page 10, after line 3, by inserting:

“(430 ILCS 65/10) (from Ch. 38, par. 83-10) Sec. 10. (a) Whenever an application for a Firearm Owner's Identification Card is denied, whenever the Department fails to act on an application within 30 days of its receipt, or whenever such a Card is revoked or seized as provided for in Section 8 of this Act, the aggrieved party may appeal to the Director of the Department of State Police for a hearing upon such denial, revocation or seizure, unless the denial, revocation, or seizure was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, any felony violation of Article 24 of the Criminal Code of 1961, or any adjudication as a delinquent minor for the commission of an offense that if committed by an adult would be a felony, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing upon such denial, revocation, or seizure.

(1) An active law enforcement officer employed by a unit of government, which requires the possession of a valid Firearm Owner's Identification Card as a condition for employment, who is covered by subsection (e) of Section 8 but was not acting in a manner which was threatening to the officer, another person, or the public as determined by the treating clinical psychologist or physician, and as a result of their work is referred by the employer for or voluntarily seeks:

(A) alcohol abuse or dependence or alcohol-related depressive disorder evaluation or treatment by a licensed clinical psychologist, or physician licensed to practice medicine in all its branches; or

(B) mental health evaluation or treatment other than that described in clause (A) above by a licensed clinical psychologist, psychiatrist, or qualified examiner, may obtain relief from the prohibition in subsection (e) of Section 8 of this Act as described in paragraph (2) below so long as the person has not received treatment involuntarily at a mental institution, regardless of length of admission, or has not been voluntarily admitted to a mental institution for more than 30 days and not for more than one incident within the past 5 years, and has not left such mental institution against medical advice.

(2) The Director of the Department of State Police shall grant expedited relief:

(A) to persons pursuant to clause (1)(A) above within 15 business days of receipt of written confirmation in the form prescribed by the Director from the treating licensed clinical psychologist or physician that the provisions set forth in paragraph (1) of this subsection (a) have been met, the person successfully completed treatment, and the person's possession of a firearm does not present a threat to themselves, others, or public safety; or

(B) upon a determination by the Director that the person's possession of a firearm does not present a threat to themselves, others, or public safety to persons pursuant to clause (1)(B) within 30 business days of receipt of:

(i) a notarized statement from the petitioner in the form prescribed by the Director detailing the circumstances that led to the hospitalization;

(ii) all documentation regarding the admission, evaluation, treatment and discharge from the treating licensed clinical psychologist or psychiatrist of such officer;

(iii) a psychological fitness for duty evaluation of such person completed after the time of discharge; and
(iv) written confirmation in the form prescribed by the Director from the treating licensed clinical psychologist or psychiatrist that the provisions set forth in paragraph (1) of this subsection (a) have been met, the person successfully completed treatment, and their professional opinion regarding the person's ability to possess firearms.

(3) Officers eligible for the expedited relief process outlined in clauses (a)(2)(A) and (B) of this Section are responsible for providing proof of eligibility and all information required and will not be considered for expedited relief until such proof and information is received by the Director.

(4) "Clinical psychologist", "psychiatrist", and "qualified examiner" shall have the same meaning as provided in Chapter I of the Mental Health and Developmental Disabilities Code.

(b) At least 30 days before any hearing in the circuit court, the petitioner shall serve the relevant State's Attorney with a copy of the petition. The State's Attorney may object to the petition and present evidence. At the hearing the court shall determine whether substantial justice has been done. Should the court determine that substantial justice has not been done, the court shall issue an order directing the Department of State Police to issue a Card.

(c) Any person prohibited from possessing a firearm under Sections 24-1.1 or 24-3.1 of the Criminal Code of 196 or acquiring a Firearm Owner's Identification Card under Section 8 of this Act may apply to the Director of the Department of State Police or petition the circuit court in the county where the petitioner resides, whichever is applicable in accordance with subsection (a) of this Section, requesting relief from such prohibition and the Director or court may grant such relief if it is established by the applicant to the court's or Director's satisfaction that:

(0.05) when in the circuit court, the State's Attorney has been served with a written copy of the petition at least 30 days before any such hearing in the circuit court and at the hearing the State's Attorney was afforded an opportunity to present evidence and object to the petition;

(1) the applicant has not been convicted of a forcible felony under the laws of this State or any other jurisdiction within 20 years of the applicant's application for a Firearm Owner's Identification Card, or at least 20 years have passed since the end of any period of imprisonment imposed in relation to that conviction;

(2) the circumstances regarding a criminal conviction, where applicable, the applicant's criminal history and his reputation are such that the applicant will not be likely to act in a manner dangerous to public safety; and

(3) granting relief would not be contrary to the public interest.

(d) When a minor is adjudicated delinquent for an offense which if committed by an adult would be a felony, the court shall notify the Department of State Police.

(e) The court shall review the denial of an application or the revocation of a Firearm Owner's Identification Card of a person who has been adjudicated delinquent for an offense that if committed by an adult would be a felony if an application for relief has been filed at least 10 years after the adjudication of delinquency and the court determines that the applicant should be granted relief from disability to obtain a Firearm Owner's Identification Card. If the court grants relief, the court shall notify the Department of State Police that the disability has been removed and that the applicant is eligible to obtain a Firearm Owner's Identification Card.

(f) Any person who is prohibited from possessing a firearm under 18 U.S. C. 922 (d)(4) and 922 (g)(4) of the federal Gun Control Act of 1968 may apply to the Department of State Police requesting relief from such prohibition and the Director shall grant such relief if it is established to the Director's satisfaction that the person will not be likely to act in a manner dangerous to public safety and granting relief would not be contrary to the public interest."; and

on page 10, by replacing lines 4 and 5 with the following:

“Section 99. Effective date. This Act takes effect on January 1, 2013.”.

With these changes, House Bill 4673 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

August 17, 2012

To the Honorable Members of the House of Representatives
97th General Assembly

Today I return House Bill 5207 with specific recommendations for change. The underlying bill amends the Election Code by removing constitutional amendments from provisions regarding the methodology used to validate petition signatures. My recommendations for change do not alter this language. The changes do, however, establish a mechanism - through petition initiative and binding referendum - to enact ordinances that assist the veterans of our Armed Forces in such ways as employment, job training, health care, and other services and benefits. Access to these resources is among the most critical needs of the Illinois veterans' community.

By putting the power of petition and referenda in the hands of citizens at the local level, we give each local unit of government a new instrument through which residents can honor those who fought to defend precisely these expressions of democracy and freedom.

As an elected official, I understand how grateful constituents are for the service and sacrifice of the men and women in the Armed Forces. This measure provides citizens with a means of expressing their support at the local level and will have a direct impact on Illinois' past, present and future heroes in uniform.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 5207, entitled "AN ACT concerning elections.", with the following specific recommendations for change:

on page 1, line 5, after "28-12", by inserting "and by adding Article 28A"; and

on page 3, after line 6, by inserting the following:

" (10 ILCS 5/Art. 28A heading new)

ARTICLE 28A. REFERENDUM FOR HELPING VETERANS

(10 ILCS 5/28A-1 new)

Sec. 28A-1. Local government initiative petition and referendum for helping veterans.

(a) In order to promote the welfare of veterans of our nation's armed forces, the electors of any unit of local government may pass, by initiative petition and referendum in the manner prescribed by this Article, a binding ordinance relating to the subjects set forth in subsection (b) that the corporate authorities of their unit of local government are empowered to pass.

(b) A binding ordinance relating to helping veterans of any branch of service in the armed forces of the United States may be proposed by a petition signed by the number of electors equal to at least 8% of the total votes cast for Governor at the last general election in the unit of local government. The petition shall contain the text of the proposed ordinance and the date of the regular or unit of local government election at which the proposed ordinance is to be submitted, shall have been signed by petitioning electors not more than 12 months preceding the regular or unit of local government election, and shall be filed with the clerk of the unit of local government at least 92 days before that regular or unit of local government election. Ordinances that may be proposed pursuant to this subsection (b) include, but are not limited to, measures that provide job training opportunities for veterans or veterans' employment or other measures that enable veterans to access health services, or other services and benefits. Any ordinance proposed pursuant to this subsection (b) that will require the imposition of a tax or fee of any kind, or the expenditure of any public funds, shall specify, in the text of the referendum question, the amount of any such tax, fee, or expenditure, on an annual basis.

(c) If the corporate authorities of the unit of local government, without amendment, pass the binding ordinance proposed by such a petition filed with the clerk of the unit of local government not less than 78

days prior to the regular or unit of local government election at which the petition specifies the proposed binding ordinance is to be submitted, then the proposed binding ordinance shall not be submitted to the electors of the unit of local government.

(d) Except as otherwise provided in this Article, petitions filed under this Article shall be governed by Article 28 of this Code.

(e) If no objection to a petition filed under subsection (b) is filed within 5 business days after such petition is filed or if an objection is filed and the appropriate electoral official or board rules the petition sufficient, then the clerk of the unit of local government shall submit the petition to the election official or board for the unit of local government, and the election official or board shall order the proposed ordinance submitted to the electors of the unit of local government at the election specified in the petition.

(f) If, after the election official or board of the unit of local government orders the proposed ordinance to be submitted to the electors of the unit of local government, it determines that the proposed ordinance is too long to be printed in its entirety on the ballot, it shall ask the clerk of the unit of local government to provide a concise statement of its nature. The election official or board shall then cause either the entire proposed ordinance or the concise statement to be printed on the ballot together with a question permitting the elector to indicate approval or disapproval of adoption of the proposed ordinance.

(g) If a majority of those voting on the proposed ordinance indicate approval of its adoption, it shall be passed and have the same effect as if it had been passed by the corporate authorities of the unit of local government, except as provided in subsection (h).

(h) Ordinances adopted under this Article, either by approval of electors at an election or by passage by the corporate authorities under subsection (c), shall not be repealed or amended within 4 years after adoption except by vote of the electors.

(i) The corporate authorities of a unit of local government may submit to its electorate a proposition to repeal or amend an ordinance adopted under this Article at any election in conformance with Article 28 of this Code.”

With these changes, House Bill 5207 will have my approval. I respectfully request your concurrence.

Sincerely,
PAT QUINN
Governor

**HOUSE JOINT RESOLUTIONS
CONSTITUTIONAL AMENDMENTS
FIRST READING**

Representative Sente introduced the following:

**HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT 51**

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article IV of the Illinois Constitution by changing Section 6 as follows:

**ARTICLE IV
THE LEGISLATURE**

SECTION 6. ORGANIZATION

(a) A majority of the members elected to each house constitutes a quorum.

(b) On the first day of the January session of the General Assembly in odd-numbered years, the Secretary of State shall convene the House of Representatives to elect from its membership a Speaker of the House of

Representatives as presiding officer, and the Governor shall convene the Senate to elect from its membership a President of the Senate as presiding officer. A person may not serve more than a total of 14 years in the office of Speaker of the House of Representatives, President of the Senate, Minority Leader of the House of Representatives, or Minority Leader of the Senate; provided that service before the second Wednesday in January of 2015 shall not be considered in the calculation of a person's service.

(c) For purposes of powers of appointment conferred by this Constitution, the Minority Leader of either house is a member of the numerically strongest political party other than the party to which the Speaker or the President belongs, as the case may be.

(d) Each house shall determine the rules of its proceedings, judge the elections, returns and qualifications of its members and choose its officers. No member shall be expelled by either house, except by a vote of two-thirds of the members elected to that house. A member may be expelled only once for the same offense. Each house may punish by imprisonment any person, not a member, guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. Imprisonment shall not extend beyond twenty-four hours at one time unless the person persists in disorderly or contemptuous behavior.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

The foregoing HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 51 was taken up, read in full a first time, ordered reproduced and placed in the Committee on Rules.

Representative Mathias introduced the following:

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 52

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 6 of Article IV of the Illinois Constitution as follows:

ARTICLE IV THE LEGISLATURE

SECTION 6. ORGANIZATION

(a) A majority of the members elected to each house constitutes a quorum.

(b) On the first day of the January session of the General Assembly in odd-numbered years, the Secretary of State shall convene the House of Representatives to elect from its membership a Speaker of the House of Representatives as presiding officer, and the Governor shall convene the Senate to elect from its membership a President of the Senate as presiding officer.

(c) For purposes of powers of appointment conferred by this Constitution, the Minority Leader of either house is a member of the numerically strongest political party other than the party to which the Speaker or the President belongs, as the case may be.

(d) Each house shall determine the rules of its proceedings, judge the elections, returns and qualifications of its members and choose its officers. No member shall be expelled by either house, except by a vote of two-thirds of the members elected to that house. ~~A member may be expelled only once for the same offense.~~ Each house may punish by imprisonment any person, not a member, guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. Imprisonment shall not extend beyond twenty-four hours at one time unless the person persists in disorderly or contemptuous behavior.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

The foregoing HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 52 was taken up, read in full a first time, ordered reproduced and placed in the Committee on Rules.

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 6243. Introduced by Representative Thapedi, AN ACT concerning regulation.

HOUSE BILL 6244. Introduced by Representative Flowers, AN ACT making appropriations.

HOUSE BILL 6245. Introduced by Representative Flowers, AN ACT concerning appropriations.

HOUSE BILL 6246. Introduced by Representative Flowers, AN ACT concerning public aid.

HOUSE BILL 6247. Introduced by Representative Flowers, AN ACT concerning public health.

At the hour of 3:11 o'clock p.m., the House Perfunctory Session adjourned.