

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-EIGHTH GENERAL ASSEMBLY

3RD LEGISLATIVE DAY

PERFUNCTORY SESSION

MONDAY, JANUARY 14, 2013

3:29 O'CLOCK P.M.

**HOUSE OF REPRESENTATIVES
Daily Journal Index
3rd 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.

LETTERS OF TRANSMITTAL

January 11, 2013

Timothy D. Mapes
Clerk of the House
HOUSE OF REPRESENTATIVES
300 Capitol Building
Springfield, IL 62706

Dear Mr. Clerk:

The **House Rules Committee** for the 98th General Assembly will be comprised of 3 Majority appointments and 2 Minority appointments.

With kindest personal regards, I remain

Sincerely yours,

s/Michael J. Madigan
Speaker of the House

January 11, 2013

Mr. Tim Mapes
Clerk of the House
300 Capitol Building
Springfield, IL 62706

Dear Mr. Clerk:

Please be advised that the following change to the 98th General Assembly House Committee is effective immediately.

- **Rules**
Representative Tim Schmitz is appointed Minority Spokesperson.
Representative David Leitch is appointed.

Thank you for your attention regarding this matter.

Sincerely,

s/Tom Cross
State Representative

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 0132. Introduced by Representative Acevedo, AN ACT concerning criminal law.
- HOUSE BILL 0133. Introduced by Representative Cavaletto, AN ACT concerning public aid.
- HOUSE BILL 0134. Introduced by Representative Cavaletto, AN ACT concerning public aid.
- HOUSE BILL 0135. Introduced by Representative Tracy, AN ACT concerning regulation.
- HOUSE BILL 0136. Introduced by Representative Tracy, AN ACT concerning criminal law.
- HOUSE BILL 0137. Introduced by Representative Tracy, AN ACT concerning insurance.
- HOUSE BILL 0138. Introduced by Representative Tracy, AN ACT concerning civil law.
- HOUSE BILL 0139. Introduced by Representative Tracy, AN ACT concerning employment.
- HOUSE BILL 0140. Introduced by Representative Franks, AN ACT concerning government.
- HOUSE BILL 0141. Introduced by Representative Flowers, AN ACT concerning public aid.
- HOUSE BILL 0142. Introduced by Representative Flowers, AN ACT concerning insurance.
- HOUSE BILL 0143. Introduced by Representative Feigenholtz, AN ACT concerning regulation.
- HOUSE BILL 0144. Introduced by Representative Feigenholtz, AN ACT concerning public aid.
- HOUSE BILL 0145. Introduced by Representative Feigenholtz, AN ACT concerning children.
- HOUSE BILL 0146. Introduced by Representative Feigenholtz, AN ACT concerning health.
- HOUSE BILL 0147. Introduced by Representative Feigenholtz, AN ACT concerning State government.
- HOUSE BILL 0148. Introduced by Representative Feigenholtz, AN ACT concerning criminal law.
- HOUSE BILL 0149. Introduced by Representative Feigenholtz, AN ACT concerning appropriations.
- HOUSE BILL 0150. Introduced by Representative Morrison, AN ACT concerning revenue.
- HOUSE BILL 0151. Introduced by Representative Morrison, AN ACT concerning revenue.
- HOUSE BILL 0152. Introduced by Representative Morrison, AN ACT concerning elections.
- HOUSE BILL 0153. Introduced by Representative Kay, AN ACT concerning civil law.
- HOUSE BILL 0154. Introduced by Representative Reis, AN ACT concerning firearms.
- HOUSE BILL 0155. Introduced by Representative Hays, AN ACT concerning revenue.

**HOUSE JOINT RESOLUTIONS
CONSTITUTIONAL AMENDMENTS
FIRST READING**

Representative Sente introduced the following:

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT 3

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH 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 3 was taken up, read in full a first time, ordered reproduced and placed in the Committee on Rules.

Representative Harms introduced the following:

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 4

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH 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 Sections 2 and 3 of Article IV of the Illinois Constitution as follows:

ARTICLE IV THE LEGISLATURE

SECTION 2. LEGISLATIVE COMPOSITION

- (a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly ~~by law~~ shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.
- (b) ~~Each Legislative District shall be divided into two Representative Districts.~~ In 1982 and every two years thereafter one Representative shall be elected from each Representative District for a term of two

years.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) 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.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

(Source: Amendment adopted at general election November 4, 1980.)

SECTION 3. LEGISLATIVE REDISTRICTING

(a) On the second Tuesday in February in the year following each Federal decennial census year, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House, and the Minority Leader of the House may each, considering the diversity of the State, appoint two members to the Temporary Redistricting Advisory Commission. On or before the second Tuesday in March, one additional member shall be elected by a majority of the members appointed, and that member shall serve as Chair. Members of the Temporary Redistricting Advisory Commission shall not be eligible to be elected to the General Assembly or appointed to any office that is subject to confirmation by the Senate for ten years after completion of service on the Temporary Redistricting Advisory Commission. No person may serve as a member of the Temporary Redistricting Advisory Commission who is at the time of appointment, becomes at any time during service, or who was at any time during the preceding four years (i) a registered lobbyist in Illinois; (ii) an employee or contractor of the State of Illinois; (iii) an elected official of or a candidate for or appointed member of any elected body of: the federal government, the State, a unit of local government, a school district or a political party; or (iv) an immediate family member of any of the foregoing. As used in this Article IV, Section 3, "immediate family member" is a person with whom the person has a bona fide relationship established through close blood or legal kinship. If any member of the Temporary Redistricting Advisory Commission shall be unable to fulfill the duties required under this Section, then the person who appointed said member, or that person's successor, shall appoint a person to fill said vacancy within five days of the occurrence of the vacancy.

A meeting of a majority of a quorum of the Temporary Redistricting Advisory Commission shall be open to the public with at least twenty-four hour notice.

The Temporary Redistricting Advisory Commission shall have authority to hire independent private firms for any assistance. The Commission shall conduct at least five public hearings on separate days around five distinct geographic regions of the State before voting on any redistricting plans, and at least three of the hearings shall be after receipt of the data from the United States Census Bureau. Within three days after receipt of the data from the United States Census Bureau, the Commission shall make that data, together with redistricting software, available to the public.

(b) The Commission shall approve any redistricting plans by a majority vote of its members.

The Commission shall establish districts pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with all Federal laws and shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice.

(2) Districts shall be contiguous.

(3) Districts shall be substantially equal in population.

(4) Districts shall be compact.

(5) District boundaries shall, to the extent practical, follow visible geographic features and municipal

boundaries.

(6) The plan shall not be drawn to purposefully or significantly favor or discriminate against any political party or group.

Party registration, voting history data and incumbency shall not be considered in the mapping process, except to evaluate compliance with the criteria listed in subsections (b)(1) and (b)(6). The Commission shall establish definitions where applicable for each of the criteria listed in subsections (b)(1)-(6).

A Representative District need not be entirely within a single Legislative District.

After preliminary approval of the redistricting plans, the Commission shall release the proposed plans to the public, conduct at least three public hearings around three distinct geographic regions of the State, and submit a report to the General Assembly. At any time prior to the submission of a plan under subsection (c), any member of the General Assembly or general public may submit a plan to be considered by the Commission and for public viewing. All documents submitted to or plans considered by the Commission shall be made available to the public within a reasonable time period.

(c) After conducting the required public hearings, the Commission shall approve by a majority vote a Representative redistricting plan by third Monday in May, which the Chair of the Commission shall deliver to the House of Representatives on the third business day after approval. The House must take a record vote to accept the plan by a House Resolution. The Resolution is adopted if it receives the affirmative vote of at least two-thirds of the members elected.

After conducting the required public hearings, the Commission shall approve by a majority vote a Senate redistricting plan by the third Monday in May, which the Chair of the Commission shall deliver to the Senate on the third business day after approval. The Senate must take a record vote to accept the plan by a Senate Resolution. The Resolution is adopted if it receives the affirmative vote of at least two-thirds of the members elected.

Redistricting plans may not be amended by either chamber. An adopted redistricting resolution shall be filed with the Secretary of State by the presiding officer of the chamber that initiated the resolution. Each chamber shall have until the first Monday in June to file a resolution with the Secretary of State approving the redistricting plan.

(d) If a plan is not adopted by a chamber of the General Assembly, the Commission shall approve an alternative redistricting plan no later than third Monday in June, and the Chair of the Commission shall deliver that plan to the appropriate chamber of the General Assembly on the third business day after approval. The appropriate chamber of the General Assembly shall approve or reject that plan in the same manner established by subsection (c). Each chamber shall have until the first Monday in July to file a resolution with the Secretary of State approving the alternative redistricting plan.

(e) If a plan is not approved by a chamber of the General Assembly by the first Monday in July, the Commission shall approve by a majority one of the two previous plans submitted to the appropriate chamber of the General Assembly under subsections (c) and (d). The Chair of the Commission shall file the approved redistricting plan for the appropriate chamber with the Secretary of State not later than the third Monday in July.

(f) If at any time the Temporary Redistricting Advisory Commission fails to meet one of the deadlines set forth herein, the Chief Justice of the Supreme Court and a Supreme Court Judge chosen by the Judges of the Supreme Court who are not of the political party of the Chief Justice shall within ten days jointly appoint and certify to the Secretary of State one person to act as Special Master to generate any maps not previously approved. No person may serve as Special Master who is not eligible to serve on the Temporary Redistricting Advisory Commission. A person who serves as Special Master is not eligible to be elected to the General Assembly or appointed to any office that is subject to confirmation by the Senate for ten years after completion of service as a Special Master. A Special Master shall consider all redistricting plans delivered by or submitted to the Temporary Redistricting Advisory Commission, the Senate, or the House as applicable. The Special Master shall have authority to hire independent assistance, make available the data received from the United States Census Bureau, together with redistricting software, to the public within three days of receipt unless the Temporary Redistricting Advisory Commission has already done so; shall conduct at least five public hearings on separate days around five distinct geographic regions of the State after receipt of the data from the United States Census Bureau and before promulgating any preliminary redistricting plans, and shall hold at least three public hearings on separate days around three distinct geographic regions of the State after promulgating any preliminary redistricting plans and before finalizing any plan or plans. All documents submitted to or utilized by the Special Master shall be made available to the public within a reasonable amount of time. The Special Master shall file a redistricting plan complying with the criteria set forth in subsection 3(b) for the Legislative Districts and Representative

Districts, as applicable, with the Secretary of State not later than September 30.

~~(a) Legislative Districts shall be compact, contiguous and substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in population.~~

~~(b) In the year following each Federal decennial census year, the General Assembly by law shall redistrict the Legislative Districts and the Representative Districts.~~

~~If no redistricting plan becomes effective by June 30 of that year, a Legislative Redistricting Commission shall be constituted not later than July 10. The Commission shall consist of eight members, no more than four of whom shall be members of the same political party.~~

~~The Speaker and Minority Leader of the House of Representatives shall each appoint to the Commission one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint to the Commission one Senator and one person who is not a member of the General Assembly.~~

~~The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission.~~

~~Not later than August 10, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.~~

~~If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons, not of the same political party, to the Secretary of State not later than September 1.~~

~~Not later than September 5, the Secretary of State publicly shall draw by random selection the name of one of the two persons to serve as the ninth member of the Commission.~~

~~Not later than October 5, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.~~

~~(g) A~~ An approved redistricting resolution or redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General.

(Source: Amendment adopted at general election November 4, 1980.)

SCHEDULE

The State Board of Elections shall proceed, as soon as all the returns are received but no later than 31 days after the election, to canvass the votes given for and against this Constitutional Amendment, as shown by the abstracts of votes cast. If this Constitutional Amendment is approved by either three-fifths of those voting on the question or a majority of those voting in the election, then the State Board of Elections shall declare the adoption of this Constitutional Amendment and it shall, upon declaration of its adoption, take effect and become a part of the Constitution of this State. This Schedule supersedes and applies notwithstanding any statute to the contrary, and no other requirements, including without limitation proclamation of the results of the vote or notice by publication, are necessary for its effectiveness. This Constitutional Amendment applies to redistricting beginning in 2021 for the election of members of the General Assembly beginning in 2022.

The foregoing HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 4 was taken up, read in full a first time, ordered reproduced and placed in the Committee on Rules.

At the hour of 3:46 o'clock p.m., the House Perfunctory Session adjourned.