

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

4th Legislative Day

1/23/2003

Speaker Madigan: "The House will come to order. The Members shall be in their chairs. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Crawford: "Let us pray. Most gracious and most kind God, we humbly come before You, for You are sovereign. There is none like You, there is nothing that compares to You. For You alone are worthy, for You are above all, for You are the Lord of lords, and You are the King of kings. And as our King, I pray that You will govern our hearts, that You will order our steps, that You will speak to us and show us what to do. And most of all, be the ruling and be the reigning authority in our lives. This we kindly ask in Your Son's name. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance with Representative Hassert."

Hassert - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that Representative Bradley is excused today."

Speaker Madigan: "Mr. Bost."

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Bost: "Thank... thank you, Mr. Speaker. Let the record reflect that Representative Pankau is excused."

Speaker Madigan: "The Clerk shall take the record. There being 114 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson for the Committee on Rules, to which the following measures were referred, action taken on Wednesday, January 22, 2003, reported the same back with the following recommendation: recommends 'be adopted as amended' House Resolution 12. Supplemental Calendar #1 is being distributed."

Speaker Madigan: "On Supplemental Calendar #1 there appears House Resolution 12. Representative Currie."

Currie: "Thank you, Speaker and Members of the House. These are the rules proposed by the Rules Committee yesterday to govern our operations, our procedures, during the 93rd General Assembly. These rules are almost identical to those under which we operated in the last biennium and the one before. There are several technical changes. Let me run through them with you. First, there are some changes in the names of committee... committees, both special and standing. You might check both Rule 11 and Rule 13 if you want to be reminded what they are. Second, the rules provide that committee chairmanships, co-chairmanships, and Minority spokespersonships shall be eligible/available only to peopled Members who are in their third or longer terms in this Assembly, with the exception that somebody who

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served in one of those roles in a prior General Assembly will be grandfathered in for purposes of the 93rd. There are more technical changes, just to cross-reference, to make it clear what the time requirement is for committees to consider Motions to Table one of their own Amendments. Clarifying that committee chairs, in addition to a compelling by subpoena may also administer oaths. That's important because barring our rules on this topic, a court could determine that we don't have the right to administer oaths. Also, we would clarify that the 60-vote requirement, generally applicable when we come to adopting Bills, there are some times during the Session when a Super Majority Three-fifths Vote is required, and that this change would just clarify for all of us in the rule that the 60-vote rule would not apply during those periods. As you know, Amendments offered to change the Illinois State Constitution must be adopted within a time frame focused inside six months before the following General Election. In Rule 46, we clarify that any such proposal, first of all, would require 71 votes; and secondly, would automatically be tabled at the point at which it is no longer viable. Again, Rule 60(a) changes a cross-reference with respect to tabling. Rule 72(a) and (b) just clarifies the vote requirement for adopting concurrence and Conference Committee Reports, that would be Rule 74(d). And in Rule 76(c), we changed the language just to... to provide that if a First Conference Committee Report has, for example, already failed in the Senate, we

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don't have to actually vote on it here. A Motion to Table would be sufficient to trigger the report... the assignment of a Second Conference Committee. Those are technical, minor changes. I'd be happy to answer your questions about these and the other provisions of the rule, but I'd remind the Members that these rules served us very well during the last several biennium. It made these rules were a framework and during... under the framework, we worked cooperatively, we worked responsibly, we worked equitably, we worked productively to serve the people of the State of Illinois. We were able to operate with fair play under these rules. We were bipartisan, we were cooperative. The Bills that passed the House, approximately half of them, were sponsored by Members of the Minority Party, the other half by Members of the Majority Party. So, I would urge that these are worthwhile rules that serve us well, that have served us well. I'd be happy to answer your questions. And I would certainly appreciate your support for the adoption of House Resolution 12."

Speaker Madigan: "The Lady moves for the adoption of the Resolution. The Chair recognizes Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. Mr. Speaker, I certainly appreciate your attempt to bring order in the chamber. I know there are several Members who think that this is a meaningless exercise, that the House Rules don't have any bearing on what we do, or how we do it. I, on the other hand, maintain that when you vote on the House Rules you are establishing the parameters under which you are

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going to work for the next two years. And if you do not pay attention to these rules, you may well find that some of your ideas can be stymied by the rules that you are about to vote on. And it's for that reason, Mr. Speaker, that I would make an inquiry of the Chair, if I... if I might."

Speaker Madigan: "State your inquiry."

Black: "Yes, thank you very much, Mr. Speaker. Members of my side of the aisle had proposed ten Amendments to House Resolution 12. We did receive a fair hearing yesterday in the Rules Committee, and we're certainly not surprised that none of our Amendments were voted out favorably. However, we have filed three of those as Floor Amendments and the dilemma is, under existing rules, we would like to have a modicum of debate on those three Floor Amendments. But, the... the rules of the House certainly would prevent us from doing that. It's one of the things we'd like to change. But, I would appeal to your inherent sense of fairness in letting us at least have an opportunity to present three of the ten Amendments that we presented yesterday for a... a reasonable amount of debate. Then vote on those issues, and then we can move on with the... the business of the House."

Speaker Madigan: "Mr. Black. Mr. Black."

Black: "Yes, Sir?"

Speaker Madigan: "Proceed. Proceed."

Black: "Thank you very much, Mr. Speaker. I... I do appreciate your indulgence. Ladies and Gentlemen of the House, it is

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our intention on this side of the aisle to introduce three Floor Amendments to the House Rules. I'll... I'll... with the... and I do appreciate the indulgence of the Chair. I would hope that they were on your system or that they have been passed out to you. The first one that we would like to present would be Floor Amendment #12. Floor Amendment #12, simply, will add to the Resolution that the Majority Leader has presented to you. It amends House Rule 49, entitled, 'Voting'. It would require that a request for a record vote under the rule must be granted, even if the Motion pending is one that requires unanimous consent. The reason that we are proposing this is that under current House Rules it takes unanimous consent to discharge a Bill or a Resolution or a Constitutional Amendment from the House Rules Committee. And all that is necessary is for the presiding officer, the Speaker, to say there was an objection. And we are not allowed a vote on that question. Then, our only recourse is to appeal the ruling of the Chair, which then becomes a parliamentary vote on that issue. We would like to have the ability to have that Motion to Discharge that specific Bill, which may be a Bill that... that a Member of the Democrat Party actually sponsored. And that we might join with in... in as... asking that that be discharged. That is the gist of Floor Amendment #12. I'd be glad to answer any questions that you have."

Speaker Madigan: "Mr. Black, with the conclusion of your remarks you invited questions. And there is a technical

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problem with that because these matters are not before the Body. And I would suggest, why don't you just go ahead and explain what you would've put into the rules had you prevailed in the Rules Committee, without getting into questions."

Black: "All right. You... you... that would be fine."

Speaker Madigan: "Well, we have a pretty good idea of what you want to do."

Black: "That would be fine. You want me to do all three Amendments?"

Speaker Madigan: "Please."

Black: "And then, Mr. Speaker, on the three Amendments that you have been kind enough to let us present, we would also ask your indulgence to give us a record vote on those Amendments. You could do it as a package of three or you could do it individually. I'll... of course, the rules also allow that you don't have to do it at all."

Speaker Madigan: "Correct. And of course, you would want us to follow the rules. Wouldn't you?"

Black: "Well, I..."

Speaker Madigan: "You may disagree with the rules, but you'd want us to follow the rules."

Black: "I... on most occasions, yes, Mr. Speaker, but not always."

Speaker Madigan: "Okay. So, that's what we'll do today. We'll follow the rules."

Black: "I... I understand, thank you. Ladies and Gentlemen of the House, let me again very briefly... and I know that none

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of you... or many of you think this is an exercise in futility. I will simply say to you, I've been here long enough to know that the House Rules can be a great friend of this process, or it can be your worst enemy. And the three Amendments that we would like you to consider today, we think would add to the public's input, if you will, allow public sunshine in the process. We're... we're not asking for anything to simply benefit the ability of the Minority Party to advance a concept or an idea. We think all three of these Amendments will add to the public's ability to see how the process works and in fact, to have some ability to influence how the process works. So, very briefly, Floor Amendment #12 says that if you file a Motion to Discharge a Bill from the Rules Committee, that you would be granted a record vote, a Roll Call vote on that Motion to Discharge a particular Bill, Resolution, or Amendment from the Rules Committee. Floor Amendment #13, and let me... let me make it very clear. By this Amendment, we are not saying, it is not the Republican organization's intent to say that we favor Member initiatives, or that we want Member initiatives to continue. But I've been here a long time, and this issue has been around a long time. You can call it whatever you want. You can call it a legislative add-on, you can call it a Member initiative, you can call it by whatever name it's been called for as many years as it's... as... as it's been around this chamber. All we are saying in Amendment 13, if there is a legislative add-on, it must be done by a line item. We

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would like to stop the process by which 20 million, 40 million, 50 million dollars would be lump summed and then handed out later at the closing hours of Session, or even over the summer months as Member initiatives to be released to your legislative district. Some of those projects are... are extremely useful, some have come under great scrutiny. And I think the press has made a legitimate point that if you're going to do that, then you need to line item it so that the public can see what you're doing, what you're attempting to do, and how you are spending the public's money. I think it is a reform move that needs to be made and should be made. Last, but not least, Floor Amendment #14. And Ladies and Gentlemen... Mr. Speaker, I know we've got 23 new Members, but I have never heard this chamber as... as out of control as it is right now. If I could have your attention for about the next three minutes."

Speaker Madigan: "Mr. Black, Mr. Black."

Black: "Yes, Sir."

Speaker Madigan: "Would the Members please give their attention to Mr. Black. And it would help if the Members would take their chairs. So, for those of you that are conducting caucuses, if you could take your seats. Give your attention to Mr. Black. Mr. Black."

Black: "Mr. Speaker, thank you. It was very kind of you. Ladies and Gentlemen of the House, House Amendment #14 is one that I have tried to pass for the last five years. If you would join with me, Members on both sides of the aisle, this impacts every Member in this chamber. And you would

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save me a lot of time and energy and a lot of parliamentary maneuvering later in the Session if we could just see fit to grant and empower every Member of this chamber, as well as the public, to advance an idea that the public may have brought to you in the form of a Bill, or a Resolution, or a Constitutional Amendment. For those of you who are new, very briefly, let me tell you. The Rules Committee could take one of your ideas and decide to hold it, hold it until the Session ends. Your only recourse, under the current House Rules, is to move that your Bill, your Resolution, your favorite idea be discharged from the Rules Committee for consideration by a Standing Committee or for consideration by the House. Under the existing House Rules, that requires unanimous consent. Now, you've all been through an election process to get here. If you think you can get unanimous consent for your Resolution, praising motherhood, apple pie, and the American way, you better reconsider the process by which you got here. You will never get unanimous consent to discharge Rules Committee on what be the most im... what might be the most important Bill that the people of your district want you to have a hearing on. People in your district may want to come down and have a chance to testify. Under that rule, you will not get unanimous consent. What Amendment 14 does is to say that instead of unanimous consent, it would only require 71 votes. That's three-fifths, that doesn't empower the Minority. It doesn't give us any automatic ability to have our Bills discharged. Seventy-one votes would be required

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to discharge the Rules Committee. If it's an idea that has broad-based support, I would suggest that on occasion, certainly not on every occasion, but on occasion you may be able to muster 71 votes, three-fifths vote to get your idea out of Rules Committee and have a hearing in a substantive committee. I think it would be a major reform movement to adopt that rule. It still protects the ability of the Majority to control the Calendar, and the Order of Business. But it empowers every Member of this chamber to have a Bill... to be given the opportunity to have your Bill heard. It empowers the people of the State of Illinois to know why an idea can't advance, who prevented it from advancing, and why can't it advance. It's a tremendous reform movement to bring accountability, sunshine, and reform to the process. It doesn't necessarily benefit the Minority, that's not the point. I think it benefits the deliberative Body that we are by allowing a three-fifths vote rather than a unanimous vote to discharge a Bill, a Resolution, or an Amendment... Constitutional Amendment from the Rules Committee. I respectfully ask that you might concur in all three of those Amendments, but I feel most passionately in Amendment #14. I think the unanimous consent rule was wrong. It is wrong no matter what party initiated it. It is wrong no matter how many times it has been invoked. It is wrong to say to a Body of 118 elected officials that one person can object and hold your idea in the Rules Committee. It's a fundamental reform issue. I'd

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ask that you consider our Amendments, but particularly Amendment #14. Thank you for your indulgence, Mr. Speaker."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Mr. Speaker, if we could get order in the chamber. I... I think that it's very important that the... that this Body understands what Representative Black just said. Fourteen, Amendment 14... to discharge the re... if you want a Bill... now freshmen, listen up, listen up on this side of the aisle, because I want you to know and I want you to understand what you're voting for. Because what you're saying in these rules is, if you have an issue that you're very concerned about, and the Rules Committee decides that they don't want to let... let us have a hearing on that, though you have a majority of the people of this House, actually, if you had a super majority of the people of this House wanted to hear it, it wouldn't matter. Because what this rules says is one person, one person stands up and says, 'oh, I'm opposed to that coming out', that doesn't come out. It does not come out for you to vote on, your constituency is robbed because you can't do your job. Think about it because this was a rule that was put in two years ago. They're wanting to keep it in now. This is one... we're not standing up and just throwing fits here, folks. This is a real problem. I went to an editorial board in my district and they asked specifically, why haven't we tried to move a Bill out; well, we have. Well, everybody says they want to vote for that Bill. I said, 'I know, but because of the rule', and then I showed

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them the rule, they were in shock. And that newspaper wrote an article about this, about how unfair and how much it takes away from you, as individual Members. It takes power away from your district and your people that you cannot have the power to say this is important not only to my district, but to the State of Illinois. I have a super majority that believes that we could move this out, they want to vote for it, but it's held up now because one person said, 'no, we don't want to vote on it.' That's not the way the process should work. This Amendment should be added to the rules. Please, look at it closely. You're new to this process, this is important. Pay attention, join us, and get this Amendment put on."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. Will the Sponsor... well, I'd like to address the Amendment on allowing the information on Member... when a Member wants an appropriation to be put into the budget, that the line item appear in the budget. And I would just... is it appropriate to ask for a dialogue with the... with the Sponsor of the rules? Mr. Speaker, would it be appropriate with our Amendments that I can have a dialogue with the... with the Sponsor of the underlying Resolution, Representative Currie?"

Speaker Madigan: "Mr. Parke, we're on the Resolution."

Parke: "I know that."

Speaker Madigan: "And it's appropriate for you to put questions to the Sponsor of the Resolution."

Parke: "Thank you."

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Speaker Madigan: "Mr. Parke."

Parke: "Then, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Parke: "Thank you Representative. Representative, you... you heard my thumbnail sketch. We would like to... to allow appropriations, whether they're... whether they're in an individual budget to be a line item in the budget, so that all citizens and the press and Members can get an idea of what kind of economic development, what kind of road fund are out in the light of day so everybody can see it. Do you... do you have a problem with that?"

Currie: "I think there really were two problems with that proposal. First is the problem of figuring out who is responsible for what. For example, during the campaign for Governor four years ago, a candidate named George Ryan, promised to fix the 'Hillside sl... Strangler'. That's a particularly nasty bottleneck on the expressway system just outside Chicago. I believe that money ended up in the budget. Does that money under this rule proposal be allocated to the Governor? There's nothing that says the Governor's initiative in this rule. Or is it automatically allocated among the Legislators who happen to be part of the districts surrounding the 'Strangler'?"

Parke: "Well..."

Currie: "It was totally unclear. There is another, perhaps..."

Parke: "Well, may I just..."

Currie: "...more fundamental problem with this rules proposal. In my view, adoption of this rules proposal would put this

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House on record as in favor of a Member-initiative approach to state budgeting. We have a new Governor who says he's opposed. We have many Members, who ran in their campaigns, saying they were opposed. And I think there would be a little question whether the rules ought to provide for something that may, in fact, not happen for reasons having to do with the second floor and with the Members of this chamber."

Parke: "Well, let me ask... address your first concern. I'm not talking about the Governor. The current Governor, the past Governor, I am not talking about that. I am talking about the Members themselves, the individual Legislators, that if they have a project that builds part of a road that that part ought to be attributed to his initiative. And if there are five Legislators involved in that road project, a part of each one of those ought to be attributed to that Legislator's initiative. I think what we're doing here is telling everybody that we want an open appropriation process. There is a tremendous amount of criticism in this state on behalf of press and individuals that Member-initiative concept, of a Member allocating a certain amount of money, was not the way they wanted to see it. So, what we've done up until three or four years ago, we have simply said, 'all right, fine, go to your Leader and he will then see if he can interject it into the appropriation process somewhere and get that project back for that Legislator.' That's what we did before. Now, the current Governor said that he's opposed to the concept of Member initiative. In

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other words, to give a Legislator 'x' number of dollars and tell that Legislator that they have the right to allocate that money in their district for whatever projects they want. So, if that's the case that's fine. I can live with that, that... that's the way this current Governor wants to do it, I can live with that. And I think that under his administration he can do whatever he wants in that way. What I'm talking about is that if I have a... a park district that I want to get a grant for in my district, that in the conservation line grant, if there's purchase of property or we're going to develop it, that my name appears with that so that it's in the process of the light of day, so that my citizens know that in the appropriation process I've been able to secure this grant. And the press then could question me... can question the appropriation process and say, 'here is a project, Representative, tell us about why you want to put it in there.' If it's not there, if it's not appropriated, how will the press know that this has been going on? How will the press be able to question it? Because if it's lumped into a... a big line item saying, here, we're going to appropriate the development of parks, they will never know what parks are being developed unless they work in it. So, what is wrong with that? What is wrong with putting every Member who gets a project by name in the project... in the budget with that appropriation? What is wrong with that?"

Currie: "Well, I believe I said the Governor, the new Governor, has promised a totally open appropriations process."

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Parke: "Well, good."

Currie: "He has also promised that there will not be grants allocated Legislator by Legislator. The proposal that was defeated in the House Rules Committee yesterday, I believe, was defeated on solid ground. It would only add to confusion. It contradicts the proposals of the new Governor and it would seem to set this House on record..."

Parke: "Wait, wait, wait, wait, wait..."

Currie: "...as in favor..."

Parke: "...wait, wait, wait, wait..."

Currie: "...of something the Members do not all approve."

Parke: "Representative, I know that the budget by Constitution is a... is a executive branch budget. But why do we have to say, 'okay, Governor, we'll do whatever you want?' Why not, if I have a good idea that the Governor doesn't necessarily agree with, why can't I present that on the floor in the form of an Amendment and have it voted on? Because maybe the majority of the people both... on both sides might think that my idea has merit. Just because the executive branch wants to do something doesn't make it right."

Currie: "Representative, nothing in our rules precludes you or anybody else, any other Member of this Assembly, from offering an Amendment to a budget Bill that provides exactly what you want. Your name would presumably be on that Amendment. If there are any questions, the members of the media would obviously know that they would need to turn to you for answers."

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Parke: "Yeah, but you're telling us that the reason why you're opposing this, and you opposed it in Rules, is because the Governor doesn't want to do that way. Well, I'm saying to the Body, I guess then... to the Bill... to the Resolution, that Members, if you do not support this part it is obvious that it's gonna be business as usual. In the past, up until three or four years ago, it'll be business as usual. That means that each one of us must go to our Leader and say, 'please, Mr. Leader, I've got this great project. Will you please allow me to have it put somewhere in a line item.' I won't know if it's there. I won't know if by the time that it's passed whether it's done or not. What happens if I all of a sudden fall out of favor with the Leader? And my grants then... I lose my grants because he may pull them out of the budget, where as if you had them with my name on it, it would be much more difficult for somebody to punish me for not going along with my Leader. Or to say well, you're not performing in a manner that pleases my Leader, then that budget item would be removed, but everybody would know it. So, I think the Amendment... part of that Amendment is a good idea and I would ask the Body to reconsider it. And I'm glad that Representative Black has put this Amendments out so that we can at least discuss three parts that were presented in the Rules Committee yesterday. Thank you."

Speaker Madigan: "Mr. Winters."

Winters: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

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Winters: "Representative Currie, I want to... boy, Dan Rutherford had a long microphone. I wanted to bring forward some history, if you will. Probably one of the first Democratic Bodies that has a lot of... of a lore built up around it, was the Roman Senate. And for several centuries the Roman Senate controlled the major empire of the world. In times of crisis, the annual council, the administrative head of the Roman State, could cast a veto. It was the only time when a veto was allowed where one person could thwart the will of the Roman Senate. It was only done under special powers in an emergency, usually war time, but also in financial crises. But they gave a special name for that year and they didn't call the council by the council of Claudius Romilius, for instance, but he would be known as the dictator. So, the only instance in Roman history over seven or eight centuries where a single person could cast a veto over a legislative action, that person was known as a dictator. And I think that that is a pretty good parallel with the power of one person out of a Body of 118, to say that a legislative measure cannot go forward. If 117 Members of this Body think that an action ought to be taken, do you think that it is appropriate for a single person to be able to block that rule? By Amendment 14, which we are presenting, that would become only... it would take 60 percent of this Body to overrule the Rules Committee instead of a single person. So, I am putting forward the example that a single person having a veto takes the role of a dictator. Could you respond to that?"

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Currie: "Sure, I'd be happy to. I think there's a basic misconception of misunderstanding among the Members about the purpose of the Rules Committee. You may have forgotten that during the first year of the biennium every Bill must be reported to committee within three legislative days. That good idea your constituent brought you, let me assure you that Bill will be assigned to a substantive committee for hearing in the first year as it has long been our tradition to do so. During the second year of the term, our agenda has traditionally been reserved for budget matters and items that are deemed emergencies for State Government. Now, if we were to say that in the second year of the term the Rules Committee doesn't count, we might as well not have a Rules Committee at all."

Winters: "Well..."

Currie: "I would point out to you these are not dictatori..."

Winters: "Say that 60 percent of this chamber..."

Currie: "I'm answering your question."

Winters: "Okay."

Currie: "These are not dictatorial powers. These are powers under which we have operated for at least the last ten years. The notion that good ideas are caught in some limbo just is not accurate. Read the rules, the rules under which we have operated for these last biennia. Read the rules that are offered today in House Resolution 12. I think, some in this chamber may be missing the point. This is a democratic, small 'd', institution. And under this rule, this rule requiring unanimous consent for those rare

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occasions when the Rules Committee does not report a Bill, we have been served well. Over the ten years and in factoring these last three biennia, I would say that these rules have served especially Members of the Minority Party well."

Winters: "Could you point out to me in the rules where that is written that every Bill will be... I don't have a hard copy and I can't seem to find it on my computer. All I have is the Amendments, these excellent Amendments 6 through 14. I can't find them on my computer."

Currie: "Okay. If you will look, Representative, at House Rule 18 on the..."

Winters: "House Rule 18?"

Currie: "House Rule 18. It is page 19, begins on line 14. And if you go down to line 18, subsection (b), 'during odd-numbered years, the Rules Committee shall thereafter refer any such Bill before it to a Standing Committee or a special committee within three legislative days.'"

Winters: "Can I..."

Currie: "Bring me your good ideas and the Rules Committee will see to it that they are assigned to a committee."

Winters: "Does under... that your definition of a Bill, does that include Amendments?"

Currie: "This speaks to Bills and as you know, Amendments offered in committee. You got a Bill, you go to committee. Your Amendment to make your Bill better, or your Amendment as a Member of the committee to make somebody else's Bill better, that Amendment does not come to the Rules

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Committee. That Amendment is solely within the purview of the Standing Committee that hears the Bill."

Winters: "Okay. An Amendment would be automatically re... automatically referred, it does not go through Rules?"

Currie: "Sorry?"

Winters: "If there's a Bill in the committee, an Amendment to that Bill would automatically be re... it's not even sent to Rules Committee?"

Currie: "When the Bill is in the purview of the committee, the Amendment is in with... within the purview of that committee, as well."

Winters: "Okay. Now, can you give me any... you have allowed in the first year then, as I understand it, any Bill or Amendment to be discussed in committee if it is called by the Chair. But the Chair, if he has a full agenda, may well choose not to hear that Bill. Is that a fair reading? There... there's no guarantee in the rules that even if it's out of Rules that we will deal with the Bill."

Currie: "Wait, I'm sorry, I missed that question."

Winters: "Are they always posted for a hearing? They may be referred to the... the Bill may be referred to a committee. Are they always posted under this first year language?"

Currie: "I believe it's generally been the practice that rules are posted... I mean, Bills are posted."

Winters: "Generally the practice, but not..."

Currie: "Generally, that is."

Winters: "...it's not written in rules, to your aware... that you're aware of?"

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Currie: "I don't believe there is specific reference to require... requirements for posting... There's nothing specific in the rules, nor in the three potential Amendments that we discussed this afternoon, that deals with the question of posting. But the tradition has been to post."

Winters: "Okay. Now, the other... the other philosophical point that I really have to part company. It does appear that you may have in the first year of the... of the Session, that we do have the right to get most of our ideas through committee, even if not guaranteed the right to hear them. They may not be guaranteed the right to post. But the whole question, the philosophical question is, in the second year then, under these rules that we are adopting, under the second year then, an Amendment may not be released from Rules for... for reasons that maybe the Majority want not, you could have them released. And yet, only one person will go on record as opposing it. What if, for some odd reason, a number of Members from both parties, the vast majority of this chamber, does wish to deal with an Amendment? And yet, you think it is appropriate for one person to block the will of the majority, the vast majority?"

Currie: "Representative, let me just say, rules are a framework. Rules operate to help us figure out how best to do our business. Can rules, any set of rules..."

Winters: "And... and we're suggesting a better way."

Currie: "Can any set of rules be misused, be abused? Absolutely. But the proof of the pudding, I would have to

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say as my mother might have, is in the eating. And the reality is, that under these rules for the last six years, there has been fair play, there has been equity. The will of the majority has not been trampled upon. Half the Bills that have passed this chamber..."

Winters: "Was that the will of the majority that I heard?"

Currie: "...have been sponsored by Members of the Minority Party. Now, that was not true under this very same rule in the 1995-96 term. In that term, only five percent of the Bills that passed this chamber were sponsored by Members of the Minority Party."

Winters: "I... I like to forward."

Currie: "My point is that the rules do not tell us the outcome. The rules set a framework, and it is our hope that this framework will serve us as well in these two years as it has during the last, since 1997."

Winters: "We're simply adding another two by four. We think we can add some improvements to that framework. And I would encourage the approval of Amendment 14. Thank you."

Speaker Madigan: "Mr. Black to close. Mr. Black."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. Let me be... I'll try to be as brief as I can. But all of you will learn that these three Amendments are not designed to harass, or to delay, or to do anything other than what we have presented them to be. It is to open the process, to let the sunshine in, let the public know what we're doing, and why and how, let the press know what we're doing, and why and how, and

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particularly on the issue of unanimous consent, and let me, just in closing, address that. For... for a number of years now I've heard, 'well, the Republicans did it, you did it.' Well, where do two wrongs make a right? For God sake, won't some of you stand up on your own two feet before you leave here and do what the heck is right, rather than what you're told. Let me paraphrase a great Illinois politician, Everett McKinley Dirksen. Everett Dirksen was the Floor Leader for the Civil Rights Act of 1963. And Lyndon Johnson, the late President Lyndon Johnson, gave him full credit for passing that historic Civil Rights Bill out of the United States Senate. And the press, after it passed, turned to Senator Dirksen... and I... I paraphrase, but they, in effect, said, 'Senator Dirksen, in your long career in the United States Senate you've never voted for a civil rights legislation. Why did you do so today? Why did you cosponsor? Why did you take the lead?' And Senator Dirksen looked at the member of the press and said, 'I'd rather be right than consistent.' And so would I. And that's why I presented those Amendments. And in the absence of your acceptance, I cannot and will not in good conscience vote for rules that stifle my ability to represent the people who sent me here."

Speaker Madigan: "The question is, 'Shall the House adopt House Resolution 12?' Those in favor signify by voting 'yes', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On

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this question, there are 67 'ayes', and 46 'noes'. The House does adopt House Resolution #12. Mr. Clerk, Agreed Resolutions."

Clerk Rossi: "Agreed Resolutions. House Resolution #4, offered by Representative Turner. House Resolution #5, offered by Representative Monique Davis. House Resolution #6, offered by Representative Brosnahan. House Resolution #9, offered by Representative Novak. House Resolution #10, offered by Representative Novak. House Resolution #11, offered by Representative Beaubien. House Resolution 13, offered by Representative Lang. House Resolution 15, offered by Representative Granberg. And House Resolution 16, offered by Representative Granberg."

Speaker Madigan: "Yeah, the Clerk has read the Agreed Resolutions. Representative Currie moves that the House adopt the Agreed Resolutions. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. The Clerk for an announcement."

Clerk Rossi: "The Rules Committee will meet at 2 p.m. in the Speaker's Conference Room. The Rules Committee will meet at 2 p.m. in the Speaker's Conference Room."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. Just an inquiry of the Chair. Can you give us just a read of what we're doing and how long we're going to be doing this?"

Speaker Madigan: "We're prepared to adjourn."

Parke: "Shortly?"

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Speaker Madigan: "Because of you... because of your interests, I presume you'd like to get on the highway and start home."

Parke: "Absolutely, thank you."

Speaker Madigan: "Absolutely. That's a good idea."

Parke: "Thank you."

Speaker Madigan: "We're prepared to adjourn... Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. Inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Stephens: "Mr. Speaker, a lot of places... a lot of school districts around the state, depending upon the forecast and even the temperature this morning, allowed for their children to stay home. And I was just wondering, in each of our legislative districts if we have school closings, do our legislative assi... aides get off?"

Speaker Madigan: "I don't know the answer."

Stephens: "Would you allow it in Chicago?"

Speaker Madigan: "I don't know. I don't know. I'm not involved. The Chair is prepared to adjourn. Representative Currie moves that the House does stand adjourned until Wednesday, January 29, at 12 noon. Those in favor signify by saying 'yes'; those opposed by saying 'no'. The House does stand adjourned until Wednesday, January 29, at 12 noon, providing perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 7, offered by Representative Cross. House Resolution 8, offered by Representative Jim Watson. House Resolution 14, offered by

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Representative Monique Davis. House Joint Resolution 1, offered by Poe... Representative Poe. House Joint Resolution 2, offered by Speaker Madigan. House Joint Resolution 3, offered by Representative Cross. House Joint Resolution 4, offered by Representative Poe. House Joint Resolution 5, offered by Representative Moffitt. And House Joint Resolution 6, offered by Speaker Madigan are assigned to the Rules Committee. Introduction and First Reading of House Bills. House Bill 209, offered by Representative Franks, a Bill for an Act concerning discount prescription drugs for senior citizens and disabled persons. House Bill 210, offered by Representative Watson, a Bill for an Act concerning education. House Bill 211, offered by Representative Feigenholtz, a Bill for an Act concerning insurance coverage. House Bill 212, offered by Representative Franks, a Bill for an Act concerning taxes. House Bill 213, offered by Representative Turner, a Bill for an Act to abolish the death penalty. House Bill 214, offered by Representative Hoffman, a Bill for an Act concerning health insurance. House Bill 215, offered by Representative Jones, a Bill for an Act in relation to public health. House Bill 216, offered by Representative Jones, a Bill for an Act in relation to public health. House Bill 217, offered by Representative Feigenholtz, a Bill for an Act relating to public health. House Bill 218, offered by Representative Beaubien, a Bill for an Act concerning vehicles. House Bill 219, offered by Representative Monique Davis, a Bill for an Act concerning

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schools. House Bill 220, offered by Representative Slone, a Bill for an Act concerning affordable housing. House Bill 221, offered by Representative Slone, a Bill for an Act in relation to property. House Bill 222, offered by Representative Monique Davis, a Bill for an Act concerning children. House Bill 223, offered by Representative Monique Davis, a Bill for an Act concerning interrogations. House Bill 224, offered by Representative Holbrook, a Bill for an Act in relation to vehicles. House Bill 225, offered Representative Black, a Bill for an Act in relation to Crime Stoppers. House Bill 226, offered by Representative Sacia, a Bill for an Act in relation to air transportation. House Bill 227, offered by Representative Sacia, a Bill for an Act in relation to vehicles. House Bill 228, offered by Representative Sacia, a Bill for an Act concerning vehicles. House Bill 229, offered by Representative Bellock, a Bill for an Act concerning animal cremation services. House Bill 230, offered by Representative Winters, a Bill for an Act to amend the Agricultural Areas Conservation and Protection Act. House Bill 231, offered by Representative Winters, a Bill for an Act to create the Local Legacy Act. House Bill 232, offered by Representative Krause, a Bill for an Act concerning schools. House Bill 233, offered by Representative Millner, a Bill for an Act in relation to criminal law. House Bill 234, offered by Representative Saviano, a Bill for an Act in relation to film production. House Bill 235, offered by Representative Franks, a Bill

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for an Act in relation to economic assistance. House Bill 236, offered by Representative Franks, a Bill for an Act concerning telecommunications. House Bill 237, offered by Representative Franks, a Bill for an Act in relation to taxation. House Bill 238, offered by Representative Franks, a Bill for an Act regarding taxation. House Bill 239, offered by Representative Franks, a Bill for an Act concerning prescription drugs. House Bill 240, offered by Representative Franks, a Bill for an Act in relation to taxes. House Bill 241, offered by Representative Franks, a Bill for an Act in relation to taxes. House Bill 242, offered by Representative Franks, a Bill for an Act concerning privacy. House Bill 243, offered by Representative Franks, a Bill for an Act concerning taxes. House Bill 244, offered by Representative Franks, a Bill for an Act in relation to public aid. House Bill 245, offered by Representative Franks, a Bill for an Act concerning workplace injuries and diseases. House Bill 246, offered by Representative Franks, a Bill for an Act in relation to civil procedure. House Bill 247, offered by Representative Franks, a Bill for an Act concerning employment. House Bill 248, offered by Speaker Madigan, a Bill for an Act in relation to highways. House Bill 249, offered by Representative Steve Davis, a Bill for an Act in relation to criminal law. House Bill 250, offered by Representative Steve Davis, a Bill for an Act making appropriations. House Bill 251, offered by Representative Granberg, a Bill for an Act in relation to health in the

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workplace. House Bill 252, offered by Representative Reitz, a Bill for an Act concerning telecommunications. House Bill 253, offered by Representative Reitz, a Bill for an Act in relation to cloning. House Bill 254, offered by Representative Reitz, a Bill for an Act concerning taxes. House Bill 255, offered by Representative Reitz, a Bill for an Act in regard to vehicles. House Bill 256, offered by Representative Colvin, a Bill for an Act in relation to taxes. House Bill 257, offered by Representative Colvin, a Bill for an Act in relation to higher education. House Bill 258, offered by Representative Jerry Mitchell, a Bill for an Act in relation to public employee benefits. House Bill 259, offered by Representative Fritchey, a Bill for an Act in relation to credit and debit cards. House Bill 260, offered by Representative Krause, a Bill for an Act of making appropriations. House Bill 261, offered by Representative Krause, a Bill for an Act concerning State finance. House Bill 262, offered by Representative Krause, a Bill for an Act concerning taxes. House Bill 263, offered by Representative Saviano, a Bill for an Act concerning ports. House Bill 264, offered by Representative Mautino, a Bill for an Act to create... create the Agricultural Producer Protection Act. House Bill 265, offered by Representative Mautino, a Bill for an Act in relation to taxation. House Bill 266, offered by Representative Mautino, a Bill for an Act in relation to education. House Bill 267, offered by Representative Mautino, a Bill for an Act in relation to executive

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agencies. House Bill 268, offered by Representative Mautino, a Bill for an Act in relation to municipal government. House Bill 269, offered by Representative Mautino, a Bill for an Act concerning taxes. House Bill 270, offered by Representative McKeon, a Bill for an Act concerning taxation. First Reading of these House Bills. House Bill 271, offered by Representative McKeon, a Bill for an Act concerning taxes. House Bill 272, offered by Representative McKeon, a Bill for an Act concerning taxes. House Bill 273, offered by Representative Brady, a Bill for an Act concerning bonds. House Bill 274, offered by Representative Soto, a Bill for an Act in relation to health. House Bill 275, offered by Representative Soto, a Bill for an Act in relation to health. House Bill 276, offered by Representative Molaro, a Bill for an Act in relation to tobacco product manufacturers. House Bill 277, offered by Representative Washington, a Bill for an Act concerning the deposit of state moneys. House Bill 278, offered by Representative O'Brien, a Bill for an Act concerning speech pathologists. House Bill 279, offered by Representative Brosnahan, a Bill for an Act in relation to minors. House Bill 280, offered by Representative Brosnahan, a Bill for an Act in relation to transportation. House Bill 281, offered by Representative Brosnahan, a Bill for an Act in relation to vehicles. House Bill 282, offered by Representative Brosnahan, a Bill for an Act concerning juveniles. House Bill 283, offered by Representative Brosnahan, a Bill for an Act in relation to

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criminal law. House Bill 284, offered by Representative Brosnahan, a Bill for an Act in relation to criminal law. House Bill 285, offered by Representative Brosnahan, a Bill for an Act in relation to criminal law. House Bill 286, offered by Representative Brosnahan, a Bill for an Act in relation to criminal law. House Bill 287, offered by Representative Brosnahan, a Bill for an Act in relation to imprisonment. House Bill 288, offered by Representative Brosnahan, a Bill for an Act in relation to the death penalty. House Bill 289, offered by Representative Brosnahan, a Bill for an Act in relation to criminal law. House Bill 290, offered by Representative Holbrook, a Bill for an Act concerning schools. House Bill 291, offered by Representative Daniels, a Bill for an Act concerning taxes. House Bill 292, offered by Representative Meyer, a Bill for an Act concerning taxes. House Bill 293, offered by Representative Hamos, a Bill for an Act in relation to senior citizens. House Bill 294, offered by Representative Osterman, a Bill for an Act in relation to public aid. House Bill 296, offered by Representative Lindner, a Bill for an Act in relation to child support obligations. House Bill 297, offered by Representative Holbrook, a Bill for an Act concerning civil procedure. House Bill 298, offered by Representative Poe, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 299, offered by Representative Black, a Bill for an Act concerning public utilities. House Bill 300, offered by Representative Mathias, a Bill for an Act in relation to local government. House Bill

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301, offered by Representative McGuire, a Bill for an Act making appropriations. House Bill 302, offered by Representative McGuire, a Bill for an Act making appropriations. House Bill 303, offered by Representative McGuire, a Bill for an Act making appropriations. House Bill 304, offered by Representative Mautino, a Bill for an Act in relation to public aid. House Bill 305, offered by Representative Meyer, a Bill for an Act concerning security information. House Bill 306, offered by Representative Coulson, a Bill for an Act concerning lobbyists. House Bill 307, offered by Representative Moffitt, a Bill for an Act in relation to court fees. House Bill 308, offered by Representative Molaro, a Bill for an Act concerning the Metropolitan Water Reclamation District. House Bill 309, offered by Representative Joe Lyons, a Bill for an Act concerning sanitary districts. House Bill 310, offered by Representative Mendoza, a Bill for an Act in relation to labor. House Bill 311, offered by Representative Watson, a Bill for an Act concerning State revenue. House Bill 312, offered by Representative Kelly, a Bill for an Act in relation to criminal law. House Bill 313, offered by Representative Hoffman, a Bill for an Act in relation to vehicles. First Reading of these House Bills."

Clerk Bolin: "First Reading and introduction of Constitutional Amendments. House Joint Resolution #11, offered by Representative Jim Watson.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE

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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 2 of Article VIII of the Illinois Constitution as follows:

ARTICLE VIII

FINANCE

SECTION 2.

STATE FINANCE

(a)The Governor shall prepare and submit to the General Assembly, at a time prescribed by law, a State budget for the ensuing fiscal year. The budget shall set forth the estimated balance of funds available for appropriation at the beginning of the fiscal year, the estimated receipts, and 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, but not of units of local government or school districts. The budget shall also set forth the indebtedness and contingent liabilities of the State and such other information as may be required by law. Proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget.

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- (b)The General Assembly by law shall make appropriations for all expenditures of public funds by the State. Appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.
- (c)During each fiscal year, State revenues in excess of the estimates of State revenues published by the Bureau of the Budget at the beginning of that fiscal year must be deposited into a special fund within the State treasury. The General Assembly may appropriate moneys from that special fund only upon the favorable vote of three-fifths of the members of each house of the General Assembly.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. First Reading of this Constitutional Amendment. There being no further business, the House Perfunctory Session stands adjourned."