

STATE OF ILLINOIS  
94th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

75th Legislative Day

1/10/2006

Clerk Bolin: "The House Perfunctory Session will come to order. Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motion were referred, action taken on January 10, 2006, reported the same back with the following recommendation/s: all measures were referrals to committees. Introduction and First Reading of House Bills. House Bill 4396, offered by Representative Wait, a Bill for an Act concerning criminal law. House Bill 4397, offered by Representative Wait, a Bill for an Act concerning State Government. House Bill 4398, offered by Representative Wait, a Bill for an Act concerning criminal law. House Bill 4399, offered by Representative Churchill, a Bill for an Act concerning education. House Bill 4400, offered by Representative Churchill, a Bill for an Act concerning transportation. House Bill 4401, offered by Representative Mautino, a Bill for an Act concerning education. House Bill 4402, offered by Representative Mautino, a Bill for an Act concerning regulation. House Bill 4403, offered by Representative Mautino, a Bill for an Act concerning gaming. House Bill 4404, offered by Representative Flider, a Bill for an Act concerning State Government. House Bill 4405, offered by Representative Sullivan, a Bill for an Act concerning local government. House Bill 4406, offered by Representative Jones, a Bill for an Act concerning education. House Bill 4407, offered by Representative Granberg, a Bill for an Act concerning transportation. House Bill 4408, offered by Representative Jakobsson, a Bill for an Act concerning data security. House Bill 4409,

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offered by Representative Davis, Monique, a Bill for an Act concerning education. House Bill 4410, offered by Representative Wait, a Bill for an Act concerning local government. House Bill 4411, offered by Representative Daniels, a Bill for an Act concerning transportation. House Bill 4412, offered by Representative Winters, a Bill for an Act concerning procurement. House Bill 4413, offered by Representative Miller, a Bill for an Act concerning regulation. House Bill 4414, offered by Representative Miller, a Bill for an Act regarding schools. House Bill 4415, offered by Representative Osmond, a Bill for an Act concerning criminal law. House Bill 4416, offered by Representative Reitz, a Bill for an Act concerning revenue. House Bill 4417, offered by Representative Miller, a Bill for an Act concerning motor fuel. House Bill 4418, offered by Representative Granberg, a Bill for an Act concerning education. House Bill 4419, offered by Representative D'Amico, a Bill for an Act concerning regulation. House Bill 4420, offered by Representative Chapa LaVia, a Bill for an Act concerning criminal law. House Bill 4421, offered by Representative Chapa LaVia, a Bill for an Act concerning education. House Bill 4422, offered by Representative Pihos, a Bill for an Act concerning safety. House Bill 4423, offered by Representative Pihos, a Bill for an Act concerning safety. House Bill 4424, offered by Representative Moffitt, a Bill for an Act concerning safety. House Bill 4425, offered by Representative Tenhouse, a Bill for an Act concerning business. House Bill 4426, offered by Representative Jakobsson, a Bill for an Act concerning

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criminal law. House Bill 4427, offered by Representative Beiser, a Bill for an Act concerning criminal law. House Bill 4428, offered by Representative Franks, a Bill for an Act concerning business. House Bill 4429, offered by Representative Beiser, a Bill for an Act concerning wildlife. House Bill 4430, offered by Representative Bellock, a Bill for an Act concerning revenue. House Bill 4431, offered by Representative Bellock, a Bill for an Act concerning revenue. House Bill 4432, offered by Representative Rose, a Bill for an Act concerning public aid. House Bill 4433, offered by Representative Brady, a Bill for an Act in relation to career offenders. House Bill 4434, offered by Representative Brady, a Bill for an Act concerning criminal law. House Bill 4435, offered by Representative Brady, a Bill for an Act concerning families. House Bill 4436, offered by Representative Holbrook, a Bill for an Act concerning regulation. House Bill 4437, offered by Representative Lindner, a Bill for an Act concerning local government. House Bill 4438, offered by Representative Ramey, a Bill for an Act concerning criminal law. House Bill 4439, offered by Representative Brauer, a Bill for an Act concerning civil law. House Bill 4440, offered by Representative Howard, a Bill for an Act concerning health. House Bill 4441, offered by Representative Hannig, a Bill for an Act making appropriations. House Bill 4442, offered by Representative Hannig, a Bill for an Act concerning government. House Bill 4443, offered by Representative Franks, a Bill for an Act concerning families. House Bill 4444, offered by

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Representative Burke, a Bill for an Act concerning liquor. House Bill 4445, offered by Representative Patterson, a Bill for an Act concerning State Government. House Bill 4446, offered by Representative Patterson, a Bill for an Act concerning criminal law. House Bill 4447, offered by Representative Patterson, a Bill for an Act concerning insurance. House Bill 4448, offered by Representative Durkin, a Bill for an Act concerning local government. House Bill 4449, offered by Representative Holbrook, a Bill for an Act concerning consumer fraud. House Bill 4450, offered by Representative Krause, a Bill for an Act concerning public aid. House Bill 4451, offered by Representative Beiser, a Bill for an Act concerning litter control. House Bill 4452, offered by Representative Hassert, a Bill for an Act concerning property tax. House Bill 4453, offered by Representative McKeon, a Bill for an Act concerning State Government. House Bill 4454, offered by Representative Lang, a Bill for an Act concerning health. House Bill 4455, offered by Representative Ryg, a Bill for an Act concerning energy efficiency. House Bill 4456, offered by Representative Howard, a Bill for an Act concerning health. House Bill 4457, offered by Representative Joyce, a Bill for an Act concerning regulation. House Bill 4458, offered by Representative Joyce, a Bill for an Act concerning regulation. House Bill 4459, offered by Representative Moffitt, a Bill for an Act concerning recreation. This has been a First Reading of these House Bills. Introduction of Resolutions. House Resolution 760, offered by Representative Mike Boland.

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House Resolution 761, offered by Representative Granberg.  
House Resolution 765, offered by Representative Ryg. House  
Resolution 770, offered by Representative Froehlich. House  
Resolution 773, offered by Representative May. House  
Resolution 776, offered by Representative Granberg. House  
Resolution 779, offered by Representative Washington. House  
Resolution 796, offered by Representative Brauer. House  
Resolution 797, offered by Representative Lindner. House  
Joint Resolution 71, offered by Representative Delgado.  
House Joint Resolution 73, offered by Representative Rich  
Brauer. House Joint Resolution 74, offered by  
Representative Black. These Resolutions are referred to the  
House Rules Committee. First Reading of Constitutional  
Amendments. House Joint Resolution Constitutional Amendment  
#22, offered by Representative Black.

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT 22

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH  
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 9  
of Article I of the Illinois Constitution as follows:

ARTICLE I

BILL OF RIGHTS

SECTION 9. BAIL AND HABEAS CORPUS

All persons shall beailable by sufficient sureties, except  
for:

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(1) The following offenses where the proof is evident or the presumption great: capital offenses; offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction; and felony offenses for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction, when the court, after a hearing, determines that release of the offender would pose a real and present threat to the physical safety of any person.

(2) A domestic battery offense that results in death to a victim of the offense regardless of whether or not the proof is evident or the presumption great. As used in this paragraph (2), "domestic battery offense" means an offense involving the infliction of great bodily harm to a victim who at the time of the commission of the offense is the offender's spouse, former spouse, parent, child, stepchild, or other person related by blood or by present or prior marriage, a person who shares or formerly shared a common dwelling, a person who has or allegedly had a child in common, a person who shares or allegedly shares a blood relationship through a child, a person who has or has had a dating or engagement relationship, a person with disabilities and his or her personal assistant, or a caregiver who provides for the health and personal care of a person at that person's residence. The privilege of the writ of habeas corpus shall not be suspended except in cases of rebellion or invasion when the public safety may require it. Any costs accruing to a unit of local government as a result of the denial of bail pursuant to the 1986 Amendment to this

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Section shall be reimbursed by the State to the unit of local government.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. This has been First Reading of House Joint Resolution Constitutional Amendment #22. First Reading of House Joint Resolution Constitutional Amendment #23.

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT 23

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH 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 5 of Article IV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

SECTION 5. SESSIONS

- (a) The General Assembly shall convene each year on the second Wednesday of January. The General Assembly shall be a continuous body during the term for which members of the House of Representatives are elected.
- (b) The Governor may convene the General Assembly, with the written consent of the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of

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Representatives, or the Senate alone, with the written consent of the President of the Senate and the Minority Leader of the Senate, in special session by a proclamation stating the purpose of the session; and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation of the presiding officers of both houses, issued as provided by law.

(c) Sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Sessions and committee meetings of a house may be closed to the public if two-thirds of the members elected to that house determine that the public interest so requires; and meetings of joint committees and legislative commissions may be so closed if two-thirds of the members elected to each house so determine.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. This has been First Reading of the House Joint Resolution Constitutional Amendment #23. First Reading of House Joint Resolution Constitutional Amendment #24, offered by Representative Lindner.

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT 24

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH  
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 Sections 1, 2, and 3 of Article IV and Section 1 of Article XIV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

SECTION 1. LEGISLATURE - POWER AND STRUCTURE

The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives, elected by the electors from 59 Senatorial Districts and 119 Representative Districts.

SECTION 2. LEGISLATIVE COMPOSITION

- (a) One Senator shall be elected from each Senatorial District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Senatorial 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 Senatorial Districts in each group shall be distributed substantially equally over the State.
- (b) 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

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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.

SECTION 3. LEGISLATIVE REDISTRICTING

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(a) Senatorial Districts shall be compact, contiguous and substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in population. A Representative District need not be entirely within a single Senatorial District.

(b) By April 15 of the year following each Federal decennial census year, the State Board of Elections, by a record vote of a majority of the total number of members authorized by law as provided in Section 5 of Article III, shall designate a computer program for redistricting the Senate and House of Representatives that meets the requirements of this Section. The designation shall include detailed specifications of the computer program. Any computer program designated by the State Board of Elections under this Section shall embody the following standards and criteria, as defined by Common Law, in this order of priority:

- (1) contiguity;
- (2) substantial equality of population;
- (3) compactness;
- (4) minimization of the number of districts that cross county or municipal boundaries; and
- (5) a fair reflection of minority voting strength.

Any computer program designated by the State Board of Elections under this Section shall not consider the following data:

- (1) residency of incumbent legislators;
- (2) political affiliations of registered voters;
- (3) previous election results; and

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(4)demographic information not required to be used by this Section or by the United States Constitution or federal law. Except as specified in this Section, the computer program shall produce districts in a random manner. The Senate, by resolution adopted by a record vote of three-fifths of the members elected, may by June 15 of that year designate a different computer program for redistricting the Senate. The House of Representatives, by a resolution adopted by a record vote of three-fifths of the members elected, may by June 15 of that year designate a different computer program for redistricting the House of Representatives.

(c)In the year following each Federal decennial census year, (i) the Senate, by resolution adopted by a record vote of three-fifths of the members elected, shall redistrict the Senatorial Districts and (ii) the House of Representatives, by resolution adopted by a record vote of three-fifths of the members elected, shall redistrict the Representative Districts. Each adopted redistricting resolution shall be filed with the Secretary of State by the presiding officer of the house that adopted the resolution.

(d)If a Senatorial or Representative redistricting resolution is not adopted and effective by June 15 of that year, the State Board of Elections, as soon thereafter as is practicable, shall produce a Senatorial or Representative redistricting plan, or both as the case may be, through the use of the computer program designated by the affected chamber, if it made a designation under subsection (b), or else through the use of the computer program designated by the State Board of Elections under that subsection. The

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State Board of Elections shall file the redistricting plan with the Secretary of State.

- (e) A redistricting plan , adopted by redistricting resolution or produced by the State Board of Elections, that is filed with the Secretary of State shall be presumed valid, shall have the same force and effect as a ~~of~~ law , and shall be published promptly by the Secretary of State.
- (f) The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate.

ARTICLE XIV

CONSTITUTIONAL REVISION

SECTION 1. CONSTITUTIONAL CONVENTION

- (a) Whenever three-fifths of the members elected to each house of the General Assembly so direct, the question of whether a Constitutional Convention should be called shall be submitted to the electors at the general election next occurring at least six months after such legislative direction.
- (b) If the question of whether a Convention should be called is not submitted during any twenty-year period, the Secretary of State shall submit such question at the general election in the twentieth year following the last submission.
- (c) The vote on whether to call a Convention shall be on a separate ballot. A Convention shall be called if approved by three-fifths of those voting on the question or a majority of those voting in the election.
- (d) The General Assembly, at the session following approval by the electors, by law shall provide for the Convention and

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for the election of two delegates from each Senatorial District; designate the time and place of the Convention's first meeting which shall be within three months after the election of delegates; fix and provide for the pay of delegates and officers; and provide for expenses necessarily incurred by the Convention.

(e) To be eligible to be a delegate a person must meet the same eligibility requirements as a member of the General Assembly. Vacancies shall be filled as provided by law.

(f) The Convention shall prepare such revision of or amendments to the Constitution as it deems necessary. Any proposed revision or amendments approved by a majority of the delegates elected shall be submitted to the electors in such manner as the Convention determines, at an election designated or called by the Convention occurring not less than two nor more than six months after the Convention's adjournment. Any revision or amendments proposed by the Convention shall be published with explanations, as the Convention provides, at least one month preceding the election.

(g) The vote on the proposed revision or amendments shall be on a separate ballot. Any proposed revision or amendments shall become effective, as the Convention provides, if approved by a majority of those voting on the question.

SCHEDULE

This Constitutional Amendment takes effect beginning with redistricting in 2011 and applies to the election of members of the General Assembly in 2012 and thereafter. This has been a First Reading of House Joint Resolution

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Constitutional Amendment #24. Introduction and First Reading of House Bills. House Bill 4460, offered by Representative Granberg, a Bill for an Act concerning regulation. House Bill 4461, offered by Representative Osmond, a Bill for an Act concerning State Government. First Reading of these House Bills. There being no further business, the House Perfunctory Session will stand adjourned."