

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

69th Legislative Day

7/7/2009

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction and reading... House Resolution 517, offered by Representative Turner, referred to the House Committee on Rules. Introduction and reading of House Bills-First Reading. House Bill 4583, offered by Representative Senger, a Bill for an Act concerning criminal law. House Bill 4584, offered by Representative Rose, a Bill for an Act concerning appropriations. House Bill 4585, offered by Representative Tryon, a Bill for an Act concerning local government. House Bill 4586, offered by Representative Ford, a Bill for an Act concerning government. House Bill 4587, offered by Representative Ford, a Bill for an Act concerning public health. House Bill 4588, offered by Representative Nekritz, a Bill for an Act concerning education. House Bill 4589, offered by Representative Moffitt, a Bill for an Act concerning revenue. House Bill 4590, offered by Representative Ryg, a Bill for an Act concerning State government. House Bill 4591, offered by Representative Chapa LaVia, a Bill for an Act in relation to budget implementation. House Bill 4592, offered by Representative Feigenholtz, a Bill for an Act in relation to budget implementation. House Bill 4593, offered by Representative Fortner, a Bill for an Act concerning public employee benefits. House Bill 4594, offered by Representative Ryg, a Bill for an Act concerning budget implementation. House Bill 4595, offered by Representative Nekritz, a Bill for an Act concerning budget implementation. House Bill 4596, offered by Representative Flowers, a Bill for an Act concerning professional

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regulation. House Joint Resolution Constitutional  
Amendments-First Reading. House Joint Resolution  
Constitutional Amendment 33, offered by Representative  
Winters.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
NINETY-SIXTH 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  
III of the Illinois Constitution by adding Section 7 as  
follows:

ARTICLE III

SUFFRAGE AND ELECTIONS

SECTION 7. RECALL OF MEMBERS OF THE GENERAL ASSEMBLY

- (a) Electors may petition for the recall of a member of the  
General Assembly. If the recall petition is valid, on a  
separate ballot the question "Shall (member) be recalled  
from the General Assembly?" must be submitted to the  
electors, along with the names of any candidates certified  
for the successor election, at a special election called by  
the State Board of Elections or at a regularly scheduled  
election to occur as described in subsection (g). The  
member subject to recall may be a candidate in the  
successor election.
- (b) A member of the General Assembly is immediately removed  
upon certification of the recall election results if a  
majority of the electors voting on the question vote to  
recall the member. If a member is recalled, the candidate

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who receives the highest number of votes in the successor election is elected successor for the balance of the term. Once a recall petition is certified, the petition may not be withdrawn and another recall petition may not be initiated against that member during the remainder of his or her current term of office.

(c) Any elector of the applicable Legislative or Representative District may file an affidavit with the State Board of Elections providing notice of intent to circulate a petition to recall a member no sooner than 6 months after the beginning of the member's current term of office. The affidavit must identify the name of the member and the office to be recalled, the name and address of the proponents of the recall petition, and the date of filing with the State Board of Elections. A recall petition shall not be circulated prior to filing the affidavit, and a recall petition must be filed with the State Board of Elections no later than 160 days after filing the affidavit.

(d) A petition to recall a member of the General Assembly must be signed by electors of the respective Legislative District or Representative District equal to at least 20% of the total votes cast for the office in the election at which the member was elected. The form, circulation, and manner of filing a recall petition shall comply with the requirements provided by law for a statewide advisory public question, except the deadlines set forth in this Section.

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(e) A recall petition is valid unless an objection is made within 45 days after the date the petition is filed, and an objection to the recall petition may be made in the same manner as to that of a candidate for the office subject to recall. The State Board of Elections shall certify the recall petition not more than 105 days after the date the recall petition is filed. Any recall petition or election pending on the date of the next general election at which a candidate for the office subject to recall is elected is moot.

(f) If a recall election is initiated, the name of no successor candidate may appear on the ballot unless a nominating petition has been filed with the State Board of Elections no more than 40 days after filing of the recall petition. The nominating petition of an established party candidate must contain the same number of signatures and be circulated in the same manner as an established party candidate for nomination to the office subject to recall, except the petition must be circulated no more than 40 days prior to the last day for filing nomination petitions. The nominating petition of an independent or new party candidate must contain the same number of signatures and be circulated in the same manner as an independent or new party candidate, respectively, for election to the office subject to recall, except the petition must be circulated no more than 40 days prior to the last day for filing nomination petitions. A nominating petition may be objected to in the same manner as to that of a candidate for the office subject to recall, unless otherwise provided by law.

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The State Board of Elections shall certify a valid nominating petition not more than 105 days after the date the recall petition is filed.

(g) An election to determine whether to recall a member of the General Assembly and to elect a successor shall be proclaimed by the State Board of Elections and held not less than 60 days and no more than 100 days after the date of certification of the recall petition.

(h) The provisions of this Section are self-executing and judicially enforceable.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. House Joint Resolution Constitutional Amendment 34, offered by Representative, Winter's.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH 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 4 of the Illinois Constitution by changing Sections 1, 2, and 3 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,

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elected by the electors from 59 Legislative Districts and 39 Representative Districts.

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the Senate, by resolution, 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) Three Representatives shall be elected from each Legislative District for a term of two years. No political party shall limit its nominations to less than two candidates for Representative in any Legislative District. In elections for Representatives, including those for nomination, each elector may cast three votes for one candidate or distribute them equally among no more than three candidates. The candidates highest in votes shall be declared elected.

(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

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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

(a) Legislative Districts shall be compact, be contiguous, be substantially equal in population, reflect minority voting strengths, promote competition, and consider political boundaries. Representative Districts shall be

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compact, be contiguous, be substantially equal in population, reflect minority voting strengths, promote competition, and consider political boundaries. A Representative District need not be entirely within a single Legislative District. The General Assembly shall establish by law a method to determine a score for any map for Legislative or Representative districts.

(b) Legislative Redistricting Commission shall be constituted by March 1 of the year following each Federal decennial census year. 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 two persons to the Commission. The President and Minority Leader of the Senate shall each appoint two persons to the Commission. 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. The Commission shall provide to the public data and tools to create Legislative and Representative districts not later than April 7. The Commission shall accept maps for the redistricting of Legislative and Representative districts through May 7. The Commission shall judge all submitted maps according to criteria set forth in subsection (a) as implemented by law and assign each map a score. The Commission shall eliminate maps that fail to meet federal and State law and shall eliminate maps



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that are substantially the same as other maps of equal or higher score. Not later than May 22 the Commission shall give to the Senate the maps for Legislative Districts with the top three scores. Not later than May 22 the Commission shall give to the House of Representatives the maps for Representative Districts with the top three scores.

(c) The Senate by a record vote of three-fifths of the members elected may adopt a redistricting resolution from the three maps for Legislative Districts submitted by the Commission. If the Senate has failed to file a redistricting resolution with the Secretary of State by June 30, the Secretary of State shall certify the redistricting map for Legislative Districts that received the top score from the Commission. The House by a record vote of three-fifths of the members elected may adopt a redistricting resolution from the three maps for Representative Districts submitted by the Commission. If the House has failed to file a redistricting resolution with the Secretary of State by June 30, the Secretary of State shall certify the redistricting map for Representative Districts that received the top score from the Commission.

(d) A redistricting resolution or redistricting map 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

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be initiated in the name of the People of the State by the Attorney General.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act and applies to redistricting beginning in 2011 and to the election of General Assembly members beginning in 2012.

Clerk Bolin: "First Reading of House Joint Resolution Constitutional Amendment #35, offered by Representative, Winters.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH 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 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 14 and by repealing Section 15 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 comprised of 177 Senators, elected by the electors from 59 Legislative Districts.

SECTION 2. LEGISLATIVE COMPOSITION

(a) Three Senators shall be elected from each Legislative District for terms of 4 years each. No Senator may serve

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for more than 3 terms after 2012. No political party shall limit its primary nomination process to fewer than 2 candidates for Senator in any Legislative District, but this provision shall not prevent a primary ballot from containing the name of a single candidate in a Legislative District if only one candidate runs for that office of Senator in that party. In elections for Senators, including those for nomination, each elector may cast 3 votes for one candidate or distribute them equally among no more than 3 candidates. The candidates with the highest number of votes shall be declared elected.

(b) To be eligible to serve as a member of the Senate, a person must be a United States citizen and at least 21 years old. A candidate for the Senate must be a resident of the district he or she is to represent for the 2 years preceding his or her election. In the general election following a redistricting, a candidate for the Senate may be elected from any district that contains a part of the district in which he or she resided at the time of the redistricting and reelected if a resident of the new district he or she represents for 18 months prior to reelection.

(c) Within 30 days after a vacancy occurs, it shall be filled by appointment as provided by law. The appointed Senator shall serve until the next general election. An appointee to fill a vacancy shall be a member of the same political party as the person he or she succeeds and must meet all other requirements to serve as a member of the Senate as listed in subsection (b). For the purposes of

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subsection (a), a person who fills a vacancy shall be considered to have served a full term.

(d) No member of the Senate shall receive compensation as a public officer or employee from any other governmental entity for time during which he or she is in attendance as a member of the Senate. No member of the Senate during the term for which he or she 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 Senate during that term.

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Legislative Districts shall be compact, be contiguous, be substantially equal in population, reflect minority voting strengths, promote competition, and consider political boundaries. The General Assembly shall establish by law a method to determine a score for any map for Legislative Districts.

(b) A Legislative Redistricting Commission shall be constituted by March 1 of the year following each federal decennial census year. The Commission shall consist of 8 members, no more than 4 of whom shall be members of the same political party. The Senate President and Senate Minority Leader shall each appoint 4 persons to the Commission. For the redistricting process in 2011 only, 4 members of the Commission must be members of the Illinois House of Representatives.

(c) The members of the Commission shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within 5 days by the

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authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission. The Commission shall provide to the public data and tools to create Legislative Districts not later than April 7. The Commission shall accept maps for the redistricting of Legislative Districts through May 7.

(d) The Commission shall evaluate all submitted maps according to the criteria set forth in subsection (a) as implemented by law and assign each map a score. The Commission shall eliminate maps that fail to meet federal and State law and shall eliminate maps that are substantially the same geographically as other maps of equal or better score. Not later than May 22, the Commission shall give to the Senate the maps for Legislative Districts with the 3 best scores.

(e) The Senate, by a record vote of three-fifths of the members elected, may adopt a redistricting resolution from the 3 maps for Legislative Districts submitted by the Commission. If the Senate has failed to file a redistricting resolution by June 30, the Secretary of State shall certify the redistricting map for Legislative Districts that received the best score from the Commission. In the event of multiple maps with the same best high score, the map to be certified shall be selected at random.

(f) A redistricting resolution or redistricting map 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.

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(g) The Illinois Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the General Assembly. Aggrieved individuals shall be entitled to file objections with the Legislative Redistricting Commission (i) for the Commission's failure to perform duties associated with any portion of this Section or (ii) if their maps were scored inconsistently with this Section or eliminated unfairly. The aggrieved individual shall be entitled to judicial review of any complaint filed with the Commission.

SECTION 4. ELECTION

(a) At the general election in 2012, odd-numbered Legislative Districts shall have elections for 2-year terms and even-numbered Legislative Districts shall have elections for 4-year terms. Thereafter, all Senators shall be elected for 4-year terms.

(b) The requirements for a person to be listed on the ballot for election as Senator shall be the same regardless of political affiliation or non-affiliation.

SECTION 5. SESSIONS

(a) The Senate shall convene on the second Wednesday of January following each general election. The Senate shall be a continuous body during the succeeding 2-year term.

(b) The Governor may convene 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 Senate may also be

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convened by a proclamation of the presiding officer of the Senate, issued as provided by law.

(c) Sessions of the Senate and meetings of committees and legislative commissions shall be open to the public. Sessions of the Senate and meetings of Senate committees and legislative commissions may be closed to the public if two-thirds of the members elected determine that the public interest so requires.

SECTION 6. ORGANIZATION

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

(b) On the first day of the January session following each general election, the Governor shall convene the Senate to elect from its membership a President of the Senate as presiding officer. No person may hold the same leadership position for more than 2 terms. A "leadership position" is defined as President of the Senate, Majority Leader, Minority Leader, Committee Chairperson, or Committee Minority Spokesperson.

(c) For purposes of powers of appointment conferred by this Constitution, the Minority Leader is a member of the numerically strongest political party other than the party to which the President belongs.

(d) The Senate 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 the Senate, except by a vote of two-thirds of the members elected. A member may be expelled only once for the same offense. The Senate may punish by imprisonment

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any person, not a member, guilty of disrespect to the Senate by disorderly or contemptuous behavior in its presence. Imprisonment shall not extend beyond 24 hours at one time unless the person persists in disorderly or contemptuous behavior.

SECTION 7. TRANSACTION OF BUSINESS

- (a) Committees and legislative commissions of the Senate shall give reasonable public notice of meetings, including a statement of subjects to be considered.
- (b) The Senate shall keep a journal of its proceedings and a transcript of its debates. The journal shall be published and the transcript shall be available to the public.
- (c) The Senate or any committee thereof as provided by law may compel by subpoena the attendance and testimony of witnesses and the production of books, records, and papers.

SECTION 8. PASSAGE OF BILLS

- (a) The enacting clause of the laws of this State shall be:  
'Be it enacted by the People of the State of Illinois,  
represented in the Senate '
- (b) The Senate shall enact laws only by bill.
- (c) No bill shall become a law without the concurrence of a majority of the members elected to the Senate. Final passage of a bill shall be by record vote. At the request of 2 members, a record vote may be taken on any other occasion. A record vote is a vote by yeas, nays, and abstentions entered on the journal. Abstentions shall not count towards the total number of votes.



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- (d) A bill shall be read by title on 3 different days. A bill and each amendment thereto shall be reproduced and placed on the desk of each member before final passage.
- (e) No bill shall receive its final vote unless it has been public in its final form for 7 calendar days, which includes posting of the bill on the General Assembly's website.
- (f) Each bill must be substantially similar to its condition when introduced. If amendments have significantly altered the nature of the bill, it must be reintroduced as a new bill and meet all of the requirements of a new bill.
- (g) Bills, except bills for appropriations and for the codification, revision, or rearrangement of laws, shall be confined to one subject. Appropriation bills shall be limited to the subject of appropriations.
- (h) A bill expressly amending a law shall set forth completely the sections amended.
- (i) Any bill shall be called for a vote within 14 calendar days upon the motion of at least 25 Senators.
- (j) The President of the Senate shall sign each bill that passes to certify that the procedural requirements for passage have been met.

SECTION 9. VETO PROCEDURE

- (a) Every bill passed by the Senate shall be presented to the Governor within 30 calendar days after its passage. The foregoing requirement shall be judicially enforceable. If the Governor approves the bill, he or she shall sign it and it shall become law.

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(b) If the Governor does not approve the bill, he or she shall veto it by returning it with his or her objections to the Senate. Any bill not so returned by the Governor within 60 calendar days after it is presented to him or her shall become law. If recess or adjournment of the Senate prevents the return of a bill, the bill and the Governor's objections shall be filed with the Secretary of State within such 60 calendar days. The Secretary of State shall return the bill and objections to the Senate promptly upon the next meeting of the Senate.

(c) The Senate shall immediately enter the Governor's objections upon its journal. If within 15 calendar days after such entry the Senate by a record vote of three-fifths of the members elected passes the bill, it shall become law.

(d) The Governor may reduce or veto any item of appropriations in a bill presented to him or her, using the line-item veto power. Portions of a bill not reduced or vetoed shall become law. An item vetoed shall be returned to the Senate and may become law in the same manner as a vetoed bill. An item reduced in amount shall be returned to the Senate and may be restored to its original amount in the same manner as a vetoed bill except that the required record vote shall be a majority of the members elected to the Senate. If a reduced item is not so restored, it shall become law in the reduced amount.

(e) The Governor shall have no power of veto over initiative or referendum proposed by the citizens of the State.

SECTION 10. EFFECTIVE DATE OF LAWS

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The Senate shall provide by law for a uniform effective date for laws passed prior to June 1 of a calendar year. The Senate may provide for a different effective date in any law passed prior to June 1. A bill passed after May 31 shall not become effective prior to June 1 of the next calendar year unless the Senate by the vote of three-fifths of the members elected provides for an earlier effective date.

SECTION 11. COMPENSATION AND ALLOWANCES

A member shall receive a salary and allowances as provided by law, but changes in the salary of a member shall not take effect during the term for which he or she has been elected. Salary and allowances for Senators cannot be changed without a bill passing the Senate consistent with this Article.

SECTION 14. IMPEACHMENT

(a) The Senate shall have the sole power of impeachment, but a majority of the members elected must concur therein. Proceedings may be initiated in either a regular session or a special session of the Senate.

(b) A resolution of impeachment shall give reasonable notice of the acts or omissions alleged to constitute impeachable offenses but need not conform to any particular style. Upon the adoption of a resolution of impeachment, a notice of an impeachment of any officer, other than a Judge of the Supreme Court, shall be served upon the Chief Justice by the Secretary of the Senate. The Chief Justice shall call a session of the Supreme Court to meet at the Capitol in an expeditious fashion after receiving such notice to try the

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impeachment. A notice of an impeachment of any Judge of the Supreme Court shall be served by the Secretary of the Senate upon the clerk of the judicial district within which the Capitol is located. The clerk of the judicial district shall choose at random seven Judges of the District Courts in the State to meet within 30 days at the Capitol to sit as a Court to try such impeachment. This Court shall organize by electing one of its number to preside.

(c) The case against the impeached civil officer shall be brought in the name of the General Assembly and shall be managed by 2 Senators appointed by the Senate. The 2 Senators may make technical or procedural amendments to the articles of impeachment, as they deem necessary. The trial shall be conducted in the manner of a civil proceeding, and the impeached civil officer shall not be allowed to invoke a privilege against self-incrimination, except as otherwise applicable in a general civil case.

(d) No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment that clear and convincing evidence exists indicating that the person committed one or more impeachable offenses. Judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust in this State. The person impeached, whether convicted or acquitted, may still be subject to separate prosecution and punishment according to law. No officer may exercise official duties after impeachment and notice until the officer is acquitted.

SECTION 15. ADJOURNMENT (REPEALED)

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This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act and applies to redistricting beginning in 2011, to the election of General Assembly members beginning in 2012, and to the operation of the General Assembly beginning on the second Wednesday in January 2013. Should any part of this Amendment be rendered or declared invalid by a court of competent jurisdiction of the State of Illinois or the United States, that invalidation of the part or portion of this Amendment should not invalidate the remaining portions of this Amendment, and they shall remain in full force and effect. This has been First Reading of House Joint Resolution Constitutional Amendment #35. Introduction of Resolutions. Senate Joint Resolutions 67, offered by, Representative Dunkin, Senate Joint Resolution 68, offered by Representative Flowers and Senate Joint Resolution 72, offered by, Representative Will Davis. These Resolutions are automatically referred to the House Rules Committee. There being no further business, the House Perfunctory Session will stand adjourned."