

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

84th Legislative Day

1/11/2010

Clerk Mahoney: "House Perfunctory Session will come to order. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, reports the following committee action, taken on January 05, 2010, 'approved for floor consideration' referred to the Order of Senate Bills-Second Reading is Senate Bill 1252 and Senate Bill 2093. Referred to the House Committee on Rules are the following resolutions: House Resolution 751, House Resolution 762, House Resolution 765, House Resolution 766, House Resolution 768, House Resolution 772, House Resolution 790, House Resolution 792, House Resolution 797, House Resolution 803, House Resolution 809, House Joint Resolution 80, and House Joint Resolution 81. Introduction and reading of House Bills-First Reading. House Bill 4738, offered by Representative Sente, a Bill for an Act concerning criminal law. House Bill 4739, offered by Representative Osmond, a Bill for an Act concerning business. House Bill 4740, offered by Representative Sacia, a Bill for an Act concerning business. House Bill 4741, offered by Representative Franks, a Bill for an Act concerning revenue. House Bill 4742, offered by Representative Franks, a Bill for an Act concerning utilities. House Bill 4743, offered by Representative Holbrook, a Bill for an Act concerning revenue. House Bill 4744, offered by Representative Tryon, a Bill for an Act concerning State government. House Bill 4745, offered by Representative Lang, a Bill for an Act concerning criminal law. House Bill 4746, offered by Representative Lang, a Bill for an Act concerning criminal law. House Bill 4747,

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offered by Representative Lang, a Bill for an Act concerning employment. House Bill 4748, offered by Representative Lang, a Bill for an Act concerning employment. House Bill 4749, offered by Representative Lang, a Bill for an Act concerning employment. House Bill 4750, offered by Representative Lang, a Bill for an Act concerning employment. House Bill 4751, offered by Representative Lang, a Bill for an Act concerning finance. House Bill 4752, offered by Representative Lang, a Bill for an Act concerning finance. House Bill 4753, offered by Representative Lang, a Bill for an Act concerning finance. House Bill 4754, offered by Representative Lang, a Bill for an Act concerning finance. House Bill 4755, offered by Representative Soto, a Bill for an Act concerning education. House Bill 4756, offered by Representative Ford, a Bill for an Act concerning public aid. House Bill 4757, offered by Representative Tryon, a Bill for an Act concerning local government. House Bill 4758, offered by Representative Tryon, a Bill for an Act concerning local government. House Bill 4759, offered by Representative Brady, a Bill for an Act concerning public employee benefits. House Bill 4760, offered by Representative Brady, a Bill for an Act in relation to public employee benefits. House Bill 4761, offered by Representative Brady, a Bill for an Act concerning election officials. House Bill 4762, offered by Representative Ramey, a Bill for an Act concerning criminal law. House Bill 4763, offered by Representative Mathias, a Bill for an Act concerning civil law. House Bill 4764, offered by

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Representative Chapa LaVia, a Bill for an Act concerning criminal law. And House Bill 4765, offered by Representative Franks, a Bill for an Act concerning health. House Bill 4766, offered by Representative Sacia, a Bill for an Act concerning regulation. House Bill 4767, offered by Representative Mulligan, a Bill for an Act concerning State government. House Bill 4768, offered by Representative Nekritz, a Bill for an Act concerning State government."

Clerk Mahoney: "House Perfunctory Session will come to order. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on January 11, 2010, reported the following: 'approved for floor consideration' referred to the Order of Senate Bills-Second Reading is Senate Bill 328, and Senate Bill 1369; referred to the Order of Resolutions recommends 'be adopted' is House Joint Resolution 81."

Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Lyons, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on January 11, 2010, reported the same back with the following recommendation/s: 'do pass as amended is Short Debate' Senate Bill 1402, Senate Bill 1526, and Senate Bill 1868. Representative Bradley, Chairperson from the Committee on Revenue & Finance, to which the following measure/s was/were referred, action taken on January 11, 2010, reported the same back with the following recommendation/s:

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recommends 'be adopted' is floor Amendment #1 to Senate Bill 328. Representative Dugan, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on January 11, 2010, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 1425, and Senate Bill 2101. Representative Smith, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on January 11, 2010, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 315, and Senate Bill 616. Representative Howard, Chairperson from the Committee on Judiciary II - Criminal Law, to which the following measure/s was/were referred, action taken on January 11, 2010, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 1013. Introduction and reading of House Bills- First Reading. House Bill 4769, offered by Representative Bassi, a Bill for an Act concerning transportation. House Bill 4770, offered by Representative Franks, a Bill for an Act concerning education. House Bill 4771, offered by Representative Pritchard, a Bill for an Act concerning the legislature. House Bil... On the Order of Senate Bills- Second Reading. Senate Bill 315, a Bill for an Act concerning education. Second Reading of this Senate Bill. Senate Bill 616, a Bill for an Act concerning education. Second Reading of this Senate Bill. Senate Bill 1013, a Bill for an Act concerning criminal law. Second Reading of

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this Senate Bill. Senate Bill 1402, a Bill for an Act concerning professional regulation. Second Reading of this Senate Bill. Senate Bill 1425, a Bill for an Act concerning State government. Second Reading of this Senate Bill. Senate Bill 1526, a Bill for an Act concerning State government. Second Reading of this Senate Bill. Senate Bill 1868, a Bill for an Act concerning local government. Second Reading of this Senate Bill. Senate Bill 2101, a Bill for an Act concerning State government. Second Reading of this Senate Bill. House Joint Resolution Constitutional Amendment #41.

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 add Section 7 to Article III of the Illinois Constitution as follows:

ARTICLE III

SUFFRAGE AND ELECTIONS

SECTION 7. RECALL OF EXECUTIVE OFFICERS AND MEMBERS OF THE GENERAL ASSEMBLY

(a) Electors may petition for the recall of an executive branch officer as identified in Section 1 of Article V or a member of the General Assembly. If the recall petition is valid, on a separate ballot the question "Shall (officer) be recalled from the office of (office)" must be submitted to the electors, along with the names of any candidates certified for the successor election, at a special election

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called by the State Board of Elections or at a regularly scheduled election to occur not more than 100 days after the date of certification of the recall petition. The officer or member subject to recall may be a candidate in the successor election.

(b) An executive branch officer or 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 officer or member. If an officer or member is recalled, the candidate who receives the highest number of votes in the successor election is elected successor for the balance of the term. Once a recall election petition is certified, the petition may not be withdrawn and another recall petition may not be initiated against that officer or member during the remainder of his or her current term of office.

(c) Any elector of the State, or 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 an officer or member no sooner than 6 months after the beginning of the officer's or member's current term of office. The affidavit must identify the name of the officer or 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.

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(d) A petition to recall an executive branch officer must include signatures of at least 100,000 electors of the State. 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 8% 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.

(c) [sic-(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 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,

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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 a candidate for the office subject to recall, unless otherwise provided by law. 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 an executive officer or member of the General Assembly and to elect a successor shall be proclaimed by the State Board of Elections and shall(sic - 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.

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 42, offered by Representative Black.

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

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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 3 of Article IV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

SECTION 3. LEGISLATIVE REDISTRICTING

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

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

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

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

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made

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the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission.

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

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

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

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

An approved redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

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

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