

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

158th Legislative Day

1/3/2011

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction and reading of Senate Bills-First Reading. Senate Bill 458, offered by Representative Currie, a Bill for an act concerning revenue. Introduction and reading of House Joint Resolution Constitutional Amendments-First Reading. House Joint Resolution Constitutional Amendment 62, offered by Representative Madigan.

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 XIII of the Illinois Constitution by adding Section 5.1 as follows:

ARTICLE XIII

GENERAL PROVISIONS

SECTION 5.1. PENSION BENEFIT INCREASES

(a) A bill shall not become a law without the concurrence of three-fifths of the members elected to each house of the General Assembly if that bill increases a benefit under any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof. However, if the Governor vetoes a bill so passed by returning it with his objections to the house in which it originated, then that bill shall not become law unless, upon its return, it is passed by a record vote of two-thirds of the members elected to each house of the General Assembly. Likewise, if the Governor

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returns a bill so passed with specific recommendations for change to the house in which it originated, then those recommendations may be accepted only by a record vote of two-thirds of the members elected to each house of the General Assembly. The provisions of this subsection (a) apply notwithstanding Article IV.

(b)An ordinance, resolution, or other action of the governing body of any unit of local government or school district shall not be valid without the concurrence of three-fifths of the members of that governing body if that ordinance, resolution, or other action increases a benefit under any pension or retirement system for officials or employees of that unit of local government or school district, or any agency or instrumentality thereof.

(c)For the purposes of this Section, a bill, ordinance, resolution, or other action increases a benefit if it increases the amount of an existing benefit, adds a new benefit, or expands the class of persons eligible for a benefit, regardless of whether it includes an increase in contributions or a reduction in any other benefit.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act."

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. The Members and guests are asked to refrain from starting their laptops, turn off the cell phones and pagers, and rise for the invocation and the

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Pledge of Allegiance. We shall be led in prayer today by Wayne Padget, the assistant doorkeeper."

Wayne Padget: "Dear Heavenly Father, we come before You today in sound body and mind praying that on this day You grant to us the grace to remember with love and reverence that we are to go forth in peace with courage, hold fast to that which is good, rendering to no one evil for evil, but help us to strengthen the fainthearted. Let us pray to support the weak and help the afflicted; to honor all people loving and serving You in the same love and spirit and where You have loved us. This we ask in your Son's name, Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative O'Sullivan."

O'Sullivan - 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 Representatives Bradley, Burns and Mell are excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representatives Biggins, Coladipietro, Mulligan and Pritchard are excused on the Republican side of the aisle."

Speaker Madigan: "Representative Currie. Currie."

Currie: "Thank you, Speaker. Please add Representative Miller to the list of excused absences."

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Speaker Madigan: "The Clerk shall take the record. There being 110 Members responding to the Attendance Roll Call, there is a quorum present. The Chair recognizes Mr. O'Sullivan for the purpose of an announcement."

O'Sullivan: "Mr. Speaker, thank you. Point of personal privilege. I would like to give a nice warm House welcome to my wife Trish, my son Johnny, Joey and Tommy who are with us in the gallery this evening."

Speaker Madigan: "Mr. Clerk."

Clerk Mahoney: "Committee Reports. Representative Beiser, Chairperson from the Committee on Business & Occupational Licenses reports the following committee action taken on January 03, 2011: do pass as amended Short Debate Senate Bill 2814. Representative Thapedi, Chairperson from the Committee on Judiciary II-Criminal Law reports the following committee action taken on January 03, 2011: do pass Short Debate is Senate Bill 1310. Representative Dugan, Chairperson from the Committee on State Government Administration reports the following committee action taken on January 03, 2011: do pass Short Debate is House Joint Resolution Constitutional Amendment 61. Representative Burke, Chairperson from the Committee on Executive reports the following committee action taken on January 03, 2011: do pass Short Debate Senate Bill 1014, Senate Bill 3976; do pass as amended Short Debate is Senate Bill 2530. Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on January 3, 2011: approved for floor consideration, referred to the Order of Second Reading is

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House Bill 1454 and House Bill 1665; approved for consideration, referred to the Order for Third Reading is Senate Bill 2525. Resolutions referred to the House Committee on Rules is House Resolution 1566, offered by Representative Beaubien."

Speaker Madigan: "Mr. Clerk, on the Supplemental Calendar #2 on the Order of House Bills-Second Reading, what is the status of House Bill 1454?"

Clerk Mahoney: "House Bill 1454, a Bill for an Act concerning State Government. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Madigan: "Leave the Bill on the Order of Second Reading. On the same order, House Bill 1665. What is the status of the Bill?"

Clerk Mahoney: "House Bill 1665, a Bill for an Act concerning education. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Madigan: "Leave the Bill on the Order of Second Reading. The Chair recognizes Representative Currie for the purpose of an announcement."

Currie: "Thank you, Speaker and Members of the House. I hope you'll join me in welcoming a new Member, even if her tenure here will be quite brief and that is Representative Kathy Moore who takes the place of John Fritchey. So, join me in saying welcome and hello."

Speaker Madigan: "The Chair recognizes Representative Osmond."

Osmond: "Thank you, Mr. Speaker. I would like to ask the General Assembly, I know it's going to be sad to hear that Representative Black has retired, but we do have a brand-

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new Member, Representative Chad Hays. And again, we have a little sadness, we lost a dear friend and we're going to recognize him on another occasion, but right now, Rich Myers' replacement is his L.A. and she's a wonderful individual. I want you all to come and meet her. Her name is Norine Hammond. Norine."

Speaker Madigan: "Mr. Clerk, on the Order of the Supplemental Calendar #1 on the Order of Senate Bills-Second Reading, there appears Senate Bill 1014. What is the status of the Bill?"

Clerk Mahoney: "Senate Bill 1014, a Bill for an Act concerning criminal law. Second Reading of this Senate Bill. No Amendments. No Motions filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading. On the same order, Senate Bill 1310. What is the status of the Bill?"

Clerk Mahoney: "Senate Bill 1310, a Bill for an Act concerning criminal law. Second Reading of this Senate Bill. No Amendments. No Motions filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading. On the same order, Senate Bill 2530."

Clerk Mahoney: "Senate Bill 2530, a Bill for an Act concerning local government. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading. On the same order, Senate Bill 2814. What is the status?"

Clerk Mahoney: "Senate Bill 2814, a Bill for an Act concerning professional regulation. Second Reading of this Senate

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Bill. Amendment # 1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading. On the same order, Senate Bill 3976. What is the status of the Bill?"

Clerk Mahoney: "Senate Bill 3976, a Bill for an Act concerning elections. Second Reading of this Senate Bill. Amendment #1 lost in House Executive Committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading. Mr. Clerk, go to the Order of Constitutional Amendments-Second Reading. Are there any matters on that order?"

Clerk Mahoney: "House Joint Resolution Constitutional Amendment 61.

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 2.1 to Article VIII of the Illinois Constitution as follows:

ARTICLE VIII

FINANCE

SECTION 2.1. LIMITATIONS ON APPROPRIATIONS AND TRANSFERS

(a) For the fiscal year ending in 2014 and each fiscal year thereafter, aggregate appropriations and transfers from the general funds are limited as provided in this Section. "General funds" include the General Revenue Fund, the

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Common School Fund, the General Revenue Common School Special Account Fund, and the Education Assistance Fund and any other funds designated by the General Assembly by law making specific reference to this Section. "Appropriations and transfers" do not include (i) reappropriations from a previous fiscal year, (ii) those made for debt service payments, (iii) those made to pay pension obligations, and (iv) those made to a budget stabilization fund.

(b) Aggregate fiscal year appropriations and transfers from the general funds may not exceed the limitation amount. The limitation amount is the aggregate amount of appropriations and transfers from the general funds in the previous fiscal year, as adjusted. The adjustment is the average annual percentage change in the average per capita personal income for Illinois for the five most recent calendar years for which data is available, as defined and reported by the United States Department of Commerce, or its successor.

(c) The Governor may declare a fiscal emergency by filing a declaration with the Secretary of State and copies with the Senate and House of Representatives. The declaration must be limited to only one State fiscal year, set forth compelling reasons for declaring a fiscal emergency, and request that the limitation amount for that fiscal year be increased by a specific dollar amount. If the Comptroller and Treasurer advise the General Assembly that they concur in the Governor's declaration, then by a record vote of three-fifths of the members elected in each house, the General Assembly by law may authorize increased appropriations and transfers in a specific dollar amount



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that is no more than the increased amount requested by the Governor in the declaration.

(d) If the general funds revenues for a fiscal year exceed the limitation amount for that fiscal year, then those excess revenues must be deposited into one or more budget stabilization funds. A budget stabilization fund must be designated by law making specific reference to this Section or, in the absence of law, by the Comptroller. If the aggregate unexpended and unobligated amount in the budget stabilization funds at the end of a fiscal year exceeds an amount equal to ten percent of the limitation amount for that fiscal year, then that excess shall be refunded in a manner and in amounts determined by the General Assembly by law.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. This has been a Second Reading in full of this Constitutional Amendment."

Speaker Madigan: "The Chair recognizes Representative Currie for the purpose of a Motion to suspend the posting requirements."

Currie: "Thank you, Speaker. I move to suspend the posting Motion so that House Joint Resolution Constitutional Amendment 62..."

Speaker Madigan: "Representative Currie, could you start from the beginning?"

Currie: "Thank you. I move to suspend posting requirements so that House Joint Resolution Constitutional Amendment 62 can

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be heard in the committee on Pensions, and so that Senate Bills 3952, 352, 647 and 3973 may be heard in their appropriate substantive committees as well."

Speaker Madigan: "You've all heard the Lady's Motion. Is there leave? Leave is granted and the posting requirements are suspended for the items annunciated by Representative Currie. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 1532, offered by Representative Froehlich. House Resolution 1533, offered by Representative Durkin. House Resolution 1534, offered by Representative Hoffman. House Resolution 13... Correction. House Resolution 1535, offered by Representative Cross. House Resolution 1536, offered by Representative Bellock. House Resolution 1537, offered by Representative Howard. House Resolution 1538, 1539 and 1540, all offered by Representative Cross. House Resolution 1541, offered by Representative Miller. House Resolution 1542, offered by Representative Lilly. House Resolution 1543, offered by Representative William Davis. House Resolution 1544, offered by Representative McCarthy. House Resolution 1545, offered by Representative John Bradley. House Resolution 1546 and House Resolution 1547, House Resolution 1548, offered by Representative John Bradley. House Resolution 1549, offered by Representative Mautino. House Resolution 1550, offered by Representative Crespo. House Resolution 1551, offered by Representative Holbrook. House Resolution 1552, offered by Representative Bradley. House Resolution 1553, offered by Representative Currie. House Resolution 1554, offered by Representative

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Reitz. House Resolution 1555, offered by Representative Nekritz. House Resolution 1560... Correction. House Resolution 1556, offered by Representative D'Amico. House Resolution 1557, offered by Representative Phelps. House Resolution 1563, offered by Representative Beiser. House Resolution 1564, offered by Representative Bradley and House Resolution 1565, offered by Representative John Bradley."

Speaker Madigan: "You've all heard the Agreed Resolutions. Representative Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolutions are adopted. Mr. Clerk. Ladies and Gentlemen, please give your attention to the Clerk for the purposes of an announcement. Mr. Clerk."

Clerk Mahoney: "Committee schedule announcements. Tomorrow on Tuesday at 10 a.m., Mass Transit will meet in Room 114. At 10 a.m., Health Care Licenses will meet in Room 115. And Aging meets at 10 a.m. in Room 118. At 10:30 a.m., Agriculture & Conservation meets in Room 122B, Health Care Availability and Access meets in Room C-1 and Higher Education meets in Room D-1 at 10:30. At 12:30 p.m., Personnel & Pensions meets in Room 118. Immediately following adjournment tomorrow, in Room 118 the Executive Committee will meet. Immediately following adjournment tomorrow, 118 and the Executive Committee will meet."

Speaker Madigan: "Representative Currie moves that the House stand adjourned until tomorrow at 1:30 p.m. Those in favor

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say 'aye'; those opposed say 'no'. The 'ayes' have it.  
The House does stand adjourned until tomorrow at 1:30 p.m."  
Clerk Mahoney: "House Perfunctory Session will come to order.  
Introduction and reading of House Bills-First Reading.  
House Bill 6958, offered by Representative Fortner, a Bill  
for an Act concerning elections. First Reading. There  
being no further business, the House Perfunctory Session  
will stand adjourned."