

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-EIGHTH GENERAL ASSEMBLY

11TH LEGISLATIVE DAY

PERFUNCTORY SESSION

MONDAY, FEBRUARY 4, 2013

4:07 O'CLOCK P.M.

**HOUSE OF REPRESENTATIVES
Daily Journal Index
11th Legislative Day**

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NOTE: Full text of Amendments will not be included in House Journals from the 97th GA forward; they can be viewed on the Illinois General Assembly website (www.ilga.gov). For inquiries regarding this, please contact the House Clerk’s office.

The House of Representatives met in Perfunctory Session pursuant to notice from the Speaker.

REPORTS

The Clerk of the House acknowledges receipt of the following correspondence:

2012 Collection Statistics required by 2 of the Uncollected State Claims Act (30ILCS 205/2), submitted by the Office of the Attorney General on February 1, 2013.

LETTERS OF TRANSMITTAL

February 4, 2013

Timothy D. Mapes
Clerk of the House
HOUSE OF REPRESENTATIVES
300 Capitol Building
Springfield, IL 62706

Dear Mr. Clerk:

This letter corrects the member appointments to the **Special House Committee on Veterans' Affairs** for the 98th General Assembly.

Committee	Majority	Minority
Veterans' Affairs	0	0

At this time, there are no majority or minority appointments to this committee.

With kindest personal regards, I remain

Sincerely yours,

s/Michael J. Madigan
Speaker of the House

February 4, 2013

Tim Mapes
Chief Clerk of the House
300 State House
Springfield, IL 62706

Dear Clerk Mapes:

Pursuant to House Rule 9(a), by this letter I am establishing that the House of Representatives will be in **Perfunctory Session on Monday, February 4, 2013.**

With kindest personal regards, I remain.

Sincerely yours,

s/Michael J. Madigan
Speaker of the House

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on February 4, 2013, reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Agriculture & Conservation: HOUSE BILL 172.
Appropriations-Elementary & Secondary Education: HOUSE BILLS 65 and 196.
Appropriations-Higher Education: HOUSE BILL 187.
Cities & Villages: HOUSE BILL 956.
Consumer Protection: HOUSE BILL 188.
Counties & Townships: HOUSE BILL 945.
Elementary & Secondary Education: HOUSE BILLS 192, 194, 197 and 946; HOUSE RESOLUTIONS 20 and 24; HOUSE JOINT RESOLUTIONS 1 and 5; HOUSE AMENDMENT No. 1 to HOUSE BILL 129.
Environment: HOUSE RESOLUTION 16.
Executive: HOUSE BILL 973; HOUSE AMENDMENT No. 1 to HOUSE BILL 190 and HOUSE AMENDMENT No. 1 to HOUSE BILL 193.
Financial Institutions: HOUSE BILLS 183 and 957; HOUSE AMENDMENT No. 1 to HOUSE BILL 99.
Health Care Availability and Accessibility: HOUSE BILL 942.
Health Care Licenses: HOUSE AMENDMENT No. 1 to HOUSE BILL 66.
Human Services: HOUSE BILLS 176, 177, 179, 948, 959 and 960; HOUSE RESOLUTIONS 4, 5, 6 and 8.
International Trade & Commerce: HOUSE BILL 962.
Judiciary: HOUSE BILLS 169, 181, 199, 958, 1155, 1156 and 1157; HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENTS 1 and 7.
Revenue & Finance: HOUSE BILLS 175, 180, 189, 944, 963, 965, 967 and 972.
State Government Administration: HOUSE BILLS 182 and 943; HOUSE RESOLUTION 19.
Transportation: Regulation, Roads & Bridges: HOUSE JOINT RESOLUTIONS 3, 4 and 6.
Transportation: Vehicles & Safety: HOUSE BILLS 170, 173, 198 and 966.
Restorative Justice: HOUSE BILL 968.

The committee roll call vote on the foregoing Legislative Measures is as follows:
3, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson
Y Lang(D)
Y Mautino(D)

A Schmitz(R), Republican Spokesperson
A Leitch(R)

**HOUSE JOINT RESOLUTIONS
CONSTITUTIONAL AMENDMENTS
FIRST READING**

Representative Sosnowski introduced the following:

**HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT 11**

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH 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 XIII of the Illinois Constitution as follows:

ARTICLE XIII
GENERAL PROVISIONS

SECTION 5. PENSION AND RETIREMENT RIGHTS (~~REPEALED~~)

~~Membership in any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof, shall be an enforceable contractual relationship, the benefits of which shall not be diminished or impaired.~~

(Source: Illinois Constitution.)

SCHEDULE

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

The foregoing HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 11 was taken up, read in full a first time, ordered reproduced and placed in the Committee on Rules.

Representative Sosnowski introduced the following:

**HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT 12**

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH 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 7 of Article III of the Illinois Constitution as follows:

ARTICLE III
SUFFRAGE AND ELECTIONS

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

(a) The recall of any Executive Branch officer named in Section 1 of Article V ~~the Governor~~ may be proposed by a petition signed by a number of electors equal in number to at least ~~10%~~ 15% of the total votes cast for Governor in the preceding gubernatorial election, with at least 100 signatures from each of at least 25 separate counties. In addition, the recall of any member of the General Assembly may be proposed by a petition signed by a number of electors equal in number to at least 10% of the total votes cast for that office in the member's Legislative District or Representative District, as applicable, in the general election in which the member was last elected. A petition shall have been signed by the petitioning electors not more than 150 days after an affidavit has been filed with the State Board of Elections providing notice of intent to circulate a petition to recall the Executive Branch officer or member of the General Assembly Governor. The affidavit may be filed no sooner than 6 months after the beginning of the officer's or member's Governor's term of office. ~~The affidavit shall have been signed by the proponent of the recall petition, at least 20 members of the House of Representatives, and at least 10 members of the Senate, with no more than half of the signatures of members of each chamber from the same established political party.~~

(b) The form of the petition, circulation, and procedure for determining the validity and sufficiency of a petition shall be as provided by law. If the petition is valid and sufficient, the State Board of Elections shall certify the petition not more than 100 days after the date the petition was filed, and the question "Shall (name) be recalled from the office of (office) Governor?" must be submitted to the electors at a special election called by the State Board of Elections, to occur not more than 100 days after certification of the petition. A recall petition certified by the State Board of Elections may not be withdrawn and another recall petition may not be initiated against the same officer or member Governor during the remainder of his or her ~~the~~ current term of office. In the case of an Executive Branch officer, any ~~Any~~ recall petition or recall election pending on the date of the next general election at which a candidate for that office ~~a candidate for Governor~~ is elected is moot. In the case of a member of the General Assembly, any recall petition or recall

election pending on the date of the next general election at which a member is elected from that member's Legislative or Representative District is moot.

(c) If a petition to recall an Executive Branch officer or member of the General Assembly ~~the Governor~~ has been filed with the State Board of Elections, a person eligible to serve in the office with respect to which the recall petition has been filed as Governor may propose his or her candidacy by a petition signed by a number of electors equal in number to the requirement for petitions for an established party candidate for the office ~~of Governor~~, signed by petitioning electors not more than 50 days after a recall petition has been filed with the State Board of Elections. The form of a successor election petition, circulation, and procedure for determining the validity and sufficiency of a petition shall be as provided by law. If the successor election petition is valid and sufficient, the State Board of Elections shall certify the petition not more than 100 days after the date the recall petition to recall the Governor was filed. Names of candidates for nomination to serve as the candidate of an established political party must be submitted to the electors at a special primary election, if necessary, called by the State Board of Elections to be held at the same time as the special election on the question of recall established under subsection (b). Names of candidates for the successor election must be submitted to the electors at a special successor election called by the State Board of Elections, to occur not more than 60 days after the date of the special primary election or on a date established by law.

(d) The Executive Branch officer or member of the General Assembly ~~Governor~~ is immediately removed upon certification of the recall election results if a majority of the electors voting on the question vote in favor of recall to recall the Governor. If the Governor is removed, then (i) an Acting Governor determined under subsection (a) of Section 6 of Article V shall serve until the Governor elected at the special successor election is qualified and (ii) the candidate who receives the highest number of votes in the special successor election is elected Governor for the balance of the term. If an Executive Branch officer other than the Governor is removed, then the Governor shall appoint a successor as provided in Section 7 of Article V to serve until a successor is elected at the special successor election and qualified. If a member of the General Assembly is removed, then a successor shall be appointed as provided in Section 2 of Article IV to serve until a successor is elected at the special successor election and qualified.

(Source: Amendment adopted at general election November 2, 2010.)

SCHEDULE

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

The foregoing HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 12 was taken up, read in full a first time, ordered reproduced and placed in the Committee on Rules.

Representative Fortner introduced the following:

**HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT 13**

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH 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 2 and 3 as follows:

ARTICLE IV
THE LEGISLATURE

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the Senate, by resolution, General Assembly by law 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) ~~Each Legislative District shall be divided into two Representative Districts. In 2022 1982 and every~~

two years thereafter 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 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.

(Source: Amendment adopted at general election November 4, 1980.)

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Legislative Districts shall be compact, be contiguous, be and substantially equal in population, reflect minority voting strengths, promote competition, and consider political boundaries. Representative Districts shall be compact, be contiguous, be and 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) In the year following each Federal decennial census year, the General Assembly by law shall redistrict the Legislative Districts and the Representative Districts.~~

A ~~If no redistricting plan becomes effective by June 30 of that year, a~~ Legislative Redistricting Commission shall be constituted by March 1 of the year following each Federal decennial census year 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 two persons 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 two persons 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 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 evaluate 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 by a majority vote of the members appointed that fail to meet federal and State law and shall eliminate maps that are substantially the same 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 best three scores. Not later than May 22 the Commission shall give to the House of Representatives the maps for Representative Districts with the best 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 best 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 best score from 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.~~

~~(d) A~~ An approved redistricting resolution or redistricting map 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.

(Source: Amendment adopted at general election November 4, 1980.)

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 2021 and to the election of General Assembly members beginning in 2022.

The foregoing HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 13 was taken up, read in full a first time, ordered reproduced and placed in the Committee on Rules.

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 1249. Introduced by Representative Ford, AN ACT concerning State government.

HOUSE BILL 1250. Introduced by Representative Ford, AN ACT concerning criminal law.

HOUSE BILL 1251. Introduced by Representative Lang, AN ACT concerning public employee benefits.

HOUSE BILL 1252. Introduced by Representative Lang, AN ACT concerning public employee benefits.

HOUSE BILL 1253. Introduced by Representatives Gabel - Cassidy, AN ACT concerning criminal law.

HOUSE BILL 1254. Introduced by Representative Feigenholtz, AN ACT concerning public aid.

HOUSE BILL 1255. Introduced by Representative Gordon-Booth, AN ACT concerning business.

HOUSE BILL 1256. Introduced by Representative Gordon-Booth, AN ACT concerning transportation.

HOUSE BILL 1257. Introduced by Representative Sosnowski, AN ACT concerning regulation.

HOUSE BILL 1258. Introduced by Representative Sosnowski, AN ACT concerning local government.

HOUSE BILL 1259. Introduced by Representative Fortner, AN ACT concerning public employee benefits.

HOUSE BILL 1260. Introduced by Representative Sosnowski, AN ACT concerning notices.

HOUSE BILL 1261. Introduced by Representative Sosnowski, AN ACT concerning public employee benefits.

HOUSE BILL 1262. Introduced by Representative Sosnowski, AN ACT concerning criminal law.

HOUSE BILL 1263. Introduced by Representative Sosnowski, AN ACT concerning criminal law.

HOUSE BILL 1264. Introduced by Representative Sosnowski, AN ACT concerning education.

HOUSE BILL 1265. Introduced by Representative Sosnowski, AN ACT concerning civil law.

HOUSE BILL 1266. Introduced by Representative Sosnowski, AN ACT concerning public employee benefits.

HOUSE BILL 1267. Introduced by Representative Sosnowski, AN ACT concerning sex offenders.

HOUSE BILL 1268. Introduced by Representative Fortner, AN ACT concerning education.

HOUSE BILL 1269. Introduced by Representative Fortner, AN ACT concerning elections.

HOUSE BILL 1270. Introduced by Representative Fortner, AN ACT concerning elections.

HOUSE BILL 1271. Introduced by Representative Thapedi, AN ACT concerning public employee benefits.

HOUSE BILL 1272. Introduced by Representatives Yingling - Martwick - Conroy, AN ACT concerning government.

At the hour of 4:31 o'clock p.m., the House Perfunctory Session adjourned.

At the hour of 6:12 o'clock p.m., the House reconvened perfunctory session.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Rita replaced Representative Lang in the Committee on Rules (A) on February 4, 2013.

Representative Osmond replaced Representative Sosnowski in the Committee on Executive on February 4, 2013.

Representative Currie replaced Representative Acevedo in the Committee on Executive on February 4, 2013.

REPORT FROM STANDING COMMITTEES

Representative Daniel Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on February 4, 2013, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 156.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 190 and 193.

The committee roll call vote on House Bill 156 is as follows:
10, Yeas; 1, Nay; 0, Answering Present.

Y Burke, Daniel(D), Chairperson	Y Rita(D), Vice-Chairperson
Y Sullivan(R), Republican Spokesperson	Y Currie(D) (replacing Acevedo)
Y Arroyo(D)	Y Berrios(D)
Y Farnham(D)	Y Jackson(D)
N Kosel(R)	Y Osmond(R) (replacing Sosnowski)
Y Tryon(R)	

The committee roll call vote on House Bill 190 is as follows:
9, Yeas; 2, Nays; 0, Answering Present.

Y Burke, Daniel(D), Chairperson	Y Rita(D), Vice-Chairperson
Y Sullivan(R), Republican Spokesperson	Y Currie(D) (replacing Acevedo)
Y Arroyo(D)	Y Berrios(D)
Y Farnham(D)	Y Jackson(D)
N Kosel(R)	Y Osmond(R) (replacing Sosnowski)
N Tryon(R)	

The committee roll call vote on House Bill 193 is as follows:
7, Yeas; 4, Nays; 0, Answering Present.

Y Burke, Daniel(D), Chairperson	Y Rita(D), Vice-Chairperson
N Sullivan(R), Republican Spokesperson	Y Currie(D) (replacing Acevedo)
Y Arroyo(D)	Y Berrios(D)
Y Farnham(D)	Y Jackson(D)
N Kosel(R)	N Osmond(R) (replacing Sosnowski)
N Tryon(R)	

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules (A) to which the following were referred, action taken on February 4, 2013, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the Floor Amendment be reported “recommends be adopted”:
Amendment No. 2 to HOUSE BILL 190.

The committee roll call vote on the foregoing Legislative Measures is as follows:
4, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson	Y Schmitz(R), Republican Spokesperson
Y Rita(D) (replacing Lang)	A Leitch(R)
Y Mautino(D)	

HOUSE BILLS ON SECOND READING

Having been reproduced, the following bills were taken up, read by title a second time and held on the order of Second Reading: HOUSE BILLS 156, 190 and 193.

At the hour of 6:13 o'clock p.m., the House Perfunctory Session adjourned.