

STATE OF ILLINOIS  
82ND GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

88th Legislative Day

March 30, 1982

Speaker Ryan: "The House will come to order, and the Members will be in their seats. We'll be led in prayer this morning by Reverend Joe Smith from the Calvary Temple Church of Springfield, Illinois. Reverend Smith."

Reverend Smith: "Will you bow your heads for prayer? Heavenly Father, we are thankful that we can come before this morning. We ask God that You would give us guidance this morning as we prepare to do the tasks that are before us. I ask, Father, that You would lead and guide each and every Representative that is here this morning, that You would give them the wisdom they need as they make the decisions, that Your spirit would be felt in this place and that this Body here would be unified as one to accomplish the tasks that are before them. I pray for guidance. I ask God that You would be with them, that You would touch and anoint each and every person that is here. And in the name of Jesus we ask it. Amen."

Speaker Ryan: "Thank you, Reverend. We will be led with the Pledge today by Representative Epton."

Epton 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 Ryan: "Roll Call for Attendance. Take the record, Mr. Clerk. 144 Members answering the Roll, a quorum of the House is present. Representative Lechowicz, for what purpose do you seek recognition?"

Lechowicz: "Thank you, Mr. Speaker. Would the record kindly show that Representative Huff is excused because of illness, and Representative Getty and Katz are excused?"

Speaker Ryan: "The record will so indicate. Representative Polk, do you have some excused absences?"

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Polk: "Mr. Speaker, Representative Celeste Stiehl is at a prison site hearing in East St. Louis and requests that she be excused."

Speaker Ryan: "I understand Representative Wolf is absent today because of a death in the family, or will be late at least."

Polk: "And Representative Boucek has a death in the family."

Speaker Ryan: "Okay, now is there anybody else? The record will so indicate. Let the record show that Representative Epton is here today. Representative Friedrich, for what purpose do you seek recognition?"

Friedrich: "Mr. Speaker, I would like unanimous consent to table three House Bills of which I am the principal Sponsor. They are in Rules Committee, and the Bill number is 1640, 1943 and 1944."

Speaker Ryan: "The Gentleman asks leave to table House Bills 1540, 194..."

Friedrich: "No, 1640, Mr. Speaker, 1-6-4-0."

Speaker Ryan: "1-6-4-0, 1943 and 1944. Are there any objections? Hearing none, leave is granted, and those Bills are tabled."

Friedrich: "Okay, Mr. Speaker, I would also like to say that House Bills 2166 by Representative Ackerman, 2155 by Rhem and 2046 by Keane were posted in error. They are Appropriation Bills and should not appear on the Rules Committee hearing."

Speaker Ryan: "What are the...what are the numbers again, Representative?"

Friedrich: "2155, 2046 and 2166. They are Appropriation Bills, and they were posted in error."

Speaker Ryan: "The record will so indicate."

Friedrich: "Okay, now, Mr. Speaker, I have a couple of three errors, actually, that I will take the blame for."

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Representative Schneider has House Bill 2176. We posted 1276, and that is my error. 2313 by Representative Huskey should...it should be 2314, and 1971 by Representative Davis. He was timely in putting it in. It was an error in my office. So I would like unanimous consent to show that 1971, 2176 and 2314 are included in the posting."

Speaker Ryan: "You've heard the Gentleman's Motion. Are there any objections? Hearing none, leave is granted for the postings. Representative Huskey, for what purpose do you seek recognition?"

Huskey: "For a...for a Motion, Mr. Speaker. Pursuant to Rule 18B and 18K, I move to suspend the posting requirements in Rule 18 to hear the House Motor Vehicles Committee, two proposed Committee Bills on March 30th at 2 p.m. That is today at 2 p.m., Sir."

Speaker Ryan: "You've heard the Gentleman's Motion to suspend the appropriate posting rules to hear two Bills, two Committee Bills in the House Motor Vehicles Committee at 2 p.m. today. Are there any objections to granting leave? Hearing none, leave is granted, and those posting rules are suspended. Introduction and First Reading of House Bills."

Clerk O'Brien: "House Bill 2331, Brummer, a Bill for an Act to amend Sections of the Unified Code of Corrections, First Reading of the Bill. House Bill 2332, Stearney, a Bill for an Act to amend Sections of the Unified Code of Corrections, First Reading of the Bill. House Bill 2333, Jaffe, a Bill for an Act to amend Sections of the Election Code, First Reading of the Bill. House Bill 2334, Irv Smith, a Bill for an Act to amend Sections of the Bingo License and Tax Act, First Reading of the Bill. House Bill 2335, Sandquist - et al, a Bill for an Act to amend Sections of an Act in relation to state finance, First Reading of the Bill. House Bill 2336, Sandquist - et al, a

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Bill for an Act making an appropriation to the Select Joint Committee on Regulatory Agency Reform, First Reading of the Bill. House Bill 2337, Representative Topinka - et al, a Bill for an Act to amend Sections of the Illinois Vehicle Code, First Reading of the Bill. House Bill 2338, Henry, a Bill for an Act to amend the State Employees' Retirement System Article of the Pension Code, First Reading of the Bill. House Bill 2339, Representatives Winchester - Yourell - McMaster and Cullerton, a Bill for an Act making appropriations to the State Board of Elections, First Reading of the Bill. House Bill 2340, Daniels, a Bill for an Act to amend Sections of the Real Estate Brokers' and Salesmen's License Act, First Reading of the Bill. House Bill 2341, Representative Huskey, a Bill for an Act to amend Sections of the Parental Responsibility Law, First Reading of the Bill. House Bill 2342, Leinenweber - Getty, a Bill for an Act in relation to land trusts and the power and authority of trustees for land trusts to deal with trust property, First Reading of the Bill. House Bill 2343, Representatives Piel - May...Mays and Davis, a Bill for an Act to amend Sections of an Act concerning public utilities, First Reading of the Bill. House Bill 2344, Representatives Collins and Tuerk, a Bill for an Act to create the Labor Law Revisionary Commission, define its powers and duties, First Reading of the Bill. House Bill 2345, Collins - et al, a Bill for an Act making an appropriation to the Labor Law Revisionary Commission, First Reading of the Bill. House Bill 2346, Representative McMaster, a Bill for an Act to amend Sections of the Revenue Act, First Reading of the Bill. House Bill 2347, Representative McMaster, a Bill for an Act to amend Sections of the Illinois Public Aid Code, First Reading of the Bill. House Bill 2348, Representative Hastert, a Bill

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for an Act to amend Sections of the Revenue Act, First Reading of the Bill. House Bill 2349, Representative Kustra - et al, a Bill for an Act to amend Sections of the School Code, First Reading of the Bill. House Bill 2350, Representative Polk, a Bill for an Act in relation to election contests, First Reading of the Bill. House Bill 2351, Representative McPike, a Bill for an Act in relation to certain charitable public trusts, First Reading of the Bill."

Speaker Ryan: "Representative Tuerk, for what purpose do you seek recognition?"

Tuerk: "Mr. Speaker, Members of the House, I would like leave to...leave of the House to table two Bills that are on page four of the Calendar. They are on Third Reading. House Bill 672, House Bill 675."

Speaker Ryan: "The Gentleman asks leave to table House Bills 672 and 675. Are there any objections? Hearing none, leave is granted, and those two Bills are tabled. On the Calendar on page 12 under the Order of Constitutional Amendments Second Reading appears HJRCA #7, Representative O'Brien. The Gentleman in the chamber? Out of the record. HJRCA #13, Representative Daniels. Do you want it called? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #13, Amendment proposes to amend Section 8 and 12 of Article VI of the State Constitution relating to the Judiciary, Associate Judges, and election and retention."

Speaker Ryan: "Are there any Amendments?"

Clerk O'Brien: "This Bill has been read a second time previously, and Amendment #1 was adopted."

Speaker Ryan: "Are there any further Amendments?"

Clerk O'Brien: "Amendment #2, Cullerton, amends House Joint Resolution Constitutional Amendment #13 on page one by

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deleting lines eight and nine and so forth."

Speaker Ryan: "Representative Cullerton on the floor? Representative Cullerton. Representative Cullerton, your Amendment on HJRCA #13, Amendment #2. Representative Cullerton, are you ready on Amendment #2?"

Cullerton: "Yes, I am, Mr. Speaker. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Constitutional Amendment purports to eliminate elective selection of Judges and replace it with an appointive selection. What this Amendment does is, quite frankly, to change that Amendment, that Constitutional Amendment, but with certain admissions that we can improve upon the manner in which Judges are slated right now. What this Amendment would do would be to rewrite the Resolution and provide for the creation of a Judicial Screening Commission to certify the fitness of candidates for Supreme, Appellate, Circuit Court and Associate Judges. What is important to remember is that we would keep the election of Judges, but we would insure that qualified candidates would be the people who would actually run. It has been argued that, especially in Cook County, there is so many Judges that run that the people really aren't given an opportunity to fully understand and appreciate all of the qualifications of the candidates. Others disagree, of course, because we do have the Bar Association and the newspapers that, in effect, screen our candidates for us. But what this would do, this Amendment, would be to say that no person would be eligible to serve as a Judge unless they were certified by the Judicial Screening Commission. By the way, the Judges that are in office at the time of this adoption would not come under this provision. There would be a 23 member statewide Judicial Screening Commission. The First Judicial District would provide nine of them, and the other four

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downstate districts would provide 12. There would be two at large appointed by the Supreme Court. They would serve for six-year terms, and the Supreme Court would designate one of the Judge members as the Chairman for a two-year term. The Screening Commission shall use the following criteria in determining whether someone should be certified as a candidate for Judge: Their judicial temperament, their legal knowledge, their experience as an attorney or a Judge their integrity, their impartiality, and their absence of prejudice, and the avoidance of impropriety. There would be two separate categories for the purposes of evaluation and certification - Supreme and Appellate Court in one and Circuit and associates in the other. Now, of this 23 member Screening Commission, it would require a 12 vote majority to be certified. And remember, it is a statewide Commission, so that for those people who are upset about the First Judicial District not providing for quality candidates or the First Judicial District ramrodding through their own potential candidates, this insures that they would have to pick up at least three more votes from outside the First Judicial District before their candidates could be certified. It is a very good, I think, Amendment, because...while it keeps the...the citizens' right to control who their Judges are through the elective process, it does allow for reflection by a qualified Committee to make sure that those people who decide to run are, indeed, qualified. I can appreciate the Gentleman from DuPage's concern about changing the system. In DuPage County, they don't even have a procedure as we have in Cook County where the Cook County slate makers defer to the Chicago Bar Association and their recommendations for candidates. In DuPage County, the Bar Association's recommendations are totally ignored, and I am sure that that is of a concern to

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the Sponsor of this Constitutional Amendment. I think the...the provision that he seeks to introduce is so elitist in its nature, it, in effect, takes away the right of the people to make a decision as to who their Judges should be. So this, Amendment #2, is designed to substitute for the so-called merit selection or appointive selection of Judges, keep the elective forum, but provide for a statewide Screening Commission that would be selected, first by the Supreme Court, non-lawyers appointed by the Governor with the advice and consent of the Senate, and attorneys who would be selected from their district, and they would make and have veto power over who could be a candidate to run for Judge. These...this Commission would, by the way, provide for a pool of candidates. You could submit your name to the Commission and get certified. That certification would last for six years, but you wouldn't have to decide to run. You could decide to run two, three, four, five, maybe even six years later. But at that time, if you wanted to be a candidate for Judge, you would have to be certified by the statewide Commission. It would function in much the same way that the Bar Associations function right now, just that it would be statewide. It would be part of our Constitution. It is a very long Amendment. I hope I've explained it prop...as best I can. And if there are any questions, I would be happy to answer them."

Speaker Ryan: "Is there any discussion? The Gentleman from Cook, Representative Kustra."

Kustra: "Thank you, Mr. Speaker, this is one of the most important subjects that we're going to be dealing with this Session, and I am just curious in looking around my area here, no one seems to have the Amendments. Mr. Speaker, could you determine if the Amendments have been

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distributed? We have no Amendments."

Speaker Ryan: "Have the Amendments been printed and distributed, Mr. Clerk? Yes, the Clerk tells me they have been printed and distributed."

Kustra: "Today, or last week, or..."

Speaker Ryan: "At the start of the Spring Session."

Kustra: "Thank you."

Speaker Ryan: "They reprinted all Amendments. Is there any further discussion? The Lady from Champaign, Representative Satterthwaite, on Amendment #2. Five minutes."

Satterthwaite: "No, Mr. Speaker, I thought I had turned my light out, because my question has been answered."

Speaker Ryan: "Alright, any further discussion? The Gentleman from Marion, Representative Friedrich, on Amendment #2. Five minutes."

Friedrich: "Would the Sponsor yield to a question? Who is going to select these people who are going to play God and decide they can decide who is a better Judge than me, a voter?"

Cullerton: "There is a 23 member Screening Commission."

Friedrich: "Yeah, I understand that, but you've got to have some brains to pick the people who pick the people. I...that is...I just want to know who is going to pick the people."

Cullerton: "Well, the first....Well, I share your concern, Representative, and that is why I object to the Constitutional Amendment that was filed as filed. Because people are playing God. But what we're doing here is we're letting the people decide who the Judges are going to be because we're going to keep the election. But all we're saying is that this Commission is going to decide whether someone is eligible to be a candidate for Judge. And you want to know who they are. The Supreme Court appoints three out of the First Judicial District. The Governor

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appoints three non-lawyers, and three attorneys are elected from within the district. And the other four downstate districts, three Circuit or Appellate Court Judges will be appointed by the Supreme Court...for the Circuit and Appellate Court Judges. There would be three appointed by the Supreme Court, three non-lawyers appointed by the Governor, and one...three attorneys selected by the attorneys from the district."

Friedrich: "Mr. Speaker, briefly, we're back to square one. We've got the Judges deciding who is going to be Judges. Now, they might not like the personality of Representative Reilly or Representative Daniels. They might think that they were...they didn't dress right, or their hair was too curly or something else. And it is strictly the decision of these few people who are going to decide who sit in judgment. I don't like any method where we've got people selecting people to select people as opposed to the power of the people themselves."

Speaker Ryan: "Is there any further discussion? The Gentleman from DuPage, Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, Representative Cullerton's Amendment, as we all know and as we all expected, was intended to gut the very hard working efforts of the Merit Selection Committee, a Committee that all of you have been hearing from throughout the past few years, that is a bipartisan Committee working for the very important subject of merit selection of Judges. Amendment #23 is the Amendment that will be presented to you which is the Amendment that has been worked for several years - many, many thousands of hours of manpower and womanpower - in an effort to put together this Amendment to a position where the people of the State of Illinois can have a vote as to whether or not they want merit selection of Judges

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enacted in Illinois. Now, Representative Cullerton has smokescreened this issue. Amendment #2 is merely a substitute proposal that has no relationship whatsoever to the very important topic of merit selection. It is very simple. Very simple. Vote this Amendment down. Give yourself an opportunity to hear Amendment #23 so that we, we in turn can give the people of Illinois an opportunity to decide whether or not they want circuit by circuit the subject of merit selection of Judges. This is a phony Amendment. This is a substitute proposal. It has no bearing whatsoever on the very important issue of merit selection of Judges, and I urge you to reject it."

Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Getty. Representative Greiman, is your...did you wish to speak from Representative Getty's seat? That is highly irregular, Representative, but we'll allow it."

Greiman: "Well, my observation was merely that with respect to some changes in the offered Amendment, I see in Amendment #22 that Representative Daniels has offered...he wants the Attorney General, and he wants the Comptroller, and he wants the Treasurer to spe...to make the appointments, or one of them possibly make those appointments. And I, for the life of me, don't understand how the...the author of a...an Amendment that would suggest that somehow the State Treasurer or the State Comptroller has the power or has the ability to appoint members of a panel, that that is not a subterfuge, and that that is sincerity. And I think that Representative Cullerton's Amendment is a significant compromise, a very significant compromise, to the whole issue of judicial selection which has plagued us for a long time. It...it brings to us a quality for the bench. On the other hand, it does not disenfranchise the millions of

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Illinois citizens who would vote on it. Thank you."

Speaker Ryan: "Is there any further discussion? The Gentleman from Macon, Representative Dunn."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Those of you who are either for or against merit selection should lay down your considerations on both sides of the question and take a close look at this Amendment. What this Amendment says is that the voters shall not decide who your Judges are going to be, but a Screening Commission. And the voters will then pick and choose after the Screening Commission has decided who the voters shall have a chance to vote upon. If you believe in the elective process, you should defeat this Amendment. This is a bad Amendment. It has absolutely nothing to do with merit selection. It is a subterfuge to kill merit selection, but it is also a harmful Amendment because it de...deprives the voting public of their right to go through a nominating process to put up candidates to be on the general election ballot. This procedure would be replaced by a Screening Commission, none of whom are elected. If you like that kind of thing, vote for this Amendment. If you do not like that kind of thing, oppose this Amendment and reserve judgment later about the general issue, the more substantive issue, of merit selection."

Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Cullerton, to close on Amendment #2."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. So, Mr. Daniels and Dunn are clear, this is no subterfuge or smokescreen to kill merit selection. I said it is designed to kill merit selection right from the start. It replaces their Bill. It is a better concept. There are other Amendments, out of the 23 that have been

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filed, that are designed to modify or improve on the proposal that he made. But, I'll make it clear right now, Amendment #2 substitutes a different concept for their so-called merit selection. I am very appreciative of Mr. Dunn's comments that this...about the concern of taking away the peoples' right to elect the Judges. That is what this Amendment does. It retains the peoples' right to elect their Judges. It just says that a practice that we have in Cook County right now where the Bar Association screens candidates and makes recommendations, and where that, at least the Democratic Party in Cook County has said that they will not slate candidates unless they have been approved by the Bar Association, this takes that concept and makes it statewide. It forms a statewide Screening Commission. You need a majority of the people on the Commission to vote to certify candidates. It provides for a pool of candidates that, then, are eligible to run for office. I think it should be clear that, yes, this is a substitute for the Bill that was presented by Representative Daniels and Representative Dunn. It is an important, as Representative Greiman said, it is an important compromise. It should bring to areas like Cook County, where the party structure there totally ignores the Bar Association's recommendations, it takes that situation away and says that there is a Nominating Commission...I'm sorry, a Screening Commission that reviews the qualifications of candidates. It is an excellent concept. It should be brought to the entire...voters of Illinois, not just the voters in Cook County, as we now have it. It is a tremendous improvement over the inadequacies and the unfairness provided by the so-called merit selection Constitutional Amendment. I urge that you vote 'aye' for this Amendment. Thank you."

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Speaker Ryan: "The question is, 'Shall H...shall Amendment #2 to HJRCA #13 be adopted?'. All in favor will signify by saying 'aye', all opposed 'no'. Would you like a Roll Call, Representative Cullerton? Well, it was pretty plain to me. The question is, 'Shall Amendment #2 to HJRCA #13 be adopted?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Robbins, two minutes to explain your vote."

Robbins: "Mr. Speaker and Ladies and Gentlemen..."

Speaker Ryan: "One minute."

Robbins: "Mr. Speaker and Ladies and Gentlemen of the House, I have Amendments #2 through #20 on my desk. If any of you wish to know what you're voting on, you're welcome to come read the Amendments."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 56 voting 'yes', 86 voting 'no', 1 voting 'present'. And the Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Cullerton, amends House Joint Resolution Constitutional Amendment #13 on page eight, line 33 by deleting 'Judge's candidacy' and so forth."

Speaker Ryan: "Representative Cullerton on Amendment #3. Five minutes to present your..."

Cullerton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. For the Sponsor of this Amendment's benefit, this is not a subterfuge or smokescreen intended to kill the merit selection Bill. This is a modification of his Amendment. Now, he has already admitted that after he submitted the Bill, that he has proposed certain Amendments himself. We also have been viewing his Amendment, and we believe that this Amendment is an improvement on the Constitutional Amendment as he proposed it. This has to do with the issue of retention of Supreme and Appellate Court

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Judges. In spite of the fact that it purports, that the Constitutional Amendment purports to eliminate election of Judges, they retain in their Constitutional Amendment the requirement that the people vote to retain Judges. And these Judges need a three-fifths vote on the ballot, where they go out and campaign, to be retained as Judges. What this Amendment does is to provide that the House and the Senate, that is us, we shall vote on the retention of the Supreme and Appellate Court Judges, not the electors. To be consistent with their theory that the elect...the electorate should not have anything to do with the selection of Judges, we say that to retain Judges for the Appellate and the Supreme Court, and there would be about 43 Judges total, those 43 Judges to be retained would have to be approved by the Senate and by the House. And I think it is a definite improvement on their Bill which is inconsistent in that in some cases the people get to vote and in other cases they can't. In this Section...in this Amendment, we provide that we, the elected Representatives of the people, will have the right to decide whether or not the Supreme Court should be...members should be retained or whether Appellate Court members should be retained. They would have to get the approval of both the Senate and the House. I think this is an Amendment that Representative Friedrich would love, and I would appreciate your affirmative vote. I would be happy to answer any questions."

Speaker Ryan: "Any discussion? The Gentleman from DuPage, Representative Daniels, on Amendment #3."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, this Amendment really tells what it is all about with the Representative making the proposals. He is suggesting that the General Assembly would have the power to retain Judges.

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This would make Judges accountable, not to the public, but to the Legislature. Now, I know we would all kind of like that idea to have power over the Judiciary in that fashion, and I guess in many ways we do, because we do act on their pay increases, if any. But what the Gentleman proposes here is similar to a fashion that would make a mockery of the judicial system in the State of Illinois. I think it is evidence of the type of Amendments that this man is going to propose and his attitude of the very, very important subject of merit selection of Judges. Representative Cullerton, let the people speak. Let the people decide whether or not they want merit selection of Judges in the State of Illinois. Let them vote on it. Let Cook County decide. Let DuPage decide. That is all we're saying in this very important dialogue that is going on, that is taking up the valuable time of this House. Let the people of Illinois decide whether or not they want to have merit selection of Judges. What are you afraid of? Table this stupid Amendment."

Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Cullerton, to close."

Cullerton: "Well, Mr. Speaker, I thought I was the only one who could do impersonations, but you've just seen a Pat Quinn impersonation. 'Let the people decide.' Sure, we've heard that before. 'Let the people decide.' This Amendment that he calls a stupid Amendment is modeled, I might add, after the federal Judiciary. You know, the so-called federal Judiciary merit selection. They are recommended by Senators, and the Senate, the U.S. Senate approves whether or not they become Judges. The same concept is being presented to us by this Amendment. The Senate and the House. Why should the House be excluded from recommending whether or not Judges should be retained? That is what

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this Amendment does. And his argument that we should...well, I'll just re...I'll keep my arguments with respect to this Amendment. We'll talk about the general Amendment later on. But you've heard the arguments by...made by Mr. Quinn with respect to letting the people decide. The people can be very, very confused if certain monies are spent, if certain bad, fallacious arguments are made, and I think that is what happened. We know that's what happened with respect to the cut back Amendment, and the same argument is now being made by Representative Daniels. This is a very good Amendment. It is modeled after the federal, so-called federal merit selection, and I think that it is a concept that we should have in our state courts. Thank you."

Speaker Ryan: "The question is, 'Shall Amendment #3 to HJRCA #13 be adopted? All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Cullerton, did you want to explain your vote? Turn your light off then, would you please? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 45 voting 'aye', 92 voting 'no', 1 voting 'present'. And the Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Cullerton, amends House Joint Resolution Constitutional Amendment #13 as amended in Section 12.1 and so forth."

Cullerton: "Mr. Speaker, Amendment #4 was..."

Speaker Ryan: "Representative Cullerton on Amendment #4."

Cullerton: "Amendment #4 was predicated on Amendment #2 passing, so I would ask to withdraw Amendment #4."

Speaker Ryan: "Withdraw Amendment #4."

Cullerton: "Thank you."

Speaker Ryan: "Further Amendments?"

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Clerk O'Brien: "Floor Amendment #5, Cullerton, amends House Joint Resolution Constitutional Amendment #13 as amended in Section 12.2 and so forth."

Speaker Ryan: "Representative Cullerton on Amendment #5."

Cullerton: "The same is true for Amendment #5. I would ask to withdraw it please."

Speaker Ryan: "Withdraw Amendment #5. Further Amendments?"

Clerk O'Brien: "Floor Amendment #6, Getty - Greiman, amends House Joint Resolution Constitutional Amendment #13 on page three, line 25 and so forth."

Speaker Ryan: "Representative Greiman on Amendment #6."

Greiman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #6 provides the Senate with the right to advise or consent to the selection that the Governor has made. Now, remember this, when the Governor selects his own cabinet, the people who are closest to him, the people who carry out his will, when he selects them, he must go through the process of having the Senate advising and consenting to that appointment to his very closest associates. He must subject them to that kind of...of rigorous scrutiny by the Senate. Certainly, then, we should have the Senate making the same kind of advise and consent on officers who will be developing a fair, and free, and open Judiciary. Certainly, it makes sense to give the Legislative Body some kind of oversight. It is deeply ingrained in our tradition to provide that Executive appointments shall be advised and consented upon by the...by the upper House. And that is what this Amendment #6 does. It is fair. It does not kill the Bill. It does not kill the Resolution. It does not destroy merit selection. But as a matter of fact, it is a counterbalance and is reasonable in every way."

Speaker Ryan: "Is there any discussion? Representative Daniels

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on Amendment #6."

Daniels: "Mr. Speaker, of course, if it was reasonable in every way, it wouldn't be subject to the debate. But the fact of the matter is that it is very unreasonable, because one of the things that the Merit Selection Committee has attempted to do is to remove the Legislative bargaining from the issue of judicial nomination. This appointment makes...this Amendment makes the final appointment of Judges subject to the advice and consent of the Senate. This Amendment would add, decisively, partisan overtones to judicial selection and could result in judicial nominations being held in Legislative bargaining. Now, the Sponsor of the Amendment, I am sure, would like to have that as he has in the past. The fact of the matter is that that strikes to the heart of merit selection of Judges. The second part to be observed is, of course, the Amendment is totally unnecessary. I would suggest that the easiest way for the Members of the House would be go straight to Amendment #23 which is the Amendment that deals with the issue of merit selection, whether or not this is adopted, which is an unimportant Amendment, but one that would attack the subject of merit selection. So I ask that you defeat this. This is a bad Amendment. It does add Legislative bargaining. It does add politics into the question of merit selection, and once again, takes from the people of the State of Illinois the opportunity to decide whether or not they want district by district or circuit by circuit merit selection of Judges, because that is what the Bill is going to say. Does your circuit want to have merit selection of Judges? If you don't, it can vote it down. The Constitutional Amendment doesn't automatically put it in place. All that it does is give the people of your circuit the opportunity to decide whether or not they want

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to have merit selection. This goes to the heart of it.  
This is a bad Amendment, and I ask you to defeat it."

Speaker Ryan: "Representative Greiman to close."

Greiman: "Well, of course, Representative Daniels brought this Bill down from Mount Siani. It was engraved in stone. No word can be changed in it. No paragraph can be changed. No comma can be expunged. It must pass this House exactly as Representative Daniels, while communing with the Lord, brought it to us. Now, Representative Daniels would probably tell us that even the Governor is a politician. Even the Governor is elected from some party or other. In this case, why would we suppose that the Governor, who is a Democrat or Republican, and he might be a Democrat next time around, wouldn't be interested just a teeny weeny bit in politics, that maybe that Governor might be a little political. And so this is a counterbalance. Now it may well be that the...that the Senate and the Governor would be of the same party. However, that doesn't necessarily insure unanimity. All this does is do what we do for all of the other appointments that Governors make. It provides a check and a balance. That is what our system is about. It is about checks and balances, checks on the Judiciary, checks on the Executive, and if you will, checks on the Legislative as well. That is what this does. That is all it does. Representative Daniels' rhetoric is beautiful. He talks about the same thing each time...on each Amendment, but he doesn't really go into this Amendment. This Amendment evens it out. This Amendment is a check and balance Amendment. I ask you to support it."

Speaker Ryan: "The question is, 'Shall Amendment #6 to HJRCA #13 be adopted?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 45

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voting 'aye', 86 voting 'no', and 1 voting 'present'. And the Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #7, Vinson, amends House Joint Resolution Constitutional Amendment #13 on page one, line nine by inserting '10' immediately after eight and so forth."

Speaker Ryan: "The Gentleman from DeWitt, Representative Vinson, on Amendment #7."

Vinson: "Mr. Speaker, would you withdraw this Amendment please?"

Speaker Ryan: "Withdraw Amendment #7. Further Amendments?"

Clerk O'Brien: "Floor Amendment #8, Greiman, amends House Joint Resolution Constitutional Amendment #13 on page one by changing lines eight and nine to read as follows and so forth."

Speaker Ryan: "Representative Greiman on Amendment #8."

Greiman: "Thank you, Mr. Speaker. We are one. We are one state. We are not five states, or forty states, or thirty states. We are one state. This Amendment provides that when the people of Illinois adopt this Resolution #13, that it will apply from Waukegan to Cairo, that it will apply in every part of the state. That if justice is good in Cook County, then justice is good in Union County, that if Madison County...that Madison County will pick its Judges the same way that Lake County does, that we are one people. We are one state. I've heard a number of times from the chief proponent of HJRC...#13, 'Let the people talk, let the people talk'. Yes, let the people vote. Let the people of Illinois decide what kind of system we shall have for this state. This state is one state. Justice should be uniform throughout this state. We are one. I ask you to remove the...the...don't vulcanize our state, which is what happens. We will be vulcanizing our state unless we have the kind of judicial system that is the same all over the

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state. I ask you, therefore, to adopt Amendment #8."

Speaker Ryan: "Is there any discussion? Representative Daniels."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, this Amendment eliminates your local option, your constituents being able to address the subject of merit selection of Judges. We agree that district by district, circuit by circuit, the Circuit Court Judges should be addressed in the issue of merit selection. What the Gentleman is really trying to do is to defeat altogether the issue of merit selection of Judges, because he knows there are different parts of the state that feel differently on this issue. And this is a recognition truly of what the people of this state feel. I don't think this Amendment is in order because it goes to the proposition of repealing a section of Section 12 of the Constitution. And when, in fact, it doesn't address that, Mr. Parliamentarian, I would ask for a ruling, but barring that ruling, I would suggest to you that once again another Amendment, the Gentleman showed his colors just a few Amendments ago. Once again, we're trying to deny the people of Illinois to express their opinion. I think this Amendment is out of order. It...it amends the title proposing..."

Speaker Ryan: "May we see the...copy of the Amendment, Mr. Clerk? Explain your point, Representative."

Daniels: "Amendment #8 states on line six 'repeals Section 12 of Article VI of the Constitution', yet nowhere in that Amendment does it refer to a repealer of that. Therefore, it is out of order."

Speaker Ryan: "Your point is well taken, Representative. The Amendment is out of order. Further Amendments?"

Clerk O'Brien: "Floor Amendment #9, Greiman, amends House Joint Resolution Constitutional Amendment #13 as amended on page

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one, line nine by changing 12.3 and 12.4 and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Greiman, on Amendment #9."

Greiman: "Thank you, Mr. Speaker. Perhaps we should assume that the people of Illinois will vote on this Constitutional Amendment, and they will adopt it, and that the circuits will thereafter adopt it. Under this Resolution, as it is drawn, all of the Associate Judges, who number some 400 or so, would then be on retention balance. What that would mean is this, in my county, in Cook County, each year we have about 60 people, perhaps, on retention. We would now have 150 people on retention. I have no idea how the people of Illinois could go through 150 names and know anything about retention. I would propose, therefore, that all we do is delete the retention provisions. Now, that has nothing to do with merit selection. It doesn't have anything to do with any of the other things. It doesn't deny the people of Illinois their right to vote on anything. It just says, 'Let's not have retention'. That is all it says. Let's not have 150 names on a Cook County ballot. Now, Mr. Daniels, who I have mentioned by name, Mr. Daniels ascribes to all of us the blackest of hearts because we oppose some part of his Resolution. I wonder if Mr. Daniels, though, is anxious to have 150 names on Cook County ballots. I wonder if that is what he wants to do, add...lengthen our ballots 150 names, because that is what Mr. Daniels from DuPage County would be doing to Cook County voters. It is unfair. It is ridiculous, and Amendment #9 should be adopted."

Speaker Ryan: "Is there any discussion? The Gentleman from Cook, Representative McAuliffe, on Amendment #9."

McAuliffe: "Well, Mr. Speaker, Ladies and Gentlemen of the House, it is just to answer a question that Representative Greiman

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just posed. Representative Greiman said he didn't know what we would do if there was 150 Judges up for retention. I would suggest to him that if you voted 'no' on all of them, you would be right 95% of the time."

Speaker Ryan: "Any further discussion? The Gentleman from DuPage, Representative Daniels, on Amendment #9."

Daniels: "Well, of course, Mr. Speaker, Ladies and Gentlemen of the House, if that was your feeling, you would have a right to do just that. And then, once again, your vote would count as to the true meaning of how you applied the subject of retention to the Judiciary. And that is, of course, what merit selection allows to be done. What the Gentleman is really proposing is he is suggesting that Judges should have lifetime tenure. And that is the essence of Amendment #9. Once again, here we go again. Another one of those Amendments. It has gut the subject of merit selection of Judges, the thousands of hours that have been spent working on this issue. What are you afraid of? Why don't you let the people speak on the issue? Advance it to Third Reading, Amendment #23 is the one that you want to advance to Third Reading, Representative Greiman. Let your area, let your constituency, and let the people of the state speak on whether or not they want to adopt this as a Constitutional Amendment. Then we'll decide whether or not merit selection of Judges is the one that the people of Illinois really want to have. Vote against Amendment #9. It is another one of his ploys to strike the important area of merit selection."

Speaker Ryan: "Representative Greiman to close."

Greiman: "Well, the Gentleman...the last Gentleman to speak, I wonder, could we just buy one of those tapes and...instead of having to hear the same thing? We are being...what we are being subjected to is sort of a mindless response."

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These are all different Amendments. They are all conceived differently. For example, this doesn't even touch the selection process. This touches the retention process. I believe that this particular provision is probably good if we never go anyplace with this Bill. We should probably change our retention. I believe we should have a recall system in Illinois. I am in favor of recall in Illinois. I think retention is nonsense. It doesn't work. We all know it doesn't work. But Representative Daniels keeps talking about the same business over and over again. We're denying this. We're...a minute ago or so I wanted all the people of Illinois, all the people, to vote on it - all of them from one corner of the state to the other. And Representative Daniels didn't like that. That didn't suit him. The answer is, and I ask your indulgence, that we read these Amendments, that we look at them, and that we Judge each one, not with some tar brush that Mr. Daniels would let us do, but we read them, and we mindfully think about them, and we adopt them. This Amendment is a thoughtful Amendment which is honestly and humbly submitted, and I believe it...it would strengthen our electoral process. Vote 'yes' on...on Amendment #9."

Speaker Ryan: "The question is, 'Shall Amendment #9 to HJRC A #13 be adopted?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 48 voting 'aye', 90 voting 'no', and 3 voting 'present'. And this Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #10, Breslin, amends House Joint Resolution Constitutional Amendment #13 on page five, line 27 by deleting 'the majority of...'"

Speaker Ryan: "Representative Breslin on Amendment #13...#10."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. I am aware of why you have had this...this feeling towards the voting in...on these...these past Amendments. However, I cannot, for the life of me, figure out how you could possibly vote against this particular Amendment that I am proposing right now. This Constitutional Amendment takes away from you and your constituents a very valuable right, the right to elect the officials who hold one whole branch of state office, the Judiciary. That is a significant right that strikes at the heart of democracy and should not be taken without the most concern and the most constant deliberation. This Amendment, as proposed to you, would allow each circuit to opt out with a simple majority of those voting on the proposition, not a majority of those voting in the entire election. You will recall that the past Constitutional Amendment that was required...that we recently passed required approval by three-fifths of those voting on the proposition or a majority of those voting in the election. That is the Illinois Constitution Article XIV Section 2 Subsection B, if you care. My proposal is that an opt out or an opt in not be allowed unless there is at least three-fifths of those people voting on the proposition vote in favor of the change. Thank you."

Speaker Ryan: "Is there any discussion? The Gentleman from DuPage, Representative Daniels."

Daniels: "Well, of course, the Lady is fully aware, fully aware of the fact that in order for it to even go on the ballot it must pass this House by a three-fifths vote. It must pass the Senate by a three-fifths vote and then must be adopted by the citizenry of Illinois, adopted by a majority of those voting on the issue. The Lady is aware of that. Once again, what we are trying to do is make it more difficult for the people of our state even to address the

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subject of merit selection of Judges. That is what this whole series of Amendments are all about. You find out whether or not these people are for merit selection. Their answer is no. Then you find out the motivation behind these Amendments, and you find the true meaning behind every single one that they present; and, that is to gut the issue of merit selection, and, once again, the safeguards are provided by our Constitution. The local option whether or not your circuit wants to go under merit selection is not a Constitutional Amendment, should not have the Constitutional guidelines, requirements or guarantees, and; therefore, its adoption by the majority vote is the vote that would be appropriate. And once again, Ladies and Gentlemen of the House, this is another Amendment, same as the other ones, in an effort to destroy the true issue and to delay voting on this question. Defeat this very bad Amendment."

Speaker Ryan: "Representative Breslin to close."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. Well, we've heard Representative Daniels' standard speech again. I suggest to you that this is not the standard Amendment, Ladies and Gentlemen, and I speak, in particular, to those of you outside of Cook County, those of you who downstate want to keep your present election of Judges. You don't think that you would ever give up that right if put to the people. I suggest that it is very possible, the way this Amendment is drafted, that you could lose your right to vote in judicial elections. Let's say we have a non-controversial election coming up on the local scene. Maybe 1,000 people turn out to vote. Maybe 501 of those people decide they want to give up their right to elect the Judiciary. Do you think 501 people should make that kind of decision? I ask your consideration."

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Speaker Ryan: "The question is, 'Shall Amendment #10 to HJRC A #13 be adopted?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 76 voting 'aye', 73 voting 'no'. Representative Dunn, for what purpose do you seek recognition?"

Dunn: "Mr. Speaker, I request a Poll of the Absentees on this Amendment."

Speaker Ryan: "Poll of the Absentees. The Gentleman requests a Poll of the Absentees. Poll the Absentees, Mr. Clerk."

Clerk O'Brien: "Poll of the Absentees. Abramson, Bianco, Boucek, Catania, Deuster, Ralph Dunn, Garmisa, Getty, Giorgi, Hoffman, Hudson, Huff, Jaffe, Kane, Kucharski, Margalus, McAuliffe, McGrew, Polk, Schneider, Stanley, Stearney, Steczko, C. M. Stiehl, J. J. Wolf, and Yourell."

Speaker Ryan: "Record Representative Jaffe as 'no'. Representative Daniels, do you seek recognition?"

Daniels: "Verification of the Affirmative Roll."

Speaker Ryan: "Record Representative Robbins as 'no'. The Gentleman has requested a verification of the positive Roll Call. Would you give me a count, Mr. Clerk? Representative Daniels, you're starting out with 76 voting 'aye', 75 voting 'no', and 1 'present'. Representative Hudson, do you seek recognition? Record Representative Hudson as 'no'. Representative Polk as 'no'. Representative Koehler. Turn Representative Koehler on. Representative Koehler."

Koehler: "Mr. Speaker, I wish to change my vote to 'aye', please."

Speaker Ryan: "Change the Representative from 'no' to 'aye'. And now what is the count, Mr. Clerk? Representative Cullerton, for what purpose do you seek recognition?"

Cullerton: "Mr. Speaker, I don't know what the count is..."

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Speaker Ryan: "Well, that is what I..."

Cullerton: "...But I wanted to indicate before you announced it that I would like to verify the negatives, if they are in the majority."

Speaker Ryan: "Certainly. That won't be necessary right now. The count is 77 voting 'aye', 76 voting 'no', and 1 'present'. Verify the Affirmative Roll Call."

Clerk O'Brien: "Alexander, Beatty, Bradley, Breslin, Brummer, Bullock, Capparelli, Carey, Christensen, Cullerton, Darrow, DiPrima, Domico, Donovan, Doyle, Epton, Ewell, Farley, Flinn, Giglio, Greiman, Grossi, Hanahan, Hannig, Henry, Hoxsey, Jackson, Johnson, Jones, Katz, Keane, Dick Kelly, Klemm, Koehler, Kornowicz, Kosinski, Krska, Kulas, Laurino, Lechowicz, Leon, Leverenz, Madigan, Martire, Matijevich, Mautino, McClain, McPike, Mulcahey, Murphy, O'Brien, O'Connell, Ozella, Pechous, Pouncey, Preston, Pullen, Rea, Reilly, Rhem, Richmond, Ronan, Saltsman, Satterthwaite, Schraeder, Slape, Margaret Smith, Stuffle, Tate, Terzich, Topinka, Van Duynes, Vitek, White, Sam Wolf, Younge, and Zito."

Speaker Ryan: "Do you have any questions of the affirmative, Representative Daniels?"

Daniels: "Brummer."

Speaker Ryan: "Representative Brummer. In his...in his chair at his desk."

Daniels: "Christensen."

Speaker Ryan: "At his desk."

Daniels: "Darrow."

Speaker Ryan: "Representative Darrow is at his desk."

Daniels: "Doyle."

Speaker Ryan: "Representative Doyle. At his desk."

Daniels: "Ewell."

Speaker Ryan: "Representative Ewell. Hi there, Mr. Bullock."

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Nice to see you. Representative Madigan, for what purpose do you seek recognition?"

Madigan: "Mr. Speaker, could you tell us the count at this time?"

Speaker Ryan: "I thought I announced it when we started. It was 77 'aye', 76 'no', and 1 'present'. Representative Ewell. Representative Ewell in the chamber? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call. Proceed, Representative Daniels."

Daniels: "Farley."

Speaker Ryan: "Who?"

Daniels: "Farley."

Speaker Ryan: "Representative Farley. At his desk."

Daniels: "Giglio."

Speaker Ryan: "Representative Giglio. Representative Giglio in the chamber? There he is, in the back, on the Republican side."

Daniels: "Hanahan."

Speaker Ryan: "Where his heart is. Representative Hanahan. Right here in front."

Daniels: "Katz."

Speaker Ryan: "Representative Katz. Representative Katz in the chamber? Representative Katz. How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Daniels: "Keane."

Speaker Ryan: "Keane. Representative Keane. In his chair."

Daniels: "Dick Kelly."

Speaker Ryan: "In his chair."

Daniels: "And I'll verify Mr. Jones."

Speaker Ryan: "Emil Jones, you're verified."

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Daniels: "Kornowicz."

Speaker Ryan: "Representative Kornowicz is at his desk."

Daniels: "Krska."

Speaker Ryan: "Representative Krska. Representative Krska.  
Representative Krska in the chamber? How is the Gentleman  
recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Daniels: "Klemm."

Speaker Ryan: "At his desk."

Daniels: "Martire."

Speaker Ryan: "Representative Martire. In the rear on the  
Republican side."

Daniels: "Is he here?"

Speaker Ryan: "Yes, he was in the back. Yes."

Daniels: "McPike."

Speaker Ryan: "Representative MCPike. Representative MCPike.  
How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call. Representative  
Ewell, do you want to be returned to the Roll Call? Return  
Representative Ewell. Return Representative MCPike. He's  
back on the floor.

Daniels: "Murphy."

Speaker Ryan: "Right there in the middle of the...at his desk."

Daniels: "Pechous."

Speaker Ryan: "Who?"

Daniels: "Pechous. He's in his chair. I see him. Reilly."

Speaker Ryan: "Reilly is in the back on the Republican side."

Daniels: "Schraeder."

Speaker Ryan: "Representative Schraeder. At his desk."

Daniels: "Saltsman."

Speaker Ryan: "Representative Saltsman. At his desk."

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Daniels: "Terzich."

Speaker Ryan: "Representative Terzich. Representative Terzich in the chamber? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Ryan: "Remove him."

Daniels: "van Duyne."

Speaker Ryan: "Representative Van Duyne is at his desk."

Daniels: "Kulas."

Speaker Ryan: "Representative Kulas is at his desk as always."

Daniels: "Lechowicz. He's over there. I see him."

Speaker Ryan: "Right here. Right down in front."

Daniels: "Okay. Laurino."

Speaker Ryan: "He's at his desk."

Daniels: "Beatty."

Speaker Ryan: "Representative Beatty is right here."

Daniels: "Johnson."

Speaker Ryan: "Representative Johnson. Representative Johnson. Representative Johnson in the chamber? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call. Any further questions, Representative Daniels?"

Daniels: "Leverenz."

Speaker Ryan: "Representative Leverenz. Over here."

Daniels: "Oh, he's on our side."

Speaker Ryan: "Representative Yourell, do you seek recognition?"

Yourell: "Yes, I would like to vote 'aye'."

Speaker Ryan: "Record the Gentleman as 'aye'. Do you have any further questions, Representative Daniels?"

Daniels: "I think Representative Deuster wants recognition."

Speaker Ryan: "Representative Deuster."

Deuster: "Please record me as voting 'no'."

Speaker Ryan: "Record the Gentleman as 'no'. Representative

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Daniels."

Daniels: "Did I verify Representative Pullen?"

Speaker Ryan: "I don't believe you did."

Daniels: "Representative Pullen."

Speaker Ryan: "Representative Pullen, did you say?"

Daniels: "Yes, Sir."

Speaker Ryan: "Representative Pullen in the chamber?  
Representative Pullen. How is the Lady recorded?"

Clerk O'Brien: "The Lady is recorded as voting 'aye'."

Speaker Ryan: "Remove her from the Roll Call. Representative  
Tate, for what purpose do you seek recognition?"

Tate: "I would like to change my vote to 'no'."

Speaker Ryan: "Record the Gentleman 'no'. Any further questions,  
Representative Daniels?"

Daniels: "No further at this time. I don't know. How about  
Wyvetter Younge. I didn't see her. Is she..."

Speaker Ryan: "Who was that?"

Daniels: "Wyvetter Younge. Representative Younge."

Speaker Ryan: "She's over here."

Daniels: "Oh, okay. Here...yeah. No further at this time, Mr.  
Speaker. What's the...what's the count?"

Speaker Ryan: "Give me a count, Mr. Clerk. The count now is 72  
voting 'aye', 78 voting 'no', and 1 voting 'present'. The  
Gentleman from Cook, Representative Cullerton, has  
requested a verification of the negative. Is that correct,  
Representative? Would you now poll the Negative Roll Call,  
Mr. Clerk?"

Clerk O'Brien: "Poll of the negative vote."

Speaker Ryan: "What are we...now we're starting out,  
Representative Cullerton, with 72 voting 'aye', 78 voting  
'no', and 1 voting 'present'."

Clerk O'Brien: "Poll of the negative vote. Ackerman, Alstat,  
Balanoff, Barkhausen, Barnes, Barr, Bartulis, Bell,

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Birkinbine, Bluthardt, Bower, Bowman, Braun, Chapman, Collins, Conti, Currie, Daniels, Davis, Deuchler, Deuster, Jack Dunn, John Dunn, Ebbesen, Ewing, Fawell, Findley, Virginia Frederick, Dwight Friedrich, Griffin, Hallock, Hallstrom, Hastert, Hudson, Huskey, Jaffe, Karpel, Jim Kelley, Kociolko, Krska, excuse me. That is Kustra. Leinenweber, Levin, Loftus, Macdonald, Mays, McBroom, McCormick, McMaster, Ted Meyer, R. J. Meyer, Miller, Neff, Nelson, Olson, Peters, Piel, Pierce, Polk, Reed, Rigney, Robbins, Ropp, Sandquist, Irv Smith, E. G. Steele, Stewart, Swanstrom, Tate, Telcser, Tuerk, Turner, Vinson, Watson, Wikoff, Winchester, Woodyard, Zwick, and Mr. Speaker."

Speaker Ryan: "Representative Cullerton, do you have any questions of the negative?"

Cullerton: "Representative Levin."

Speaker Ryan: "Who?"

Cullerton: "Levin."

Speaker Ryan: "Representative Levin. Is Representative Levin in the chamber? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Cullerton: "Representative Bartulis."

Speaker Ryan: "Representative Bartulis. Representative Bartulis. The Gentleman in the chamber? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him."

Cullerton: "Representative Conti."

Speaker Ryan: "Who?"

Cullerton: "Conti. Sorry, he's down here. Representative Jack Dunn."

Speaker Ryan: "He's at his desk. Now, I haven't seen Representative Conti. Here he is is over here. Okay,

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alright."

Cullerton: "Representative Ebbesen."

Speaker Ryan: "Representative Ebbesen is at his desk. Representative McBroom would like to be verified here at the podium. Okay. Return Representative Bartulis. He is back in the chamber. Proceed."

Cullerton: "Representative Findley."

Speaker Ryan: "Representative Findley. In the back of the chamber."

Cullerton: "He can...Mr. Representative Findley, you can pick up the Cubs tickets in my office. Representative Karpziel."

Speaker Ryan: "Representative Karpziel. She's at her desk."

Cullerton: "Roland Meyer."

Speaker Ryan: "Representative Meyer. Roland Meyer. The Gentleman in the chamber? Representative Meyer in the chamber? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call. Return Representative Levin. He has returned to the chamber. He did. Yeah, he was there. He was just leaving. Representative Levin, step up here so Representative Cullerton can see you. Wave at him. There you are. Nice to have you with us today, Ellis. Proceed, Representative."

Cullerton: "Well, I really didn't verify him, so can I call him again?"

Speaker Ryan: "Well, I did."

Cullerton: "Okay. Representative E. G. Steele. I always wanted to see him."

Speaker Ryan: "Representative Steele. Everett Steele."

Cullerton: "I don't know who he is."

Speaker Ryan: "Do you have Cub tickets for him? Representative Steele."

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Cullerton: "No, Findley's tickets are in my office."

Speaker Ryan: "Representative Steele in the chamber? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him."

Cullerton: "Representative Ted Meyer."

Speaker Ryan: "At his desk."

Cullerton: "Representative Winchester."

Speaker Ryan: "Representative Winchester. Is Representative Winchester in the chamber? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him."

Cullerton: "Representative Watson."

Speaker Ryan: "Representative Watson. Here in the aisle."

Cullerton: "Representative Woodyard."

Speaker Ryan: "Representative Woodyard. Representative Woodyard. Is the Gentleman in the chamber? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him."

Cullerton: "Representative Barkhausen."

Speaker Ryan: "Representative Barkhausen. Right there in the back of the chamber. Representative Woodyard has returned. Return him to the Roll."

Cullerton: "That is all the questions I have, Mr. Speaker."

Speaker Ryan: "Could you give me a count, Mr. Clerk? On this question there are 72 voting 'aye', 75 voting 'no', 1 voting 'present', and the Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #11, Preston, amends House Joint Resolution Constitutional Amendment #13 on page six by deleting line 19 and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Preston,

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on Amendment #11."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #11 makes a small change in the...the Resolution itself, changing only one portion, the requirement of the composition for downstate judicial circuits of the Judicial Nominating Commission. There are 11 members of that Commission under the present Resolution, six of those members are non-lawyers, five of those members are lawyers. Because all of us in the House and in the Senate want the selection of Judges based on merit, for this reason only, I think it is necessary to change it, to change those numbers only to make six lawyer members and five non-lawyer members, only from the aspect that non...that lawyer members are better able to judge the experience and the scholarship background of an applicant. And for that reason, we only want to shift two lawyer members, the one vote majority so that they can be in a pos...in a better position so the Commission itself can be in a better position to judge an applicant for appointment to the Judiciary. For that reason I would ask for your 'aye' vote. I'll be glad to answer any questions."

Speaker Ryan: "Is there any discussion? The Gentleman from DuPage, Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, this Amendment reduces the size of nominating Commissions to 11 with the majority of six lawyers and requires a Commissioner to advocate consumer interests and one to advocate the interests of indigents. Now, we don't particularly object to the reduction in the size to 11 on the Commission, and that will be addressed in a later Amendment, in Amendment #23, but we do oppose the lawyers having the majority of six on the Nominating Commission, and for that reason, we oppose. Now, a later Amendment

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requiring three-fifths approval by the Commission to nominate those people, both segments have a voice on that nomination. The consumer advocacy, an advocacy of the rights of the indigents are admirable, but that will be the responsibility of all of the Commissioners, not just one that may be appointed for that purpose. Once again, I would suggest to you that this is another Amendment, and not only is it confusing in its nature and implies that the Commissioners will not do their rightful duty as far as screening judicial nominees and candidates for the office, and thereby limits one to consumer interests, and places the majority of lawyers on the nominating Commission. I would suggest that you defeat this Amendment."

Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Preston, to close."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen. In part, I agree with the previous speaker. Yes, this does give a majority, a one vote majority to the lawyer members on the Commission who will Judge applicants, judicial applicants. 11 members, five of whom are non-lawyers, six of whom are lawyers, only gives the lawyer members who have, indeed, gone through the educational requirements, who know what kind of experience should be necessary for Judges before whom they practice, only have a one vote majority with which to judge the applicants. There is nothing onerous about this. This is just a good government measure to give lawyers some added input with which to instruct or to give the benefit of their experience to the non-lawyer members. This is no more than a one vote majority, six lawyer members, five non-lawyer members on the downstate Judicial Nominating Commission. It is a reasonable Amendment, and it is one that will give you a stronger Judicial Nominating Commission, and I think that is what we all want. So, I

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would encourage your 'aye' vote please."

Speaker Ryan: "The question is, 'Shall Amendment #11 to HJRCA #13 be adopted?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 53 voting 'aye', 95 voting 'no', and 3 voting 'present'. And this Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #12, Preston, amends House Joint Resolution Constitutional Amendment #13 on page six by deleting line 23 through 25 and so forth."

Speaker Ryan: "Representative Preston on Amendment #12."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #12 talks about the composition of the Judicial Nominating Commission for the Circuit Court of Cook County in which this Amendment gives the 31 members of that Nominating Commission, requires that 16 of those members be lawyers, 15 of those members be non-lawyers. Again, this gives a majority to lawyer members, but in this case, a far smaller percentage majority than in the previous instance. And this applies only to Cook County where you have these 31 members of the Judicial Nominating Commission. 16 of those would be lawyers. That is a change from the present Resolution which has 15 being lawyers and 16 being non-lawyers. Again, the experience of the lawyer members judging the qualification of lawyers, I think, is important in order to get the best applicants for judicial openings. And for that reason, because we are all looking for the selection of Judges based on the merit of the applicants, I would ask you to give an 'aye' vote so that the applicants can be Judged on what merit they have by many people, lawyer members as well as non-lawyer members; but, where the lawyer members have one additional

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member of the Commission with which to judge the background, the experience, the educational requirements of the applicants. Thank you."

Speaker Ryan: "Any discussion? The Gentleman from DuPage, Representative Daniels."

Daniels: "This is very similar to the previous Amendment that we defeated. The only difference is that this only applies to Cook County. Now, this requires that four of the Commissioners will be representatives of consumer interest and four shall be representatives of the interests of indigents, but leaves the Commission 16 lawyers on the Commission. Now, Mr. Speaker, Ladies and Gentlemen of the House, this Amendment has too large of a Commission, and once again ignores the reality that the Commission members themselves are going to do their lawful, rightful and legal duties in selecting and screening candidates. This is another Amendment that, not only is it too complicated, but it is unrealistic, because we won't define anywhere in the Amendments what consumer interest means or what the interests of indigents are. I would suggest strongly that you defeat this poor Amendment."

Speaker Ryan: "Representative Preston to close."

Preston: "Thank you, Mr. Speaker. In closing, I would just like to say that the previous speaker could get a proper analysis of this Amendment, if it is too complicated for the understanding on that side, we have an analysis that will clearly explain the meaning of the Amendment. And as for what the meaning of consumer interests are, the people in my district well know what consumer interests are. That aside, this Amendment does nothing but insure that you have a Judicial Nominating Commission that is best able and best qualified to judge the qualifications, the experience, the education of judicial applicants. It gives a one vote

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majority to lawyer members who are judging lawyers on a 31 member Commission. To read into this that this is some heinous plot to destroy merit selection is insane, and I urge your 'aye' vote."

Speaker Ryan: "The question is, 'Shall Amendment #12 to HJRCA #13 be adopted?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 47 voting 'aye', 97 voting 'no', 3 voting 'present'. Then this Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #13, Darrow, amends House Joint Resolution Constitutional Amendment #13 on page six, line 28 by deleting 'for' and so forth."

Speaker Ryan: "Representative Darrow on Amendment #13."

Darrow: "Withdraw Amendment #13."

Speaker Ryan: "Withdraw Amendment #13. Further Amendments?"

Clerk O'Brien: "Amendment #14, Giorgi - Cullerton, amends House Joint Resolution Constitutional Amendment #13 on page eight, line 33 and so forth."

Speaker Ryan: "Representative Cullerton, you want to handle that Amendment?"

Cullerton: "We would ask to withdraw that Amendment please."

Speaker Ryan: "Withdraw Amendment #14. Further Amendments?"

Clerk O'Brien: "Floor Amendment #15, Cullerton, amends House Joint Resolution Constitutional Amendment #13 on page six, line 31 by deleting '20' and so forth."

Speaker Ryan: "Representative Cullerton on Amendment #15."

Cullerton: "I would like to withdraw 15 and 16, Mr. Speaker."

Speaker Ryan: "Withdraw 15 and 16, Mr. Clerk. Further Amendments?"

Clerk O'Brien: "Floor Amendment #17, McClain, amends House Joint Resolution Constitutional Amendment #13 on page seven, line nine by inserting after the period the following and so

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forth."

Speaker Ryan: "The Gentleman from Adams, Representative McClain, on Amendment #17."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #17 is a fairly simply Amendment. What it would require is that all lawyers and non-lawyers on the Nominating Commission shall be subject to ethic and economic disclosure requirements. In other words, if they end up being on the Commission, they should fill out the ethic requirement sheets just like we do. Likewise, any lawyer members should also be subject to campaign disclosure requirements. It doesn't affect so much in downstate areas except in metropolitan downstate areas. But in large metropolitan areas what would happen is large law firms could end up controlling the selection process by just contributing hundreds of thousands of dollars. So, at least, those lawyer members should be subject to the campaign disclosure requirement. I think this is a very fair Amendment, and I would ask for adoption of Amendment #17."

Speaker Ryan: "Is there any further discussion? The Gentleman from DuPage, Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, this Amendment deals with the subject of ethics and economic in...information as may be provided by law. The Legislature, if it determines in its wisdom, after the Nominating Commission is set up, to determine that it should provide, by law, filings of ethics and economic information; then it may do so. But nothing in this Constitutional Amendment, merit selection of Judges that we are proposing, prevents the Legislature from passing such laws. But the difference here is that the Gentleman is saying that it should be provided in the Constitution of

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the State of Illinois. It is unnecessary. The Commissioners serve without salary. They serve because of their public duty and public right, and I don't think that this Amendment is necessary to have in the Constitution of Illinois nor should it be in the merit selection issue. If we determine later on that it is necessary, that we want to do that through proper statutory requirement, we can come back and do that. I would suggest, for those reasons, that this Amendment should be defeated."

Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think that while many people haven't read these individual Amendments, it serves an education process for those who are going to decide whether or not they wish to vote for or against this Constitutional Amendment. Now, this Amendment addresses itself to one of the problems that the Amendment provides. I disagree with Representative Daniels. His Constitutional Amendment says that the election of the lawyer members...the selection of the lawyer members shall be provided by Supreme Court rule. He is putting that into the Constitution. The Supreme Court shall determine how the lawyers get on this Nominating Commission. Now, recently, I was at a hearing on these...on this Bill where it was indicated to me that...by the Sponsors that they suspected that the lawyers would be selected for these Nominating Commissions by election. Well, those of you who are lawyers, you know that we have elections similar to this by the Bar Associations. The Bar Association elections are conducted through the mail. About two or three days before you get the ballots to vote for members of the Bar Association, you get a letter from some prominent attorney, generally from a

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large law firm who pays for the mailing, telling you that he is endorsing a particular candidate. There is absolutely nothing in this Constitutional Amendment that would bar the same practice taking place in the selection of the lawyer members. And, by the way, I find it interesting that they don't trust the people to elect Judges, but they will let the lawyers elect their members to the Nominating Commission. This isn't going to be done in a polling booth where Operation Push and Operation Leap would survey whether or not there is election fraud. This...all they say in the Amendment is that the Supreme Court shall prescribe by rule how the lawyers are going to elect themselves. Well, if it is done by the mail, let me tell you that lawyers who are members of public defenders' office, lawyers who are state's attorneys, they cannot afford to do a mailing just like the large law firms can. There is absolutely nowhere in this provision to protect for the amount of money that can be spent. All we're asking is that they disclose how much they are spending, the same rules that govern your election and my election. That is all we're asking for with this Amendment. It is not something we can litigate...that we can legislate for later. It clearly indicates that the Supreme Court, by rule, shall make the rules with regards to the election of lawyers. It is something that was overlooked by the Sponsors, and it is something that should be corrected. It makes perfectly good sense, and please listen to the debate on this particular Amendment. Don't view this as simply voting for or against merit selection. If this thing is going to pass, the least we can do is try to improve it. I would ask for an 'aye' vote on this very important Amendment."

Speaker Ryan: "The Gentleman from Adams, Representative McClain,

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to close."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentleman of the House, for the life of me I cannot understand why Mr. Daniels would be against this Amendment. All this Amendment provides for is that all lawyer and non-lawyer members of the Commission shall be subject to our ethic and economic disclosure requirements. And secondly, all the lawyers that will be elected have to fill out campaign disclosure requirements and forms. Now, Ladies and Gentlemen of the House, the way Mr. Cullerton explained how lawyers end up voting for Judges on whether or not they are favorable, or qualified or not qualified is identical to what he said. What happens is there is a ton of bucks spent on mass mailings the last few days. They ought to be subject to campaign disclosure. Otherwise, like in the City of Chicago, you're going to have 'Mayor, Brown and Platt' controlling the entire election process. It defeats the entire focus of why you Ladies and Gentlemen should be for merit selection. If you are for merit selection, you should be for ethics. If you are for ethics, you should be for this Amendment. Thank you."

Speaker Ryan: "The question is, 'Shall Amendment #17 to HJRC #13 be adopted?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 82 voting 'aye', 69 voting 'no', 1 voting 'present'. And this Amendment passes. Further Amendments...is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #18, McClain, amends House Joint Resolution Constitutional Amendment #13 on page seven, line 26 by deleting 'non-lawyer' and inserting in lieu thereof 'lawyer' and so forth."

Speaker Ryan: "Representative McClain on Amendment #18."

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McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, the way Mr. Daniels has this piece of legislation drafted there would be six non-lawyers and five lawyers. It also requires that the Chairman of that Commission should be a non-lawyer. Frankly, Ladies and Gentlemen, if you believe in the process of merit selection, then I believe that the Chairman of that Commission should be a lawyer. A lawyer, as the Chairman, will be able to help guide the Commission through the procedural problems alone, if nothing else, on how to set up the agenda and what other kinds of things that should be required. A lawyer also will be familiar with some of the problems...with just pure language problems of qualified and not qualified candidates. So, on that behalf, I believe Amendment #18 is a fine Amendment. The second part of the Amendment also states...deletes the part where now the Chairman can only vote if there is a tie. I would suggest that a Chairman has the right to vote, and I delete that provision preventing the Chairman from voting except in cases of a tie. So, on those two grounds, I would ask for an 'aye' vote."

Speaker Ryan: "Any further discussion? The Gentleman from DuPage, Representative Daniels."

Daniels: "Let's make sure everybody understands what the Gentleman's proposal does. Being a lawyer, of course, he submits an Amendment that makes the Commission Chairman a lawyer rather than a non-lawyer, as in House Joint Constitutional Amendment #13, and allows the Chair to vote only...to vote other than cases of tie. Elimination of the tie-breaker restriction is okay, as that is going to be part of a later Amendment requiring a three-fifths vote by commissioners to nominate, but making the Chairman a lawyer is not designed, in our opinion, to best serve the public

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interest in true merit selection as we are presenting to you. Lawyers can take care of themselves. We all know that. We don't have to build it into the Constitution. It is a very poor Amendment, Representative McClain. You know it, and so do we."

Speaker Ryan: "Representative McClain to close."

McClain: "Thank you very much, Mr. Speaker. Lee, if we don't try to help the lawyers, no one else will. Ladies and Gentlemen of the House, the issue of lawyering or non-lawyering is a good red flag by Mr. Daniels. I would suspect that ,since most of us are...on the House floor are non-lawyers, if you have a speech like Mr. Daniels did of being anti-lawyer, it makes a good kind of political speech and gets you all revved up so you'll vote against the Amendment. The very fact of the matter is, if you're a member of the Commission, and you happen to have the faith of your fellow commissioners to vote you as Chairman, and then you, therefore, lose your right to vote on candidates; what you are going to do is you're going to have a horse race to find out who doesn't want to be Chairman. One of the things you want to do when you get on this Commission is not be a just token procedural person. You also want to have a right to vote on whom you think is qualified to be a Judge. Now that is the long and the short of it. Mr. Daniels can talk about lawyer and anti-lawyer, but if you're on the Commission, you ought to have a right to vote. If you have the faith of the other commissioners and you end up being Chairman or Chairperson, then you should have the right to vote on all the candidates and not just in cases of tie, as the present legislation so dictates. So on those basis, I would ask you to please vote 'aye'."

Speaker Ryan: "The question is, 'Shall Amendment #18 to HJRC #13 be adopted?'. All in favor will signify by voting 'aye',

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all opposed by voting 'no'. It is the intent of the Chair to complete the Amendments on this Bill and then adjourn until tomorrow noon, with Rules in between this evening, late this afternoon...this evening and tomorrow morning. Have all voted who wish? That is for your information, Representative Pechous...or Kulas, Representative Kulas. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 58 voting 'aye', 87 voting 'no', 1 voting 'present', and this Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #19, Breslin, amends House Joint Resolution Constitutional Amendment #13 on page eight, line 12 by inserting after the period the following and so forth."

Speaker Ryan: "Representative Breslin on Amendment #19."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment deals with the issue of conflict of interest. It simply provides that a lawyer who is a member of the Commission may not vote...vote on the appointment of a fellow lawyer from his own law firm. By the same token, a non-lawyer member cannot vote on the appointment of a person who is his own attorney or who is the attorney of his employer. The reason is obvious. If you and I sit on a particular law firm or with a particular law firm, it would be very advantageous for us to have a member of our own firm sitting on the...on the bench. And we would, I am sure, do a great deal to get him there. By the same token if he was your lawyer or he was your boss' lawyer, it would all...we would have the same conflict of interest. This merely indicates that those people in that situation should abstain. I ask for an 'aye' vote."

Speaker Ryan: "Is there any discussion? The question is, 'Shall Amendment #19 to HJRCA #13 be adopted? All in favor will

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signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #20, McClain, amends House Joint Resolution Constitutional Amendment #13 on page 10 by deleting all of line four through 15 and so forth."

Speaker Ryan: "Representative McClain on Amendment #20."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, as Mr. Daniels has this piece of legislation drafted, you have a situation where if a circuit district elects to go for merit selection, it becomes immediately effective. All this Amendment does is it sets up an overall effective date of 12 months after...or following the proclamation of results of that local option referendum. So, all it does is it gives some reasonable time for it to be effected and so that all parties involved, including selection of Commissioners and the procedures, have some time to be put in place. So, it just delays the effective date for 12 months after it is adopted in that circuit."

Speaker Ryan: "Is there any discussion? Representative Dunn. The Gentleman from Macon, Representative John Dunn."

Dunn: "Mr. Speaker and Ladies and Gentlemen of the House, the purpose of this Amendment is to delay implementation of merit selection should it be approved by the voters. Now, we all know how the voters feel about Constitutional Amendments. One reason this very chamber is going to be reduced in size is that they have questioned our credibility. And if we submit a proposition to the voters, and they approve that proposition, and then we tell them that it cannot be implemented promptly, we will again risk our credibility with the very people who put us in this room to serve them. The purpose of this Amendment is to delay implementation of merit selection for such a period

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of time as would allow anyone who is interested to see to it that changes in the Circuit Court benches could be made, either through resignations or vacancies, to make sure the benches are filled prior to implementation with those who are politically in support of and in sympathy with the people who put them on the bench. This is not a good concept. This is something that is sure to come up in debate of this Amendment should it be submitted to the voters, and it is something that every member of this Body will regret having placed on the Amendment, should it be there, because we will all be home defending ourselves once again with the voters in our districts who are asking us, 'Why do you present us something that gives something to us on the one hand and takes it away on the other? And why do you take the low road? Why don't you take the high road?' Let's defeat this Amendment. Let's not make it possible for 11th hour political appointments to the Judiciary after merit selection is approved by the voters. If it is approved by the voters, there is a reasonable period provided in the referendum itself for implementation. This would delay that period, double the period during which we would have to wait for implementation, and I can tell you for sure that the voters in your district back home will not like it. Vote against this bad Amendment."

Speaker Ryan: "Representative McClain to close."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I am surprised the Gentleman from Macon would taint Circuit Court Judges the way he just tried to. Ladies and Gentlemen, all this does is put on an effective date for implementation of merit selection in that circuit and delay it for 12 months so that the procedures and those kinds of other things can be....can fit in nicely and in an organizational way. Once it is voted in in a circuit, it

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cannot be repealed. It is in. It is law. That is the way it goes, and then all it does is implement...have time for implementation. Very seldom in this Legislature do we ever have immediate effective dates for any piece of legislation. This is just a...it's a complicated process, anyway, but at least, through this Amendment, it will be an organizational way of handling things for that individual circuit. You can imagine the horrendous amount of work involved in going to a merit selection for a circuit, and so, in so doing, this sets up a time frame for it to be done properly and with some sort of dignity. Secondly, you will not find, all of a sudden, people retiring and Circuit Court Judges filling those vacancies. For a circuit that votes in merit selection, you're going to find newspapers and the people looking those Circuit Court Judges to make sure that, indeed, everything is handled above board and properly. So to suggest that, all of a sudden, Circuit Court Judges are going to be appointing Associate Judges, or replacing retiring Circuit Court Judges, is really a misnomer and the Gentleman does not understand the public pressure on the Circuit Court Judges. So, on those bases, I would suggest that Amendment #22...20 is a fit and proper Amendment, and I would ask for adoption."

Speaker Ryan: "The question is, 'Shall Amendment #20 to HJRCA-13 be adopted?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 55 voting 'aye', 89 voting 'no', 1 voting 'present'. And this Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #21, Cullerton, amends House Joint Resolution Constitutional Amendment #13 as amended on page 1 by deleting..."

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Speaker Ryan: "Representative Cullerton. Withdraw that, Representative?"

Cullerton: "Withdraw #21."

Speaker Ryan: "Withdraw Amendment #21. Further Amendments?"

Clerk O'Brien: "Floor Amendment #22, Daniels, amends House..."

Speaker Ryan: "Withdraw Amendment #22. Further Amendments?"

Clerk O'Brien: "Floor Amendment #23, Daniels, amends House Joint Resolution Constitutional Amendment #13 as amended in the resolved clause by deleting 'and 12.4', and so forth'."

Speaker Ryan: "The Gentleman from DuPage, Representative Daniels on Amendment #23 to HJRCA#13."

Daniels: "Mr. Speaker, I yield to Representative Dunn."

Speaker Ryan: "The Gentleman from Macon, Representative John Dunn."

Dunn, John: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #23, in essence, if approved, would become the merit selection proposal, with the exception for a few technicalities that would remain in the original Amendment. Amendment #23 would put merit selection in place only for the Unit...the Illinois Supreme Court and Appellate Courts of this state, upon approval of the Constitutional Amendment by the voters in the November 1982 election, should it go on the ballot. That should be emphasized. Amendment #23 will make no change at home at the Circuit Court level, unless there is referendum approval within the Circuit Court judicial district by the voters in that district. If this Amendment appears on the ballot in the fall, it will affect only the Illinois Supreme Court justices and the Appellate Court justices of this state. As you all know, the election process for these positions involves candidates who are obscure to begin with, who cover districts which are geographically large in territory, some of them running from one border of

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this state to another. And, of course, the Supreme Court District is a large district as well. The voters in a district, within a judicial district, five percent of them can petition to have merit selection at the trial court level. When you go home, you may find your voters wanting, and I think you will find that they want some different process for electing Supreme Court Judges and Appellate Court Judges, because they don't know who these people are; they are too far away; the election process is not visible. But you will find that, at the trial court level, the Judges who resolve the disputes that involve your neighbors, your friends, your constituents, are people who affect the daily lives of your voters. Your people may want to retain the process as we have it now. If this Amendment is approved, that can be done. There need be no change back home at the trial court level; however, if five percent of the voters petition within the appropriate judicial district, the question can be submitted to the voters by referendum. Nothing can be done without referendum. There is no back door referendum; it is a front door referendum, to go to merit selection at the trial court level, as well. Whether merit selection is approved at the trial court level or not, in your area, if this Amendment passes, for sure, Supreme Court justices and Appellate Court justices and trial court Judges subject to referendum approval, would be selected through the merit selection process. This would involve a process of selection by Judicial Nominating Commissions who make nominations for the Supreme and Appellate Court vacancies, and Circuit Court vacancies, if the circuit has approved by referendum. Each adopting circuit would have a Nominating Commission consisting of eleven members, six of whom are non-lawyers. The majority would be non-lawyers. Five

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lawyers would be appointed. The lawyers would be elected by secret ballot within the district from which they come, at the trial court level. At the state level, three of the lawyers would be appointed by the Attorney General and three would be appointed by the highest elected state official or officer of the opposite party to the then-serving Illinois Attorney General, in the following order of preference: the Secretary of State, the Comptroller, the Treasurer and on down. I think we've all heard a lot about merit selection, and it comes right down to the basics. Are you willing to do what your people back home want you to do, at the Supreme Court and Appellate Court level, and allow or permit your people at the trial court level to decide, by referendum, whether they want merit selection at the trial court level? We're all familiar with the problem of legislation by initiative. The people want to know. They want the right to have input. They want the right to vote. They will like the idea of a referendum about whether they shall have merit selection at the trial level, and they will support you at the Appellate Court and Supreme Court level, if you approve merit selection. Mr. Speaker and Ladies and Gentlemen of the House, I'd be happy to try to answer any questions. Amendment #23 embodies the best thinking about merit selection in this state, which is an idea whose time has come. It has been debated for many, many years. It is an idea that we need to approve. It does not eliminate judicial retention, that is still available, and I would urge a favorable vote on this Amendment.

Speaker Ryan: "Thank you, Mr. Dunn. I'd like to take a minute to introduce to the chamber, the former Lieutenant Governor of the State of Illinois, Neil Hartigan is with us on the Democrat side. Represent..., welcome to the Illinois

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House, Neil. Is there any discussion on Amendment #23?  
The Gentleman from Will, Representative Van Duynes."

Van Duynes: "Thank you, Mr. Speaker. I'd like to ask Representative Dunn how he came by this information that the time has come now, and that the people are going to support me if I support the merit selection of Judges. Where, in 1970, they had a referendum on this, a state-wide referendum, they voted it down 2 to 1. I'd like to know where he came by the information that now they've changed their minds."

Speaker Ryan: "Representative Dunn, do you care to respond?"

Dunn, John: "Yes. Representative, I've kept my shoulder to the wheel, my ear to the ground and my nose to the grindstone and I'm satisfied the people are ready for this."

Speaker Ryan: "The Gentleman from Cook, Representative Greiman."

Greiman: "I wonder if the Gentleman would yield for a question or two."

Speaker Ryan: "Indicates he will."

Greiman: "Representative Dunn, is it my understanding that the panels on this...for the...are selected by the Attorney General in part, and by some other constitutional state officer in part?"

Dunn, John: "The non-lawyers would be chosen in that fashion. That is correct."

Greiman: "Is that the panels at the local level as well? That's not just the Appellate...once a district approves it, then that district becomes subject to the appointment by the Attorney General and the other officer, is that right? Mr. Dunn?"

Dunn, John: "I was distracted. Would you ask that question again, please?"

Greiman: "Well, once...as I underst...I'm asking, once a circuit decides it wants this kind of selection, judicial

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selection, does the Attorney General then appoint some of the non-lawyers and then some other constitutional officer? Is that right?"

Dunn, John: "If the circuit adopts the referendum, that is correct."

Greiman: "And then if there is nobody, for example, now under the old Bill...under the original Bill which was brought down by Representative Daniels from Mount Sinai, under that Bill, am I correct that the Governor had those functions? Is that right?"

Dunn, John: "That is correct."

Greiman: "I mean...so you've taken the power away from the Governor and you've given it, then, to others. Is that right?"

Dunn, John: "Well, the form of the Constitutional Amendment would be changed by this Amendment. Obviously, we didn't take anything away from the Governor, because this is not in the Constitution at the present time."

Greiman: "Well, I'm saying, you know, as originally offered, you had the Governor making these appointments and now you're changing them, is that right? Is that what you're doing?"

Dunn, John: "Yes. The significance of this..."

Greiman: "Epstein, would you move out of the way?"

Dunn, John: "The significance of this change is to split the non-lawyer appointments between the currently prevailing political parties in this state, so that there will be a more equitable representation upon the Commission."

Greiman: "Well, okay. What you're saying...if, again, I'm not going to belabor it, but originally it was drafted with the Governor in mind, then it goes down and it says if the Secretary of State, if he's of the same party as the Attorney General, then it goes to the Comptroller, and if he's of the same party, the Treasurer and then it goes to

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the President of the Senate. Is that right?"

Dunn, John: "I have the pecking order here. If you want me to read it."

Greiman: "Well, the President of the Senate..."

Dunn, John: "I think you were right."

Greiman: "The President of the Senate is before the Speaker of the House. Is that right?"

Dunn, John: "Well, in the...in the words of this..."

Greiman: "All I wanted to know is if the Speaker is before..."

Dunn, John: "In the words of this Amendment, that is correct, but not in the minds of some for other purposes."

Greiman: "Is it, Jack? I only want to know about this Resolution. If the...all the state officers are with one party, it then goes, not to the Speaker of the House, that has...who has, perhaps, a little broader base, but then to the President of the Senate. Is that right?"

Dunn, Jack: "Well, it would...as you know..."

Greiman: "Well, yes or no. Either it does or it doesn't. John, come on."

Dunn, John: "It depends on the party that the President of the Senate is in. If he's the same party as the Attorney General..."

Greiman: "Well, if he's of a different party than the Attorney General, does it go, then, to him?"

Dunn, John: "It would go to him before it would go to the Speaker of the House. That's correct."

Greiman: "...before the Speaker of the House. Okay. All right. Is there any reason why you made the President of the Senate before the Speaker of the House?"

Dunn, John: "Yeah, well, the...we actually...we go to the Minority Leader of the House."

Greiman: "No, he's the last one under circuit."

Dunn, John: "Yes, by the flip of a coin, as a matter of fact."

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Aside from the levity with which we chide each other in our respective chambers, here, I don't see any particular reason to get worked up, either way, about which chamber comes first because, first of all, it's not a very..."

Greiman: "I just asked you a question. I'm just asking if there were..."

Dunn, John: "Not a very likely event."

Greiman: "...a decision consciously made to make the President of the Senate first, that's all."

Dunn, John: "I...in order to provide..."

Greiman: "And you said it was a flip of a coin?"

Dunn, John: "In order to provide a manner of succession, something has to be delineated, and it was done this way."

Greiman: "Well...by a flip of a coin? Is that..."

Dunn, John: "Not by me. It was done in the drafting of the Amendment."

Greiman: "You said something about the flip of the coin. I'm sorry, I didn't...did I get that wrong?"

Dunn, John: "Well I...I'm saying that, from my own standpoint, it is not a particularly significant argument that you were making. That's what I'm saying."

Greiman: "I...I'm just asking questions, I don't think an argument. But I will just debate, just comment on the Amendment itself. What the drafters of this Amendment have done is to diffuse responsibility in the selection of a Judiciary. At least...at least I could look and I could say, 'Well, if the panels are bad, if the panels aren't working, if the panels aren't doing their job in getting us a decent and good Judiciary', then I can tag the Governor. I can say, 'The Governor has not been effective, has not been thoughtful in the appointment of panels.'. But, instead, we have...we've given it to the Attorney General and we've given it to then, God knows who else, the

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Comptroller... What does the Comptroller have to do with picking a panel member down in a county in Illinois? What does the Treasurer have to do with that? I...well, as a matter of fact, what does the Minority Leader of the House of Representatives have to do with picking judicial...judicial members? And the other question, of course, is, mightn't that be a violation of the separation of powers, that the Minority Leader or the Speaker of the House or the President of the Senate make selections...make selections, if you will, on the...who shall serve on a panel that picks the Judiciary? I think that's a classic violation of the separation of powers. Now, I think that if we're going to have something in the nature of Joint Constitutional Amendment #13, that we should, at least, pinpoint responsibility. Pinpoint who shall speak and who shall be involved in the selection of these things. That's what we're aiming for in government, generally, is to find who done it. And this don't tell us who done it. I'd going to vote against this Amendment, because I think it's...it's just not...it makes no sense to have the Comptroller picking the panel. It makes no sense at all."

Speaker Ryan: "The Gentleman from Cook, Representative DiPrima, on Amendment #23."

DiPrima: "Well, Mr. Speaker, I don't want to talk on the Amendment, I just wanted to talk on the Bill in general."

Speaker Ryan: "Well, we're on the Amendment now, Representative. Did you..."

DiPrima: "Can I just voice my opinion one minute, you know? The country..."

Speaker Ryan: "I don't know how I can say no to you, Representative, and get by with it."

DiPrima: "...the country is based, the Constitution of the country is to elect individuals like the elections they had

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at San Salvador. Here now, we're going to have people pick out the Judges. I think this is a lot of hogwash. Let's get them elected the way they're supposed to. Let's not...I think it's unconstitutional as far as I'm concerned."

Speaker Ryan: "The Gentleman from Cook, Representative Piel"

Piel: "I move the previous question, Mr. Speaker."

Speaker Ryan: "The Gentleman moves the previous question. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Motion prevails. Representative Dan...Representative Dunn, to close."

Dunn, John: "Very briefly, Mr. Speaker and Ladies and Gentlemen of the House, to address a point which came up in debate about the order of succession: one must keep in mind that the farther down you go that order of succession, the farther you have gone along a route by which one party, one political party in this state, prevails and holds almost every elected office. So, if you get down to the point where you're talking about Members of the Senate or Members of the House, you're in a situation where that person would be the highest elected official of his or her political party in the State of Illinois. And you're not likely, in the near future, to have that kind of lopsided representation. I would suggest to the Members that we approve this Amendment to get merit selection in the form that is the best way to call it for vote on Third Reading, a form which would provide for protection, protection state-wide; protection state-wide at the trial court level for election of Circuit Court Judges in the same, exactly the same, manner and fashion in which they are currently elected, as Representative DiPrima has requested, that will remain just the way it is, unless the voters, by referendum, choose to do otherwise. What this Amendment

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will do is affect the election or retention or nomination of Appellate Court and Supreme Court justices, and I submit to you that the people back home in your districts are willing to have this done, and I would urge a favorable vote on Amendment #23."

Speaker Ryan: "The question is, 'Shall Amendment #23 to HJRCA#13 be adopted?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Cullerton to explain his vote."

Cullerton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It is interesting that, in this Amendment, they allow for the Attorney General to appoint three non-lawyers and the other party's elected state officer. So that, the Attorney General doesn't even have to be elected, as we have...the situation we have right now, to appoint people to this Commission. The second thing is, they still include and govern the election of the lawyer members to be governed by the Supreme Court, which means we can't say anything, through legislation, about how the lawyers are going to conduct their own election. I might also point out that no person can serve on the Commission if they're a member of a political...if they hold an official position in a political party. So the Precinct Committeeman could not be considered. The Commissions may conduct all investigations and meetings in secret. They can hire a staff and, guess who gets to pay for it: the General Assembly. I might also point out that for the selection of Associate Judges, they have two standards: one standard for Cook County, another standard for the rest of the state. And they also retain the idea of retention, which means that after their term is up, the Judges have to go back to the electorate and run an election just like they would in the first place. Just that, in the first place

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instead of having the people decide, we have an elite group of people picking the Judges. It's a very bad concept, and I ask you to vote 'no'."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 86 voting 'aye', 43 voting 'no', 4 voting 'present'. And this Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #24, Sandquist - Ted Meyer - Preston, amends House Joint Resolution Constitutional Amendment #13 as amended on page 6 by deleting Subsection B and so fourth."

Speaker Ryan: "The Gentleman from Cook, Representative Sandquist, on Amendment #24."

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I know we've talked a lot about lawyers here today in connection with this. But I am a lawyer, I'm a member of the Illinois State Bar and Chicago Bar Association and I'm proud to be. And I'm proud that the work that the lawyers have done in many fields for the overall good of the community and for the people as a whole. My Amendment #24, which I offer here with Representatives Meyer and Preston, is the only one difference that the Illinois State Bar Association had with the Committee on Courts and Justice in working out this proposed Constitutional Amendment. And what this does, it increases the size of each of the Commissions by one...by...to 13, and it makes...means that we would have a majority on the Commission to be lawyers, seven lawyers and six non-lawyers. And I think that this is appropriate, because, if you know, in the selection of Federal Judges, both Senator Percy now and Senator Stevenson before him, went to the bar associations to get recommendations for Federal Judges throughout the state. The lawyers do work

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hard. The lawyers know more about the individual problems involved and I think that this is the one issue we should have a majority on the Commission to be lawyers. And that's all that this does, and I ask an 'aye' vote."

Speaker Ryan: "Is there any discussion? The Gentleman from Cook, Representative Madigan on Amendment #24."

Madigan: "A question of the Sponsor."

Speaker Ryan: "Indicates he'll yield."

Madigan: "Mr. Sandquist, did you state that this Amendment is supported by the Illinois State Bar Association?"

Sandquist: "Yes, it is."

Madigan: "Could you describe the nature of the endorsement?"

Sandquist: "It...it is my understanding that this was presented at the assembly, and the assembly of the Illinois State Bar Association, in its vote, said that they would support only if there was a majority of lawyers on the...on the panels. And that's why I'm offering this Amendment."

Madigan: "This was presented to the assembly?"

Sandquist: "That's what I've been told by the representatives of the Illinois State Bar Association."

Madigan: "Who was that? Who was the representative that told you that?"

Sandquist: "Their Legislative counsel, your former seatmate, Mr....former Representative Houlihan."

Madigan: "Thank you."

Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Ryan: "Indicates he will."

Cullerton: "Did you indicate that the Bar Association, if this Amendment doesn't pass, the Bar Association will not be in favor of the Constitutional Amendment?"

Sandquist: "I did not say that. I said that what the Assembly

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passed was they wanted a provision that majority would be lawyers on the Commission."

Cullerton: "The Bill, right now, doesn't provide for that, does it?"

Sandquist: "That is correct. That's why I'm seeking to amend it."

Cullerton: "If your Amendment fails, is it your understanding that the Bar Association, then, would not be in favor of the Constitutional Amendment?"

Sandquist: "I am not a delegate. I assume they could vote again."

Speaker Ryan: "Further discussion? The Gentleman from Macon, Representative Dunn."

Dunn, John: "Mr. Speaker and Ladies and Gentlemen of the House, putting aside, for the purposes of this Body, the position or non-position of a special interest group, this Body, the immediately preceding Amendment adopted an Amendment which provided for the make-up of the Judicial Nominating Commission and I don't know why with this Amendment, now, Amendment #24, we should proceed into protracted debate about a different make-up of the nominating commissions. So I would urge the Membership to vote against this Amendment and let HJRCA-13 come to vote on Third Reading in the form by which Amendment #23 was overwhelmingly adopted. So I respectfully urge a 'no' vote on this Amendment."

Speaker Ryan: "Representative Sandquist."

Sandquist: "Yes, I think we all know what's involved here. I think Amendment #24 makes a better Constitutional Amendment out of it and I urge an 'aye' vote."

Speaker Ryan: "The question is, 'Shall Amendment #24 to CJRCA#13 (sic, HJRCA#13) be adopted?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr.

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Clerk. On this question there are 11 voting 'aye'...Representative Sandquist, do you seek recognition?"

Sandquist: "Yes, Mr. Speaker, I will not ask to poll the absentees, because at least I didn't win the Bryan-Duff Award."

Speaker Ryan: "On this question, there are 11 voting 'aye', 132 voting 'no' and 2 voting 'present'. And the Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #25, McClain, amends House Joint Resolution Constitutional Amendment #13 as amended in Section 12.3 and so forth."

Speaker Ryan: "The Gentleman from Adams, Representative McClain, on Amendment #25."

McClain: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment is identical to Amendment #17 that you adopted 82 to 69. This Amendment was fully debated, and I don't want to take your time, but I presented three Amendments, two of which it was the rule of the Body to defeat. This Amendment is identical to #17 that you adopted. It provides for the non-lawyer and lawyer members of the Commission to be subject to ethics and economic disclosure requirements and that the lawyer members would also be subject to campaign financial disclosure requirements. This Amendment is...we already fully debated it, you passed it 82-69, I'm sorry I'm required to bring it back to you, but Amendment #23 wiped Amendment #17 that you adopted out. So I would ask for the same Roll Call on Amendment #25, which you adopted 82-69. Mr. Speaker, I'll be glad to take a voice vote."

Speaker Ryan: "Is there any discussion? Any discussion? The Gentleman from Macon, Representative Dunn."

Dunn, John: "Mr. Speaker, Ladies and Gentlemen of the House, there's no need to adopt two Amendments which are identical

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word for word. Let's just defeat this and get on with the orderly business of the House. We...as the Sponsor has indicated, this Amendment has already been adopted in Amendment #17 and this is word for word the same, so let's just defeat it and go on."

Speaker Ryan: "Representative McClain, do you care to close on Amendment #25?"

McClain: "Yes, Mr. Speaker. I would love to have the Gentleman on jury trial. Ladies and Gentlemen, Amendment #25 is identical to Amendment #17 because #17 was struck by your adoption of Amendment #23. This Amendment is identical to #17 which you adopted 82-69. I'd ask for the same kind of vote please."

Speaker Ryan: "The question is, 'Shall Amendment #25 to HJRCA#13 be adopted?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Daniels to explain his vote."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, although we do not have any tremendous opposition to this Amendment, it just doesn't belong in a Constitutional Amendment. We worked very hard this afternoon. This is something that we should vote down; we shouldn't accept this Amendment, because it can be provided, if you so decide in you your wisdom, to provide for this under statutory law, you can pass a law to set forth the ethics and disclosure statements that you may wish to set forth. We want to keep this Bill clean, the Constitutional Amendment clean. Pass it on to Third Reading, so that you can make a decision clearly as to whether or not you want merit selection of Judges as you adopted in Amendment #23. I would ask you to vote 'no' on this Amendment, send it to Third, and then we could take up the orderly debate and questioning the serious issue of merit selection of

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Judges."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 87 voting 'aye', 50 no voting...57 voting 'no', and 2 voting 'present'. And the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Ryan: "Third Reading. Introduction and Reading of House Bills. First Reading. Representative Madigan, do you seek recognition?"

Madigan: "Mr. Speaker, you stated that this Resolution had been placed on the Order of Third Reading."

Speaker Ryan: "Representative Huskey, for what purpose do you seek recognition?"

Huskey: "I wish to announce that the Motor Vehicles Committee will meet immediately after Session in C-1. Hope that all the Members will be there. It's only. ..we're only going to discuss two Bills, so it will be over real fast."

Speaker Ryan: "Representative Frederick in the chamber? There will be a Rules meeting in room 114 at 3:30...beginning at 3:30 this afternoon. The Gentleman from Cook, Representative Collins, for what purpose do you seek recognition? Phil, do you seek recognition? Do you seek recognition? Oh, your light's on. The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker, let me first ask that the Journal indicate that Representative Stearney is absent today because of illness. And that Representative Catania is out of the country on some business for a national commission."

Speaker Ryan: "Representative Madigan, for what purpose do you seek recognition?"

Madigan: "To announce that there will be a meeting for the Democratic Members of the Rules Committee in my office immediately after Session."

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Speaker Ryan: "Did you want to make that announcement?"

Madigan: "Yes."

Speaker Ryan: "Okay. There will be a meeting of the Democrat Rules Committee, in Representative Madigan's office immediately after adjournment and there will be a meeting of the Republican Rules Committee in the Speaker's Office immediately after adjournment. Now, Representative Telcser."

Telcser: "Mr. Speaker, Members of the House, allowing the Clerk about 15 minutes to read Bills the first time and to read the Constitutional Amendment, I now move that the House stand adjourned until 12:00 noon, Wednesday, March 31."

Speaker Ryan: "Representative Telcser, would you restate your Motion to give the Clerk enough time to do the necessary paperwork and so on? Fifteen minutes is not enough."

Telcser: "You want more than 15 minutes? You want..."

Speaker Ryan: "As much time as it takes."

Telcser: "Let's leave the Clerk as much time as he needs in order to read Bills and read the Constitutional Amendments, I now move that the House stand adjourned until the hour of 12:00 o'clock Wednesday, March 31."

Speaker Ryan: "You heard the Gentleman's Motion. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the House now stands adjourned until the hour of 12:00 o'clock tomorrow, noon."

Clerk O'Brien: "Senate Bills, First Reading. Senate Bill 734, Collins - Capparelli, a Bill for an Act to amend Sections of the Chicago Regional Port District Act. First Reading of the Bill. House Bills, First Reading. House Bill 2352, Farley - Madigan - et al, a Bill for an Act to amend Sections of an Act in relation to the creation, maintenance, operation and improvement of the Chicago Park District. First Reading of the Bill. House Bill 2353,

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Farley - Madigan - et al, a Bill for an Act to amend Sections of an Act in relation to creation, maintenance, operation and improvement to the Chicago Park District. First Reading of the Bill. House Bill 2354, Hastert, a Bill for an Act to amend Sections of the Revenue Act. First Reading of the Bill. House Bill 2355, Zwick - et al, a Bill for an Act to abolish certain advisory bodies. First Reading of the Bill. House Bill 2356, Leinenweber - Collins - et al, a Bill for an Act to amend Sections of the Illinois Purchasing Act. First Reading of the Bill. House Bill 2357, Watson - et al, a Bill for an Act relating to pharmacists, pharmacies and drugs, establishing the rights and responsibilities of parties engaged in third party prescription programs. First Reading of the Bill. House Bill 2358, Irv Smith - et al, a Bill for an Act to amend Sections of the Springfield Metropolitan Exhibition and Auditorium Authority Act. First Reading of the Bill. House Bill 2359, Giorgi - Hallock, a Bill for an Act in relation to loans granted to corporations from the Corporate Loan Fund. First Reading of the Bill. House Bill 2360, Deuchler, a Bill for an Act to amend Sections of the Illinois Vehicle Code. First Reading of the Bill. House Bill 2361, Capparelli - McAuliffe, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 2362, Robbins, a Bill for an Act to amend Sections of the Illinois Highway Code. First Reading of the Bill. House Bill 2363, Davis - et al, a Bill for an Act to amend Sections of the Worker's Compensation Act. First Reading of the Bill. House Bill 2364, Vinson, a Bill for an Act to amend Sections of the Personnel Code. First Reading of the Bill. House Bill 2365, Breslin, a Bill for an Act to amend Sections of the Workers' Compensation Act. First Reading of the Bill.

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House Bill 2366, Birkinbine - et al, a Bill for an Act in relation to Legislative commissions, service agencies and standing joint committees. First Reading of the Bill.

House Bill 2367, Epton - et al, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill.

House Bill 2368, Rigney - et al, a Bill for an Act to provide for the protection of Illinois farm land. First Reading of the Bill.

House Bill 2369, Yourell, a Bill for an Act to amend Sections of the Illinois Public Library District Act. First Reading of the Bill.

House Bill 2370, J. J. Wolf - et al, a Bill for an Act making certain appropriations for the ordinary and contingent expense of various state agencies and commissions. First Reading of the Bill.

House Bill 2371, Huff, a Bill for an Act making an appropriation to the Chicago Community School Study Commission. First Reading of the Bill.

House Bill 2372, Huff, a Bill for an Act to amend Sections of an Act creating the Chicago Community School Study Commission. First Reading of the Bill.

House Bill 2373, Jaffe, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill.

House Bill 2374, J. J. Wolf, a Bill for an Act to amend Sections of the Illinois Municipal Code. First Reading of the Bill.

House Bill 2375, Bower - et al, a Bill for an Act in relation to certain bond referenda. First Reading of the Bill.

House Bill 2376, Ralph Dunn - Richmond - Alstat, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill.

House Bill 2377, Miller - et al, a Bill for an Act in relation to state and municipal utility taxes. First Reading of the Bill.

House Bill 2378, Davis, a Bill for an Act to amend Sections of the Retailers Occupation Tax Act. First Reading of the Bill.

House Bill 2379, McPike, a Bill for an Act in relation to the disclosure of

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toxic substances to employees. First Reading of the Bill. House Bill 2380, Giorgi, a Bill for an Act to amend Sections of the Consumer Fraud and Deceptive Business Practices Act. First Reading of the Bill. House Bill 2381, Pullen, a Bill for an Act to amend Sections of the Revenue Act. First Reading of the Bill. House Bill 2382, Carey - et al, a Bill for an Act to amend Sections of the Illinois Income Tax Act. First Reading of the Bill. House Bill 2383, Carey - et al, a Bill for an Act to amend Sections of the Illinois Vehicle Code. First Reading of the Bill. House Bill 2384, Hoffman, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 2385, O'Connell, a Bill for an Act to amend the Workers' Compensation Act. First Reading of the Bill. House Bill 2386, Abramson, a Bill for an Act to amend Sections of the Workers' Compensation Act. First Reading of the Bill. House Bill 2387, McBroom - et al, a Bill for an Act in relation to consumer loans. First Reading of the Bill. House Bill 2388, Barkhausen - Macdonald - Ted Meyer - Davis - Kustra - et al, a Bill for an Act to amend the Regional Transportation Authority Act and the Metropolitan Transit Authority Act. First Reading of the Bill. House Bill 2389, Chapman - Levin - Ebbesen, a Bill for an Act to amend Sections of the Illinois Public Aid Code. First Reading of the Bill. House Bill 2390, Currie, a Bill for an Act to provide for state grants to certain public radio stations in the State of Illinois. First Reading of the Bill. House Joint Resolution Constitutional Amendment, Third Reading. House Joint Resolution Constitutional Amendment #8, Pullen - Hudson - et al, resolved by the House of Representatives of the 82nd General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the

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electors of this state for adoption or rejection at the general election next occurring at least six months after the adoption of this Resolution, a proposition to amend Section 1 of Article XIV of the Constitution to read as follows: Article XIV, Constitutional Revisions, 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 shall be called, shall be submitted to the electors at the general election next occurring at least six months after such Legislative direction. B) 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. C) The General Assembly, at the Session following approval by the electors, by law, shall provide for the Convention and for the election of two delegates from each Legislative district, designate the time and place for 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. D) 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. E) 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 or more than six months after the Convention's adjournment. Any Revisions or Amendments

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proposed by the Convention shall be published with explanations at the Convention's...as the Convention provides, at least one month preceding the election. F) The vote on a 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 Amendment to Section 1 of Article XIV of the Constitution takes effect upon its approval by the electors of this state. Third Reading of the Constitutional Amendment. This Resolution is held on Third Reading and taken out of the record. House Joint Resolution Constitutional Amendment #16, Friedrich - Schraeder - et al, resolved by the House of Representatives of the 82nd 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 six months after the adoption of this Resolution, a proposition to amend Section 13 of Article VI of the Constitution to read as follows: Article VI, Section 13, Prohibited Activities. A) The Supreme Court shall adopt rules of conduct for Judges and Associate Judges. B) Judges and Associate Judges shall devote full time to judicial duties. They shall not practice law, hold a position of profit, hold office under the United States or this state or unit of local government or school district or in a political party. Service in the state militia or armed forces of the United States for periods of time permitted by rule of the Supreme Court shall not disqualify a person from serving as a Judge or Associate Judge. C) The regulation of the practice of law shall only be as established by the General Assembly by law. Third Reading of the Constitutional Amendment in

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full. The Resolution is taken...held on Third...taken out of the record and held on Third Reading. House Joint Resolution Constitutional Amendment #19, Representative Dwight Friedrich - Schraeder, resolved by the House of Representatives of the 82nd General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the electors of this state for adoption or rejection at the general election next occurring at least six months after the adoption of this Resolution, a proposition to amend Section 12 of Article VI of the Constitution to read as follows: Article VI, The Judiciary, Section 12, Election and Retention. A) Supreme, Appellate and Circuit Judges shall be nominated at primary elections or by petition. Judges shall be elected at general or judicial elections as the General Assembly shall provide by law. A person eligible for the office of Judge may cause his name to appear on the ballot as a candidate for Judge at the primary or at the general or judicial elections by submitting petitions. The General Assembly shall prescribe, by law, the requirements for petitions. B) The office of a Judge shall be vacant upon his death, resignation, retirement, removal or upon the conclusion of his term, without a successor being elected. Whenever an additional Appellate or Circuit Judge is authorized by law, the office shall be filled in the manner provided by filling the vacancy in that office. C) A vacancy occurring in the office of Supreme, Appellate or Circuit Judge shall be filled as the General Assembly may provide by law. In the absence of a law, vacancies may be filled by appointment by the Supreme Court. A person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Judges shall serve until the vacancy is filled for a term at the next general or judicial

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election. A person appointed to fill a vacancy less than 60 days prior to the next primary election to nominate Judges shall serve until the vacancy is filled at the second general or judicial election following such appointment. D) A law reducing the number of Appellate or Circuit Judges shall become effective when a vacancy occurs in the affected unit. Schedule: if approved by the electors, this Amendment shall take effect the next day following proclamation of the result of the vote. Third Reading of the Constitutional Amendment. Rather, First Reading of the Constitutional Amendment as amended on Third Reading. The Resolution is held on Third Reading and taken out of the record. House Joint Resolution Constitutional Amendment #26, Representative Jim Kelley, resolved by the House of Representatives of the 82nd General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the electors of this state for adoption or rejection at the general election next occurring at least six months after the adoption of this Resolution, a proposition to amend Section 9 of Article V of the Constitution to read as follows: Article V, Section 9, Governor Appointing Power. A) The Governor shall nominate and by...and with the advice and consent of the Senate, a majority of the members elected occurring by record vote, shall appoint all officers whose election or appointment is not otherwise provided for. Any nomination not acted upon by the Senate within 60 Session days after the receipt thereof shall be deemed to have been rejected by the Senate. The General Assembly shall have no power to elect or appoint officers of the Executive branch. B) If, during a recess of the Senate, there is a vacancy in an office filled by appointment by the Governor by and with the advice and consent of the Senate, the Governor shall

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make a temporary appointment until the next meeting of the Senate, when he shall make a nomination to fill such office. C) No person rejected by the Senate for an office shall, except at the Senate's request, be nominated again for that office at the same Session or be appointed to that office during a recess of that Senate. Schedule: This Amendment takes effect on the first day of January, next following its adoption by the electors of this state. Third Reading of the Constitutional Amendment. On Third Reading...Taken out of the record and held on Third Reading. Introduction and First Reading of Bills. House Bill 2391, Telcser - Levin - Kustra - Pierce, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 2392, Woodyard - Preston, a Bill for an Act to amend the Code of Civil Procedure. First Reading of the Bill. Introductions. House Bill 2393, J. J. Wolf - Davis - Republican Leadership - et al, a Bill for an Act making appropriation for the ordinary and contingent expense of the Attorney General. First Reading of the Bill. House Joint Resolution Constitutional Amendment #13, Representative Daniels - John Dunn - et al, resolved by the House of Representatives of the 82nd General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the electors of this state for adoption or rejection at the general election next occurring at least six months after the adoption of this Resolution, a proposition to amend Section 8 and 12 of and to add Section 12.1, 12.2, 12.3, 12.4 and 12.5 to Article VI of the Constitution, the amended and added Sections to read as follows: Article VI, Section 8, Associate Judges. Each Circuit Court shall have such number of Associate Judges as provided by law. In a judicial circuit which adopts Section 12.1 and 12.3 by a local option referendum,

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pursuant to Section 12.2, Associate Judges shall be selected by appointment in the manner provided by those Sections; otherwise, Associate Judges shall be appointed by the Circuit Judges in each circuit as the Supreme Court shall provide by rule. In the Cook County Circuit, unless otherwise provided by law, at least one-fourth of the Associate Judges shall be appointed from and reside outside Chicago. The Supreme Court shall provide by rule, for matters to be assigned to Associate Judges. Section 12, Election of Circuit Judges. A) In a judicial circuit which adopts Section 12.1 and 12.3 by a local option referendum pursuant to Section 12.2, Circuit Judges shall be selected in the manner provided by those Sections; otherwise, in the manner provided by this Section. B) Circuit Judges shall be nominated at primary elections or by petition and shall be elected at general or judicial elections as provided by law. A person eligible for the office of Circuit Judge may cause his name to appear on the ballot as a candidate for Circuit Judge at the primary and at the general or judicial elections by submitting petitions. The General Assembly shall prescribe, by law, the requirements for petitions. A Circuit Judge elected to office under Section 12B may stand for retention for a full term, pursuant to Section 12.4. The office of a Circuit Judge shall be vacant upon the incumbent's death, resignation, retirement, removal or upon the conclusion of a term without retention in office or whenever an additional Circuit Judge is authorized by law. D) A vacancy occurring in the office of Circuit Judge shall be filled as the General Assembly may provide by law or, in the absence of a law, by appointment by the Supreme Court. A person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Circuit Judges

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shall serve until the first Monday in December following the next general or judicial election. A person appointed to fill a vacancy less than 60 days prior to the next primary election to nominate Circuit Judges shall serve until the first Monday in December following the second next general or judicial election. Section 12.1. Appointment of Judges of Supreme Court and Appellate Court and Circuit Courts upon Adoption. A) The provisions of this Section shall govern the selection of all Supreme and Appellate Judges and of those Circuit and Associate Judges of any circuit which adopts this Section in Section 12.3 by a local option referendum pursuant to Section 12.2. For purposes of this Section and Section 12.4, the term Judge includes all such Supreme, Appellate, Circuit and Associate Judges except where a distinction is indicated. B) Judges shall be appointed by the Governor from nominees submitted by Judicial Nominating Commissions, except when appointment by the Supreme Court, in accordance with Paragraph F of this Section. C) The office of a Judge shall be vacant upon the incumbent's death, resignation, retirement, removal or upon conclusion of the term without retention in office or whenever an increase in the number of Judges is authorized. D) As soon as a vacancy occurs in the office of Judge or will occur within six months by a day certain, the Administrative Director of the Illinois Courts shall promptly notify the chairman of the appropriate Judicial Nominating Commission, which shall immediately convene the Commission. E) Forty-two days after the receipt of such notice of a vacancy, the Commission shall submit to the Governor, a list of three nominees in alphabetical order, who, by their character, temperament, professional aptitude, experience and commitment to equal justice under the law are deemed by the Commission to be best qualified

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to fill the vacancy. The Commission may not include on the list a nominee who is on another list, then pending before the Governor or the Supreme Court, pursuant to Section 12.1F to fill a vacancy in the same judicial office. The function of a list shall terminate upon making the required appointment therefrom. F) Immediately upon receipt of a list, the Governor shall make it public. Not fewer than 28 nor more than 56 days after the receipt of a list, the Governor shall appoint, therefrom, a person to fill the vacancy. If an appointment is not made by the Governor within 56 days, the commission shall immediately submit the list to the Supreme Court, which shall promptly make the appointment from the list. G) A person appointed to fill a vacancy pursuant to this Section 12.1 shall serve an initial term ending on the first Monday in December following the next general election held after the completion of one year in office. At that general election, the Judge may stand for retention in office for a full term pursuant to Section 12.4. H) Under adoption by a circuit of this Section and Section 12.3 by a local option referendum pursuant to Section 12.2, the terms of the Associate Judges of that circuit shall conclude as provided in this Subsection H, regardless of the date or dates of previous appointment and regardless of any other provision of this Article VI. I) The Administrative Director of the Illinois Courts shall forthwith divide the Associate Judgeships of the circuit including those in vacancies...those then vacant into two groups, equal in number as near as may be, with terms to expire as follows: Group 1, on the first Monday in December after the general election next following the adoption of the local option referendum and on every fourth anniversary of that date. Group 2, on the first Monday in December after the second

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general election next following the adoption of the local option referendum and on each fourth anniversary of that date. II) The Administrative Director of the Illinois Courts shall forthwith by lot assign the Associate Judges then in office to the above groups. III) As Associate Judgeships may be added or terminated in a circuit, the Administrative Director of the Illinois Courts shall promptly adjust the groups accordingly while maintaining their equality in number as near as may be. Section 12.2, Circuit Local Option Referendums. A) The electors of any judicial circuit may, by referendum, here designated as a local option referendum, adopt a proposition requiring Section 12.1 and 12.3 to govern the selection of Circuit Judges and Associate Judges of that circuit. The electors of a circuit shall vote on the proposition at the next general election held not less than three months following the filing of petitions with the Secretary of State, signed by not fewer than five percent of the total number of electors who voted at the next preceding general election in that circuit, asking that the proposition be submitted to referendum. If a majority of votes cast on the proposition are in the affirmative, Section 12.1 and 12.3 shall, thereafter, govern the selection of Circuit Judges and the Associate Judges of the Circuit Court of that circuit. B) After the eighth year following a local option referendum, whereby the electors of a circuit have adopted Section 12.1 and 12.3 to govern the selection of Circuit Judges and Associate Judges, pursuant to this Section, the electors of the circuit may terminate their option of Section 12.1 and 12.3 by a local option referendum. Such a referendum shall be subject to the same requirements and conducted in the same manner as the referendum for adoption of Section 12.1 and 12.3. If a

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majority of the votes cast on the proposition to terminate are in the affirmative, the selection of Circuit Judges and Associate Judges of that circuit shall, thereafter, be governed by Section 12 and 8, respectively, unless and until Section 12.1 and 12.3 are again adopted pursuant to this Section. Section 12.3, Judicial Nominating Commissions. A) There shall be a Judicial Nominating Commission in each judicial district for the nomination of Judges for the Supreme and Appellate Courts for that district and in each judicial circuit which, by a local option referendum, adopts Section 12.1 and this Section 12.3 for the nomination of Circuit and Associate Judges for that circuit. B) Each Judicial Nominating Commission shall consist of 11 members who are residents of the appropriate district or circuit, 6 non-lawyers and 5 lawyers. C) The non-lawyer members of each Judicial Nominating Commission shall be appointed as follows: three by the Attorney General and three by the state official or officer first in the order indicated who are elected to office and not affiliated with the same political party as the Attorney General. The Secretary of State, the Comptroller, the Treasurer, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives. D) The lawyer members of each Judicial Nominating Commission shall be elected by secret ballot without political party or other designation by those lawyers admitted to practice in Illinois, whose principle office is in the appropriate district or circuit in such manner as provided by Supreme Court rule. E) Upon appointment of the initial non-lawyer members of each Judicial Nominating Commission, the Attorney General shall divide the appointees by lot into three groups, equal in number as near as may be with one of

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his appointees in each group and shall by lot designate the groups to serve initial terms of two, four and six years, respectively. The initial lawyer members of each Judicial Nominating Commission shall also be divided by lot into three groups, equal in number, as near as may be and the group shall by lot, be designated to serve initial terms of two, four and six years, respectively, all in such manner as provided by Supreme Court rule. Thereafter, the terms of all Commission members shall be six years. F) A vacancy in the non-lawyer membership of a Judicial Nominating Commission shall be filled for the unexpired term or for a full term, as the case may be, by the Attorney General, if qualified, by being affiliated with the same political party as the official who had appointed the person whose vacancy is to be filled; otherwise, by the elected state official who is so qualified and first in the order indicated in Subsection C of Section 12.3. A vacancy in the lawyer membership of the Judicial Nominating Commission shall be filled for the unexpired term or for a full term, as the case may be, by election as set forth in Subsection D of Section 12.3. G) The Chairman of each Judicial Nominating Commission shall be selected by vote of all the member of the Commission from among its non-lawyer members. The term of a chairman shall be three years, unless his or her remaining term as a member of the Commission expires sooner. H) Any person who holds any office under the United States or this state or any political subdivision or municipal corporation or municipality or unit of local government of this state and receives compensation for services rendered in such office or, who holds any office or official position in a political party shall be ineligible to serve on a Judicial Nominating Commission. Compensation for service in the state militia or the armed

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services of the United States for such period of time as may be designated by the Supreme Court rule, shall not be considered a disqualification. No member of a Judicial Nominating Commission may be appointed to judicial office while serving on the Commission or for a number...or for a period of three years thereafter. A member, having served a full term of six years on a Judicial Nominating Commission may not serve on a Commission during the next three years. No person may serve on more than one Judicial Nominating Commission at the same time. J) Commissions may conduct such investigations, meetings and hearings, all of which may be secret, and employ such staff members as may be necessary to perform their duties. Members of commissions shall not receive any compensation for their services, but shall be entitled to reimbursement for necessary expenses. The General Assembly shall appropriate funds to the Supreme Court for such reimbursement and for all other administrative expenses of the Commissions. K) Nominations shall be submitted to the Governor only upon concurrence of not less than three-fifths of all members of the Commission. L) All lawyer and non-lawyer members of each Judicial Nominating Commission shall be subject to ethics and economic disclosure requirements as provided by law and lawyer members shall be subject to campaign financing disclosure requirements as provided by law. Section 12.4, Retention Elections. A) Not less than six months before the general election next preceding the expiration of the term of office of i) a Supreme, Appellate or Circuit Judge who was elected to that office or ii) an Associate Judge in office in a judicial circuit, upon adoption by that circuit of Section 12.1 and 12.3, by local option referendum pursuant to Section 12.2 or of iii) a Supreme, Appellate, Circuit or Associate Judge who was

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appointed to that office pursuant to Section 12.1, he or she may file in the office of the Secretary of State, a declaration of candidacy for retention in that office for a full term, not less than 63 days before the election. The Secretary of State shall certify the Judge's candidacy to the proper election officials. At the election, the name of each such Judge who has timely filed...filed a declaration of candidacy for retention, except each Associate Judge who, pursuant to Section 12.5, has been qualified to serve for the succeeding term, shall be submitted to the electors separately and without party designation, on the sole question of retention in office for another term. Retention elections shall be conducted at general elections in the appropriate judicial districts and circuits. The affirmative vote of three-fifths of the electors voting on the question of retention shall elect a Judge to the office for a full term, commencing on the first Monday in December following the election. B) A Judge eligible to file a declaration of candidacy for retention who fails to do so within the time herein specified, or having failed...excuse me...or having filed fails of retention shall vacate the office on the first Monday in December following the election, whether or not a successor shall yet have qualified. If an incumbent Judge, eligible to do so, does not timely file a declaration of candidacy for retention, the selection of a successor, if any, shall proceed immediately in the manner provided in Section 12 or 12.1, whichever applies, so that the successor may take office as soon as the vacancy occurs. C) An authorized reduction in the number of Judges shall be without prejudice to the right of Judges in office, at the time to seek retention in accordance with the provisions of this Section. The reduction shall become

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effective when a necess...when a vacancy occurs in the affected unit. Section 12.5, Judicial Review Commissions for Associate Judges. A) In each judicial circuit having population greater than one million, upon adoption by each circuit or Sections of Sections of 12.1 and 12.3, by a local option referendum, pursuant to Section 12.2. The provisions of this Section 12.5 shall govern the retention of Associate Judges in that circuit. B) In any circuit having a population of one million or less, the adoption of the provisions of this Section 12.5 shall be submitted to the electors as a separate question at the election, if any, at which a local option referendum is held, pursuant to Section 12.2. If a majority of the votes cast on such separate question are in the affirmative, the provisions of this Section 12.5 shall thereafter, govern the retention of Associate Judges in that circuit, provided that Sections 12.1 and 12.3 are adopted by the circuit, pursuant to Section 12.2. C) In each judicial circuit in which the retention of Associate Judges is governed by this Section pursuant to Section A or B, a Judicial Review Commission shall be created and empowered to determine qualification for the retention of Associate Judges. D) The number of Judicial Review Commission...members of the Judicial Review Commission shall be appointed or elected as provided by Subsection C and D of Section 12.3, with respect to members of a Judicial Nominating Commission. E) The terms of all members of a Judicial Review Commission shall begin six months after the general election in each year in which a general election is held, and shall expire on the first Monday in November of the same year. Appointments and elections to a Judicial Review Commission may not take place earlier than 45 days before the term is to commence. F) A vacancy in the membership of a Judicial Review

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Commission shall be promptly filled as provided in Subsection F of Section 12.3, with respect to vacancies on a Judicial Nominating Commission. G) Judicial review commissions shall be governed by the provisions of Subsections B, G, H and J of Section 12.3, with respect to Judicial Nominating Commissions as well as by this Section. H) A person having served on a Judicial Review Commission may not serve on a Judicial Review Commission during the next 8 years. A person who has served on a Judicial Nominating Commission may not serve on a Judicial Review Commission for a period of 8 years thereafter. No person may serve on a Judicial Nominating Commission while serving on a Judicial Review Commission. I) In circuits governed by this Section 12.5, for each Associate Judge who has timely filed a declaration of candidacy for retention in office pursuant to Section 12.4, the Secretary of State shall, within 14 days of receipt of such declaration of candidacy, submit the Judge's name to the Administrative Director of the Illinois Courts. Not more than six, nor less than five months before the general election next preceeding the expiration of the term of office of such Judge, the Administrative Director of the Illinois Courts shall notify the Chairman of the appropriate Judicial Review Commission of the Judge's candidacy. The Chairman shall then promptly convene the Commission. J) If any concurrence of not less than three-fifths of its members...rather, if, by concurrence of not less than three-fifths of its members, the Commission finds the candidate to be qualified to serve another term, the candidate shall be retained in office for a full term, commencing on the first Monday in December following the election. Not less than 84 days before the election, the Commission shall prepare and submit to each candidate, its

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findings as to whether the Commission finds or fails to find that candidate qualified to serve for another term. Not less than 77 days before the election, the Commission shall submit to the Secretary of State, a list stating, by name, i) which candidate it has found qualified to serve another term, ii) which candidate it has failed to find so qualified, and, iii) which candidates have withdrawn their candidacy by written notification to the Commission. K) Failure of a candidate to be found qualified for retention by Judicial Review Commissions shall be without prejudice to the candidate's right to stand for retention by the electorate at a general election, pursuant to Section 12.4. Schedule: if approved by the electors, this Amendment shall take effect the next day following proclamation of the result of the vote, except that, to provide time for the establishment of district Judicial Nominating Commissions vacancies occurring in the office of Supreme and Appellate Judge to, and including, the following June 30, shall continue to be filled as provided in Section 12C, Article VI of the Constitution, adopted in 1970, effective July 1971, for a term ending the first Monday in December after the next general election, the vacancies occurring after the following June 30 shall be filled as provided herein. In a judicial circuit which adopts Section 12.1 and 12.3 by the local option referendum, the following schedule shall apply: those Sections shall take effect the next day following proclamation of the results of the referendum, except that to provide time for the establishment of a Judicial...circuit Judicial Nominating Commission. Vacancies occurring in the office of Circuit Judge and Associate Judge to, and including, the following March 31, shall continue to be filled as provided in Section 8 and 12, Article VI of the Constitution adopted in

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1970 for a term ending the first Monday in December after the next general election. Vacancies occurring after the following March 31 shall be filled as provided herein. First Reading of the Constitutional Amendment as amended on Third Reading. Constitutional Amendment will be held on Third Reading and taken out of the record. No further business. The House now stands adjourned until March 31 at 12:00 noon."

04/09/82  
10:17

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