

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

111th Legislative Day

April 7, 1994

Speaker McPike: "House will come to order. House will come to order. The Chaplain for today is Rabbi Barry Marks of Temple Israel in Springfield, Illinois. Rabbi Marks is the guest of Representative Curran. The guests in the balcony may wish to rise and join us for the invocation."

Rabbi Barry Marks: "Eternal source of life and blessing, we humbly acknowledge our dependence on You. Open our eyes we pray to the miracles and wonders round about us, to the vastness, beauty, majesty, and order of Your creation. To the intractability of all life, and our capacity as human beings to understand our place in the universe. To create, to communicate, and to reach out in this spirit of cooperation, and to work with You as partners in establishing peace and harmony in our world. Keep alive within us a sense of awe and wonder that we might never take Your gifts for granted. At this season of hope and renewal, we're thankful to You who sustains us in life, and renews it each moment the work of creation, each day offers us new opportunities to serve You and our fellow creatures. Our responsibilities are weighty, our needs many, our resources limited. The challenges that confront us in building a good society free of the blights of violence and deprivation are complex and daunting. Grant us wisdom to see clearly what we must do, grant us courage to speak up and to act on our convictions, watch over us and guide us, and strengthen us in all our worthy endeavors. Amen."

Speaker McPike: "We'll be led in the Pledge of Allegiance by Representative Younge."

Younge - 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."

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Speaker McPike: "Roll Call for Attendance. Representative Kubik."

Kubik: "Thank you, Mr. Speaker. First of all I'd like to thank the Chief Clerk for the new and revised schedule, which is, I'm sure even Representative Black will be able to read this schedule, and we are all here today, Mr. Speaker."

Speaker McPike: "Thank you. Representative Currie."

Currie: "Thank you, Speaker. Representative Balanoff is away on official business today."

Speaker McPike: "Thank you. Mr. Clerk, take the record. One hundred and sixteen Members answering the roll call, a quorum is present. Representative Black, yes, the Chief Clerk would like to call attention to this note request that you filed yesterday, where you're seeking various notes on Bill number April 5. That's House Bill April 5. Yes, House Bill April 5."

Black: "Yes, I'm very concerned about that Bill, I don't know what you're up to, but I've got it covered under the the date, time, the day of the week...and the Bill number if you'll check."

Speaker McPike: "No, this is no Bill number, but, this..."

Black: "That means any Bill that was introduced on April 5, and I filed all those notes on, is that permissible."

Speaker McPike: "Yeah, sort of."

Black: "I do have an inquiry of the Chair."

Speaker McPike: "Proceed."

Black: "I want to compliment the Chief Clerk on the weekly House bulletin, but I now have seen that the Chief Clerk is not the ultimate responsible party for the weekly bulletin. It comes out of the Office of the Speaker, so I would apologize to the Chief Clerk, but I might ask that the Chief of Staff, the Chief of Staff of the Speaker of the

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House be more careful in the future with his Calendars, because it has really, really, really messed up my schedule."

Speaker McPike: "Perhaps, you should see the Speaker. You'll have to get in line behind Representative Brunsvold."

Black: "I want to get in line way behind Representative Brunsvold, by all means. By the way, where is, is the real Speaker going to come out here and tell us if we're really going to go home today?"

Speaker McPike: "The Speaker, as you noticed is not here today."

Black: "You mean he wasn't on the roll call?"

Speaker McPike: "No, Sir, he was not."

Black: "This is a sad state of affairs. Just keep in mind that I will file today all Bills filed on April the 7th, have all notes filed."

Speaker McPike: "Mr. Black, since the Speaker is not here, it appears like I'm the acting Speaker. Committee Reports."

Clerk Rossi: "The Committee...the Committee on Rules has met and pursuant to Rule 1486, Bills referred pursuant to Rule 37, recommends consideration, and the following Bill be placed on the Order of Second Reading. House Bill 7, signed Frank Giglio, Chairman. Representative Martinez, Chairman from the Committee on Veterans, to which the following Bills were referred, action taken on April 7, 1994, reported the same back with the following recommendation/s: 'do pass' House Bills 3043 and 3045; 'do pass Short Debate Status' House Bills 3399 and 3152. Representative Santiago, Chairman from the Committee on Counties and Townships to which the following Bills were referred, action taken on April 6, 1994, reported the same back with the following recommendations: 'do pass' House Bill 3540; 'do pass Short Debate Status' House Bills 2951, 3684, 3020 and 3221; 'do

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pass as amended Short Debate Status' House Bill 3637. Representative Phelps, Chairman from the Committee on Health Care and Human Services, to which the following Bills were referred, action taken on April 6, 1994, reported the same back with the following recommendations: 'do pass' House Bills 3427, 3307, 3309 and 3220; 'do pass as amended' House Bill 2854; 'do pass Short Debate Status' House Bills 3219, 3305, 3203, 3121, 3062, 3405, 3547, 3498, 3320, 2826, 3240, 3087 and 3422; 'do pass as amended Short Debate Status' House Bills 2346, 2884 and 2894. Representative Lang, Chairman from the Committee on Judiciary I, to which the following Bills and Resolutions were referred, action taken on April 6, 1994, reported the same back with the following recommendations: 'do pass' House Bills 3180, 3522, 3549; House Joint Resolution Constitutional Amendment 31; 'do pass as amended' House Bills 2681 and 3410; 'do pass Short Debate Status' House Bills 3094, 3330, 3332, 3353, 3373, 3539 and 3613; 'do pass as amended Short Debate Status' House Bills 2809 and 3354; 'do adopt' House Joint Resolution 23. Representative Burke, Vice-Chairman from the Committee on Consumer Protection, to which the following Bill was referred, action taken on April 6, 1994, reported the same back with the following recommendations: 'do pass' House Bill 3520. Representative Novak, Chairman from the Committee on Environment and Energy, to which the following Bills were referred, action taken on April 6, 1994, reported the same back with the following recommendations: 'do pass' House Bills 2787, 2788, 2789 and 2790; 'do pass Short Debate Status' House Bill 3688; 'do pass as amended Short Debate Status' House Bill 3671; 'do pass as amended Consent Calendar' House Bill 3561. Representative Younge, Chairman from the Committee on

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Higher Education, to which the following Bills were referred, action taken on April 6, 1994, reported the same back with the following recommendations: 'do pass' House Bills 3028, 3381 and 3091; 'do pass as amended' House Bill 3765; 'do pass Short Debate Status' House Bills 3601 and 3614; 'do pass as amended Consent Calendar' House Bill 2645. Representative Curran, Chairman from the Committee on Elections and State Government, to which the following Bills and Resolutions were referred, action taken on April 6, 1994, reported the same back with the following recommendations: 'do pass' House Bills 3402, 3403, 3523, 3524, 3629 and 3663; 'do pass as amended' House Bills 3086 and 3472; 'do pass Short Debate Status' House Bills 2565 and 3704; 'do pass as amended Short Debate' House Bills 2685 and 3223; 'do pass Consent Calendar' House Bills 3014, 3108, 3487, 3551, 3587 and 3642. Representative Brunsvold, Chairman from the Committee on Elementary and Secondary Education, to which the following Bills were referred, action taken on April 6, 1994, reported the same back with the following recommendations: 'do pass' House Bill 3040; 'do pass Short Debate Status' House Bills 2640 and 3519; 'do pass as amended Short Debate Status' House Bills 3301, 3448, 3456; 'do pass Consent Calendar' House Bill 3518. Representative Martinez, Chairman from the Committee on Veterans, to which the following Bills were referred, action taken on April 7, 1994, reported the same back with the following recommendations: 'do pass' House Bills 3043 and 3045; 'do pass Short Debate Status' House Bills 3399 and 3152. Representative Homer, Chairman from the Committee Judiciary II, to which the following Bills were referred, action taken April 7, 1994, reported the same back with the following recommendations: 'do pass' House Bills 3314,

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3664, 2860, 3313, 3418, 3306 and 3659; 'do pass as amended'
House Bills 2696, 3615 and 2653; 'do pass Short Debate
Status' House Bills 3322, 2901, 3272, 2853, 3357, 3097 and
3096; 'do pass Consent Calendar' House Bill 3081.'

Speaker McPike: "Agreed Resolutions."

Clerk Rossi: "House Resolution 2214, offered by Representative
Tim Johnson; House Resolution 2215, offered by
Representative Tim Johnson; House Resolution 2216, offered
by Representative Ryder; House Resolution 2217, offered by
Representative Stephens; House Resolution 2219, offered by
Representative Mike Weaver; House Resolution 2220, offered
by Representative Balanoff; House Resolution 2221, offered
by Representative Balanoff; House Resolution 2222, offered
by Representative Mulligan; House Resolution 2223, offered
by Representative Mulligan; House Resolution 2224, offered
by Representative Mulligan; House Resolution 2225, offered
by Representative Mulligan; House Resolution 2227, offered
by Representative Weller; House Resolution 2228, offered by
Representative Ostenburg; House Resolution 2229, offered by
Representative Novak; House Resolution 2230, offered by
Representative Novak; House Resolution 2231, offered by
Representative Stephens; House Resolution 2232, offered by
Representative Ostenburg; House Resolution 2233, offered by
Representative Ostenburg; House Resolution 2234, offered by
Representative Ostenburg; House Resolution 2235, offered by
Representative Ostenburg; House Resolution 2236, offered by
Representative Ostenburg; House Resolution 2252, offered by
Representative Mautino; House Resolution 2239, offered by
Representative Novak; House Resolution 2240, offered by
Representative Novak; House Resolution 2241, offered by
Representative Novak; House Resolution 2243, offered by
Representative Turner; House Resolution 2244, offered by

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Representative Ryder; House Resolution 2246, offered by Speaker Madigan."

Speaker McPike: "Representative Granberg moves for the adoption of the Agreed Resolutions. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it and the Agreed Resolutions are adopted. Death Resolutions."

Clerk Rossi: "House Resolution 2213, offered by Representative Tim Johnson, with respect to the memory of Theodore Bennett. House Resolution 2238, offered by Representative Shirley Jones, with respect to the memory of Kevin Bowser."

Speaker McPike: "Representative Granberg. Representative Granberg moves for the adoption of the Death Resolutions. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Death Resolutions are adopted. Adjournment Resolution."

Clerk Rossi: "House Resolution 2237, offered by Representative McPike, Resolved by the House of Representatives of the Eighty-Eighth General Assembly of the State of Illinois. That when the House of Representatives adjourns on Thursday, April 7, 1994, it stands adjourned until Friday April 8, 1994 in Perfunctory Session at 4:00 p.m., and when it adjourns on that day, it stands adjourned until Monday, April 11, 1994 in Perfunctory Session at 11:00 a.m., and when it adjourns on that day, it stands adjourned until Tuesday, April 12, 1994 at 12:00 noon."

Speaker McPike: "Representative Granberg moves for the adoption of the Adjournment Resolution. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it and the Agreed Resolution, the Adjournment Resolution is adopted. Representative Lang, on an announcement."

Lang: "Thank you, Mr. Speaker. I do want to announce to the Body that House Bill 7 has been liberated from Rules, and is now

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on Second Reading on the House floor. As everybody apparently knows by now that House Bill 7 is a vehicle for riverboat gambling in Chicago. That Amendment to it, which embodies an agreement between the Governor and the Mayor of the City of Chicago, has been filed, and that Amendment has been printed and is being distributed now for the Members information, so they may take it home and digest it, and come back with whatever further Amendments they may have, and I know some Members have further Amendments. So, that's why your receiving it today; we are not voting on it today, and that will come at a subsequent time. Thank you."

Speaker McPike: "Representative Daniels."

Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As the Gentleman stated, this is a partial agreement between the Mayor and the Governor, and I want to make sure that everyone understands clearly. The Governor's position has been and will continue to be that there should be riverboats in the City of Chicago, and probably would of endorsed that in its initial inception, when this General Assembly considered that, but at the request of the Mayor and several other Chicago officials, Chicago was excluded from the legislation. We now have a matter which, a part of this agreement is before us, representing the Amendment, but it should be made clear that this is only part of the agreement, and the Governor has stated clearly that it will require bipartisan support, and several other issues to be part of this before it's resolved. Thank you for allowing me to clarify that."

Speaker McPike: "Are there any further announcements? The Chair is prepared to adjourn. Any further announcements? Representative Granberg moves that the..allowing

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perfunctory time today...perfunctory time...Perfunctory Session on Friday, and a Perfunctory Session on Monday, that the House now stands adjourned until Tuesday, at the hour of 12:00 noon. All in favor of the Motion say 'aye'; opposed, 'no'. The 'ayes' have it, and the Motion is adopted."

Clerk McLennand: "Perfunctory Session will be in order. Introduction - First Reading of House Bills. House Bill 4144, offered by Representative Dunn, a Bill for an Act to amend the Mental Health and Developmental Disabilities Confidentiality Act. House Bill 4146, offered by Representative Deering, a Bill for an Act to amend the Illinois Pension Code and to amend the State Mandates Act. House Bill 4147, offered by Representative Novak, a Bill for an Act to amend the Environmental Protection Act. House Bill 4148, offered by Representative Dart, a Bill for an Act to amend the Liquor Control Act. House Bill 4149, offered by Representative Burke, a Bill for an Act to amend the Charitable Games Act. House Bill 4152, offered by Representative Levin, a Bill for an Act to amend the Illinois Human Rights Act. House Bill 4153, offered by Representative Stroger, a Bill for an Act concerning senior citizen health insurance. House Bill 4154, offered by Representative Bugielski, a Bill for an Act to amend the Illinois Pension Code and to amend the State Mandates Act. House Bill 4155, offered by Representative Tom Johnson, a Bill for an Act to amend the Property Tax Code. House Bill 4156, offered by Representative Phelps, a Bill for an Act to amend the Illinois Optometric Practice Act. House Bill 4157, offered by Representative Phelps, a Bill for an Act to amend the Illinois Optometric Practice Act. House Bill 4158, offered by Representative Phelps, a Bill for an Act

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to amend the Illinois Optometric Practice Act. House Bill 4159, offered by Representative Lang, a Bill for an Act to amend the Counties Code. House Bill 4160, offered by Representative Lang, a Bill for an Act to amend the Torrens Repeal Law. House Bill 4161, offered by Representative Lang, a Bill for an Act to amend the Real Property Conservation Rights Act. House Bill 4162, offered by Representative Lang, a Bill for an Act to amend the Property Tax Code. House Bill 4163, offered by Representative Lang, a Bill for an Act to amend the Counties Code. House Bill 4164, offered by Representative Burke, a Bill for an Act to amend the Illinois Insurance Code. House Bill 4165, offered by Representative McGuire, a Bill for an Act to amend the Property Tax Code. House Bill 4166, offered by Representative Salvi, a Bill for an Act to amend the Criminal Code of 1961. First Reading of these House Bills."

Clerk McLennand: "First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #32 (sic - House Joint Resolution Constitutional Amendment #33), offered by Representative Erwin. HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 32 (sic - HJRCA 33) RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution, a proposition to amend Sections 8 and 12 of and to add Sections 12.1, 12.2, 12.3, 12.4, and 12.5 to Article VI of the Constitution as follows: ARTICLE VI THE JUDICIARY SECTION 8. ASSOCIATE JUDGES Each Circuit Court shall have such number of Associate Judges as provided by law. In a

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Judicial Circuit that adopts Sections 12.1 and 12.3 by a local option referendum under 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 that adopts Sections 12.1 and 12.3 by a local option referendum under Section 12.2, Circuit Judges shall be selected in the manner provided by those Sections, unless that manner of selection is terminated by referendum under Section 12.1; otherwise, Circuit Judges shall be elected 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 or her 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 this subsection (b) may stand for retention for a full term under Section 12.4. (c) The office of a Circuit Judge shall be vacant upon the incumbent's death, resignation, retirement, or 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 Judge shall

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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 shall serve until the first Monday in December following the second next general or judicial election next following the appointment. SECTION 12.1. APPOINTMENT OF JUDGES OF SUPREME COURT AND APPELLATE COURT AND, UPON ADOPTION, CIRCUIT COURTS (a) This Section governs the selection of Supreme and Appellate Judges and the selection of Circuit and Associate Judges of a Circuit that adopts this Section and Section 12.3 by a local option referendum under Section 12.2. For purposes of this Section and Section 12.4, the term "Judge" includes all Supreme, Appellate, Circuit, and Associate Judges selected in accordance with this Section except where a distinction is indicated. (b) Judges shall be appointed by the Governor from nominees submitted by Judicial Nominating Commissions, except when appointed by the Supreme Court in accordance with subsection (f). (c) The office of a Judge shall be vacant upon the incumbent's death, resignation, retirement, or removal, upon conclusion of a 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 6 months by a day certain, the administrative director of the Illinois courts shall promptly notify the chairperson of the appropriate Judicial Nominating Commission, who shall immediately convene the Commission. (e) Within 42 days after receiving notice of a vacancy, the Commission shall submit to the Governor a list of 3 nominees in alphabetical order, who are qualified for review by the Commission. For the purposes of Sections

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12.1 through 12.5, "qualified for review by the Commission" means persons who by their character, temperament, professional aptitude, experience, and commitment to equal justice under law are deemed by the Commission to be best qualified to fill the vacancy. The Commission may not include on a list a nominee who is on another list pending before the Governor or the Supreme Court under subsection (f) to fill a vacancy in the same judicial office. No list shall have any effect after the required appointment is made from the list. (f) Immediately upon receiving a list, the Governor shall make it public. Not less than 28 or more than 56 days after receiving a list, the Governor shall appoint from the list 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, and the Supreme Court shall promptly make the appointment from the list. (g) A person appointed to fill a vacancy under this Section 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 under Section 12.4. (h) Upon adoption by a Circuit of this Section and Section 12.3 by a local option referendum under Section 12.2, the terms of the Associate Judges of that Circuit shall conclude, regardless of the date of a previous appointment and regardless of any other provision of this Article VI, as follows: (1) The administrative director of the Illinois courts shall immediately divide the Associate Judgeships of the Circuit, including those then vacant, into 2 groups designated "Group 1" and "Group 2", as equal in number as possible, with terms to expire as follows:

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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 day.

Group 2 on the first Monday in December after the second general election next following the adoption of the local option referendum and on every fourth anniversary of that day.

(2) The administrative director of the Illinois courts shall immediately assign by lot the Associate Judges then in office to Groups 1 and 2.

(3) If Associate Judgeships are added or terminated in a Circuit, the administrative director of the Illinois courts shall promptly adjust the groups accordingly while keeping them as equal in number as possible.

SECTION 12.2. CIRCUIT LOCAL OPTION REFERENDA (a) The electors of

a Judicial Circuit may by a local option referendum adopt a proposition requiring Sections 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 3 months following the filing of petitions with the

Secretary of State, signed by at least 5% 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, Sections 12.1 and 12.3 shall thereafter govern the selection of Circuit

Judges and Associate Judges of the Circuit Court of that Circuit. (b) After the eighth year following a local option referendum in which the electors of a circuit have

adopted Sections 12.1 and 12.3 to govern the selection of Circuit Judges and Associate Judges, the electors of the Circuit may terminate, by a local option referendum, their

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adoption of Sections 12.1 and 12.3. The referendum shall be subject to the same requirements and shall be conducted in the same manner as a referendum for adoption of Sections 12.1 and 12.3. If a 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 be governed by Sections 12 and 8, respectively, unless Sections 12.1 and 12.3 are again adopted under this Section. (c) To provide time for the establishment of District Judicial Nominating Commissions, vacancies occurring in the offices of Supreme and Appellate Judge on or before June 30th following the date this Amendment takes effect shall continue to be filled, using the procedures in Section 12 as it existed before the effective date of this Amendment, for a term ending the first Monday in December after the next general election. (d) To provide time for the establishment of a Circuit Judicial Nominating Commission, vacancies occurring in the offices of Circuit Judge and Associate Judge on or before March 31st following the adoption of Sections 12.1 and 12.3 in a local option referendum in a Judicial Circuit shall continue to be filled, using the procedures applicable before the referendum, for a term ending the first Monday in December after the next general election. 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 that, by a local option referendum, adopts Section 12.1 and this Section 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

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appropriate District or Circuit. Six members shall be non-lawyers and 5 members shall be lawyers. (c) Three non-lawyer members of each Judicial Nominating Commission shall be appointed by the Attorney General and the other 3 non-lawyer members shall be appointed by the State official or officer first in the order indicated who was elected to office and is 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, the Minority Leader of the Senate. (d) The lawyer members of each Judicial Nominating Commission shall be elected by secret ballot in a manner to be determined by the Supreme Court by rule, without political party or other designation, by the lawyers admitted to practice in Illinois whose principal office is in the appropriate District or Circuit. (e) Upon appointment of the initial non-lawyer members of each Judicial Nominating Commission, the Attorney General shall divide the members by lot into 3 groups of 2 members each with one of his or her appointees in each group, and shall designate by lot the groups to serve initial terms of 2, 4, and 6 years respectively. In a manner determined by the Supreme Court by rule, 2 initial lawyer members of each Judicial Nominating Commission shall be designated by lot to serve 6-year terms, 2 lawyer members shall be designated to serve 4-year terms, and one lawyer member shall be designated to serve a 2-year term. Thereafter the terms of all Commission members shall be for 6 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

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the former member being replaced was affiliated with the same political party as the current Attorney General, and otherwise by the elected State official who is so qualified and first in the order indicated in subsection (c). A vacancy in the 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 election under subsection (d). (g) The chairperson of each Judicial Nominating Commission shall be selected by vote of all the members of the Commission. The term of a chairperson shall be for 3 years unless his or her remaining term as a member of the Commission expires sooner. (h) A person who holds an office under the United States or this State or a unit of local government or school district and receives compensation for services rendered in that office or who holds any office or official position in a political party is ineligible to serve on a Judicial Nominating Commission. Compensation for service in the State militia or the armed services of the United States for a period of time to be determined by the Supreme Court by 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 period of 3 years after his or her service on a Commission has ended. (i) A member who has served a full term of 6 years on a Judicial Nominating Commission may not serve on a Commission during the next 3 years. No person may serve on more than one Judicial Nominating Commission at the same time. (j) A Commission may conduct investigations, meetings, and hearings, all of which may be secret, and employ staff members that may be necessary to perform the Commission's duties. Members of Commissions shall not receive any

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compensation for their services but shall be entitled to reimbursement for necessary expenses. The General Assembly shall appropriate funds to the Supreme Court for reimbursement of those expenses 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 financial disclosure requirements as provided by law. SECTION 12.4. RETENTION ELECTIONS (a) Not less than 6 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,

(ii) an Associate Judge in office in a Judicial Circuit upon adoption by that Circuit of Sections 12.1 and 12.3 by a local option referendum under Section 12.2, or (iii) a Supreme, Appellate, Circuit, or Associate Judge who was appointed to that office under 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 Judge who has timely filed a declaration of candidacy for retention (except each Circuit and Associate Judge who, under Section 12.5, has been found qualified for review by the Commission and qualified to serve for the succeeding term) shall be submitted to the

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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 that 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 specified in subsection (a) or, having filed, fails to be retained shall vacate the office on the first Monday in December following the election, whether or not a successor has yet 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 a 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 this Section. The reduction shall become effective when a vacancy occurs in the affected unit. SECTION 12.5. JUDICIAL REVIEW COMMISSIONS FOR CIRCUIT AND ASSOCIATE JUDGES (a) This Section 12.5 governs the retention of Circuit and Associate Judges in the Cook County Circuit unless that Circuit by local option referendum terminates the operation of Sections 12.1 and 12.3. (b) In any Circuit other than the Cook County Circuit, the adoption of this Section shall be submitted to the electors as a separate question at an election at which a local option referendum is held under Section 12.2. If Sections 12.1 and 12.3 are adopted by the

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Circuit under Section 12.2 and a majority of the votes cast on the separate question of the adoption of this Section are in the affirmative, this Section shall govern the retention of Associate Judges in that Circuit. (c) In each Judicial Circuit in which the retention of Circuit and Associate Judges or Associate Judges only is governed by this Section in accordance with subsection (a) or (b), a Judicial Review Commission shall be created and empowered to determine qualification for retention of Circuit and Associate Judges in Cook County, or of Associate Judges in any Circuit other than the Cook County Circuit. (d) The members of a Judicial Review Commission shall be appointed or elected in the manner specified in subsections (c) and (d) of Section 12.3 for appointment or election of members of a Judicial Nominating Commission. (e) The terms of all members of a Judicial Review Commission shall begin 6 months before 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 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 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 who has served on a Judicial Review Commission may not serve on a Judicial Review Commission until 8 years have elapsed since the date his or her service on a Judicial Review Commission ended. A person who has served on a Judicial

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Nominating Commission may not serve on a Judicial Review Commission until 8 years have elapsed since the date his or her service on a Judicial Nominating Commission ended. No person may serve on a Judicial Nominating Commission while serving on a Judicial Review Commission. (i) In Circuits governed by this Section, for each Circuit and Associate Judge in the Cook County Circuit and each Associate Judge in other Circuits who has timely filed a declaration of candidacy for retention in office under Section 12.4, the Secretary of State shall, within 14 days after receipt of the declaration of candidacy, submit the Judge's name to the administrative director of the Illinois courts. Not more than 6 months nor less than 5 months before the general election next preceding the expiration of the term of office of the Judge, the administrative director of the Illinois courts shall notify the chairperson of the appropriate Judicial Review Commission of the Judge's candidacy. The chairperson shall then promptly convene the Commission. (j) If, by concurrence of not less than three-fifths of its members, the Commission finds the candidate to be qualified for review by the Commission and 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 finding as to whether the Commission finds or fails to find that candidate qualified for review by the Commission and 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 candidates it has found qualified to serve another term;

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(ii) which candidates 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 a Judicial Review Commission shall be without prejudice to the candidates' right to stand for retention by the electorate at a general election under Section 12.4. SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State. First Reading of House Joint Resolution Constitutional Amendment #32. (sic - HJRCA #33)."

Clerk McLennand: "Introduction - First Reading of Bills. House Bill 4167, offered by Representative Biggert, a Bill for an Act to amend the Criminal Code. House Bill 4168, offered by Representative Kubik, a Bill for an Act to amend the Property Tax Code. House Bill 4169, offered by Representative Lou Jones, a Bill for an Act to amend the Clinical Psychologist Licensing Act. House Bill 4170, offered by Representative Biggert, a Bill for an Act to amend the Land Trust Recordation and Transfer Tax Act. House Bill 4171, offered by Representative von Bergen-Wessels, a Bill for an Act to amend certain Acts in relation to the State Lottery and Lottery revenues. First Reading of these House Bills."

Clerk McLennand: "Being no further business, the House Perfunctory Session will be adjourned and the House Perfunctory Session will reconvene on Friday, April 8, at the hour of 4:00 p.m."

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