

STATE OF ILLINOIS
85th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

April 7, 1987

Speaker Curran: "The hour of 11:00 having arrived, the House will be in Session. Prayer by the Assistant Clerk."

Clerk Leone: "God bless this House and all those who work and serve here. Amen."

Speaker Curran: "Pledge of Allegiance by the Assistant Clerk... by the Clerk."

Clerk O'Brien - 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."

Clerk Leone: "Introduction and First Readings. House Bill 1546, offered by Representative Braun, a Bill for an Act in relationship to employer discrimination against child care workers. First Reading of the Bill. House Bill 1547, offered by Representative Leverenz, a Bill for an Act to amend Sections of the Humane Care for Animals Act. First Reading of the Bill. House Bill 1548, offered by Representative Leverenz, a Bill for an Act to amend Sections of an Act in relationship to the Department of State Police. First Reading of the Bill. House Bill 1549, offered by Representative Ackerman and Olson, a Bill for an Act to amend Sections of the Election Code. First Reading of the Bill. House Bill 1550, offered by Representative Olson - et al, a Bill for an Act to amend Sections of the Election Code. First Reading of the Bill. House Bill 1551, offered by Representative Leverenz, a Bill for an Act to define the term 'combination' when used in reference to truck tractors. First Reading of the Bill. House Bill 1552, offered by Representative Mays - et al, a Bill for an Act making reappropriations to the Build Illinois Program. First Reading of the Bill. House Bill 1553, offered by Representative McCracken, a Bill for an Act to amend

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Sections of the Bill of Rights for Victims and Witnesses of Violent Crime Act. First Reading of the Bill. House Bill 1554, offered by Representative Shaw, a Bill for an Act to amend Sections of the Illinois Insurance Code. First Reading of the Bill. House Bill 1555, offered by Representative Didrickson, a Bill for an Act to amend Sections of the General Not-for-Profit Corporation Act. First Reading of the Bill. House Bill 1556, offered by Representative Klemm, a Bill for an Act to amend Sections of the Bill of Rights for Victims and Witnesses of Violent Crime Act. First Reading of the Bill. House Bill 1557, offered by Representative Hasara, a Bill for an Act to amend Sections of the Code of Civil Procedure. First Reading of the Bill. House Bill 1558, offered by Representative Hasara, a Bill for an Act to amend Sections of the Illinois Vehicle Code. First Reading of the Bill. House Bill 1559, offered by Representative Myron Olson and Flinn - et al, a Bill for an Act to amend Sections of the Unemployment Insurance Act. First Reading of the Bill. House Bill 1560, offered by Representative Myron Olson - et al, a Bill for an Act to amend Sections of the Illinois Administrative Procedures Act. First Reading of the Bill. House Bill 1561, offered by Representative Hartke, a Bill for an Act to amend Sections of the Environmental Protection Act. First Reading of the Bill. House Bill 1562, offered by Representative Dunn, a Bill for an Act to add Sections to the Illinois Public Aid Code. First Reading of the Bill. House Bill 1563, offered by Representative Mautino, a Bill for an Act to amend Sections of the Beer Industry Fair Dealing Act. First Reading of the Bill. House Bill 1564, offered by Representative Phelps - et al, a Bill for an Act concerning management of state parks, amending certain Acts herein named. First

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Reading of the Bill. House Bill 1565, offered by Representative Rea - et al, a Bill for an Act concerning corridors of opportunity. First Reading of the Bill. House Bill 1566, offered by Representative Phelps - et al, a Bill for an Act concerning regional tourism councils. First Reading of the Bill. House Bill 1567, offered by Representative Petka, a Bill for an Act to amend Sections of the Unified Code of Corrections. First Reading of the Bill. House Bill 1568, offered by Representative Petka, a Bill for an Act relating to admissibility of blood tests in evidence. First Reading of the Bill. House Bill 1569, offered by Representative Petka, a Bill for an Act to amend Sections of the Juvenile Court Act. First Reading of the Bill. House Bill 1570, offered by Representative Petka, a Bill for an Act to amend Sections of the Unified Code of Corrections. First Reading of the Bill. House Bill 1571, offered by Representative McGann, a Bill for an Act in relationship to boards of trustees of community college districts located in cities having a population exceeding 500,000 inhabitants. First Reading of the Bill. House Bill 1572, offered by Representative Farley, a Bill for an Act to amend Sections of the Illinois Controlled Substances Act. First Reading of the Bill. House Bill 1573, offered by Representative Farley... correction. Continuing with Introductions. House Bill 1573, offered by Representative Giorgi - et al, a Bill for an Act to register landscape architects and to provide for penalties for the violation thereof. First Reading of the Bill. House Bill 1574, offered by Representative Stern, a Bill for an Act to amend Sections of the Illinois Marriage and Dissolution of Marriage Act. First Reading of the Bill. House Bill 1575, offered by Representative Parcells, a Bill for an Act in relationship to the certification of nutritionists. First

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Reading of the Bill. House Bill 1576, offered by Representative Countryman, a Bill for an Act to amend Sections of the Illinois Vehicle Code. First Reading of the Bill. House Bill 1577, offered by Representative Tuerk and Harris, a Bill for an Act to amend Sections of the Illinois Income Tax Act. First Reading of the Bill. House Bill 1578, offered by Representative Johnson - et al, a Bill for an Act to amend Sections of the Illinois Parentage Act. First Reading of the Bill. House Bill 1579, offered by Representative Olson and Countryman, a Bill for an Act to amend Sections of the Election Code. First Reading of the Bill. House Bill 1580, offered by Representative Phelps - et al, a Bill for an Act concerning health facilities. First Reading of the Bill. House Bill 1581, offered by Representative Hicks, a Bill for an Act to add Sections to the School Code. First Reading of the Bill. House Bill 1582, offered by Representative Hicks, a Bill for an Act to amend Sections to the Election Code. First Reading of the Bill. House Bill 1583, offered by Representative Hicks, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 1584, offered by Representative Hicks, a Bill for an Act in relationship to drilling operations. First Reading of the Bill. House Bill 1585, offered by Representative Mautino - et al, a Bill for an Act to add Sections to the School Code. First Reading of the Bill. House Bill 1586, offered by Representative Satterthwaite, a Bill for an Act to amend Sections of the Mental Health and Developmental Disabilities Act. First Reading of the Bill. House Bill 1587, offered by Representative Keane - et al, a Bill for an Act to provide tuition waivers for children of employees of state supported colleges and universities. First Reading of the Bill. House Bill 1588, offered by

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Representative McNamara, a Bill for an Act in relationship to licensure of professional counselors. First Reading of the Bill. House Bill 1589, offered by Representative Currie, a Bill for an Act to amend Sections of the Election Code. First Reading of the Bill. House Bill 1590, offered by Representative Kulas, a Bill for an Act in relation to the registration of underground storage tanks, amending certain Acts named therein. First Reading of the Bill. House Bill 1591, offered by Representative Currie, a Bill for an Act to amend Sections of the Regulatory Agency Sunset Act. First Reading of the Bill. House Bill 1592, offered by Representative Shaw, a Bill for an Act to amend Articles of the Illinois Insurance Code. First Reading of the Bill. House Bill 1593, offered by Representative Anthony Young, a Bill for an Act to amend Sections of the Election Code. First Reading of the Bill. House Bill 1594, offered by Representative Anthony Young, a Bill for an Act to amend Sections of the Election Code. First Reading of the Bill. House Bill 1595, offered by Representative Terzich and Capparelli, a Bill for an Act to amend Sections of the Illinois Insurance Code. First Reading of the Bill. House Bill 1596, offered by Representative Terzich and Capparelli - et al, a Bill for an Act to amend Sections of the Juvenile Court Act. First Reading of the Bill. House Bill 1597, offered by Representative Cullerton, a Bill for an Act to amend Sections of the Illinois Savings and Loan Act. First Reading of the Bill. House Bill 1598, offered by Representative Breslin, a Bill for an Act to amend Sections of the Revenue Act. First Reading of the Bill. House Bill 1599, offered by Representative Ronan, a Bill for an Act to amend certain Acts in relationship to public transportation. First Reading of the Bill. Introduction

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and First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #14, offered by Representative Johnson - Countryman - et al. Resolved, by the House of Representatives of the 85th 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 6 of Article IV and Sections 4 and 9 of Article VI of the Constitution to read as follows: Section 6. Organization. (a) A majority of the Members elected to each House constitutes a quorum. (b) On the first day of the January Session of the General Assembly in odd-numbered years, the Secretary of State shall convene the House of Representatives to elect from its Membership a Speaker of the House of Representatives as presiding officer, and the Governor shall convene the Senate to elect from its Membership a President of the Senate as presiding officer. For purposes of powers of appointment conferred by this Constitution, the Minority Leader of either house is a member of the numerically strongest political party other than the party to which the Speaker or the President belongs, as the case may be. (d) Each House shall determine the rules of its proceedings, judge the qualifications of its Members and choose its officers. No member shall be expelled by either House except by a vote of two-thirds of the Members elected to that House. A Member may be expelled only once for the same offense. Each House may punish by imprisonment any person, not a Member, guilty of disrespect to the House by disorderly or contemptuous behavior in its presence. Imprisonment shall not extend beyond twenty-four hours at one time unless the person persists in disorderly or

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contemptuous behavior. Article VI. Section 4. Supreme Court - Jurisdiction. (a) The Supreme Court may exercise original jurisdiction in cases relating to revenue, mandamus, prohibition or habeas corpus and as may be necessary to the complete determination of any case on review. (b) Appeals from judgments of Circuit Courts imposing a sentence of death and from decisions of the Circuit Courts judging the elections and returns of Members of the General Assembly shall be directly to the Supreme Court as a matter of right. In reviewing decisions of the Circuit Courts judging the elections and returns of Members of the General Assembly, the Supreme Court shall not receive additional evidence but shall be limited to a review of the record of the Circuit Court. The Supreme Court shall provide by rule for direct appeal in other cases. (c) Appeals from the Appellate Court to the Supreme Court are a matter of right if a question under the Constitution of the United States or of this state arises for the first time in and as a result of the action of the Appellate Court, or if a division of the Appellate Court certifies that a case decided by it involves a question of such importance that the case should be decided by the Supreme Court. The Supreme Court may provide by rule for appeals from the Appellate Court in other cases Section 9. Circuit Courts - Jurisdiction. Circuit Courts shall have original jurisdiction of all justifiable matters except when the Supreme Court has original and exclusive jurisdiction relating to redistricting of the General Assembly and to the ability of the Governor to serve or resume office. Circuit Courts shall have such power to review administrative action as provided by law. Circuit Courts shall have original jurisdiction relating to judging the elections and returns of Members of the General

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Assembly and the General Assembly shall not... shall have not power to decide election contests of its Members. If the Legislative or Representative District lies in more than one judicial circuit, any such action shall be brought in the circuit in which the largest portion of the population of the district resides. This Amendment takes effect upon the adoption of the electors of this state. First Reading of this Constitutional Amendment. House Joint Resolution Constitutional Amendment #15, offered by Representative Turner - et al.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIFTH 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 8 of Article IX of the Illinois Constitution to read as follows:

ARTICLE IX

SECTION 8. TAX SALES

(a) Real property shall not be sold for the nonpayment of taxes or special assessments without judicial proceedings.

(b) (1) The right of redemption from all sales of real estate for the nonpayment of taxes or special assessments, except as provided in paragraph (2) of this subsection (b), shall exist in favor of owners and persons interested in such real estate for not less than one two years following such sales.

(2) The right of redemption from the sale for nonpayment of taxes or special assessments of a parcel real estate which:

(A) is vacant non-farm real estate or (B) contains an improvement consisting of a structure or structures each of which contains 7 or more residential units or (C) is commercial or industrial property; and upon which all or a part of the general

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taxes for each of 5 or more years are delinquent shall exist in favor of owners and persons interested in such real estate for not less than 90 days following such sales.

(c) Owners, occupants and parties interested shall be given reasonable notice of the sale and the date of expiration of the period of redemption as the General Assembly provides by law.

SCHEDULE

This amendment shall take effect immediately upon its approval by the voters. First Reading of this Constitutional Amendment.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIFTH 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 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, 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 District which adopts Sections 12.1 and 12.3 by a local option referendum pursuant to Section 12.2, Associate Judges of the Circuit Courts of such District shall be selected by appointment in the manner provided by those Sections unless such manner of selection is terminated pursuant to referendum under Section 12.2; 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 First Judicial District, 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 JUDGES AND RETENTION

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(a) In a Judicial District which adopts Sections 12.1 and 12.3 by a local option referendum pursuant to Section 12.2, Circuit Judges of the Circuit Courts and Appellate Judges of such District shall be selected in the manner provided by those Sections, unless such manner of selection is terminated by referendum pursuant to Section 12.2; otherwise, in the manner provided by this Section.

(b) (a) Supreme, Appellate and Circuit Judges shall be nominated at primary elections or by petition and ---Judges shall be elected at general or judicial elections as provided 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 and at the general or judicial elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions. A Judge elected to office under this Section 12(b) may stand for retention for a full term pursuant to Section 12.4.

(c) (b) The office of a Judge shall be vacant upon the incumbent's his death, resignation, retirement, removal, or upon the conclusion of a his term without retention in office, or - whenever an additional Appellate or Circuit Judge is authorized by law, -the-office-shall-be-filled-in-the-manner-provided-for-filling a-vacancy-in-that-office.

(d) (e) A vacancy occurring in the office of Supreme, Appellate or Circuit Judge shall be filled as the General Assembly may provide by law or - 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 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

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appointment.

{d)--Not-less-than-six--months--before--the--general--election preceding--the--expiration--of--his--term--of--office,--a-Supreme, Appellate-or-Circuit-Judge-who-has-been-elected-to-that-office-may file-in-the-office-of-the-Secretary--of--State--a--declaration--of candidaey--to--succeed--himself.--The-Secretary-of-State,--not-less than-63-days--before--the--election,--shall--certify--the--Judge's candidaey--to--the--proper-election-officials,--The-names-of-Judges seeking-retention-shall-be-submitted-to-the--electors,--separately and--without--party-designation,--on-the-sole-question-whether-each Judge-shall-be-retained-in-office-for-another-term,--The--retention elections---shall---be--conducted--at--general--elections--in--the appropriate-Judicial-District,--for-Supreme-and--Appellate--Judges, and--in--the--circuit--for-Circuit-Judges,--The-affirmative-vote-of three-fifths-of-the-electors-voting-on-the--question--shall--elect the--Judge-to-the-office-for-a-term-commencing-on-the-first-Monday in-December-following-his-election.

{e)--A-law-reducing-the-number-of-Appellate-or-Circuit--Judges shall-be-without-prejudice-to-the-right-of-the-Judges-affected-to seek-retention-in-office.--A-reduction-shall-become-effective--when a-vacaney-occurs-in-the-affected-unit.

SECTION 12.1. APPOINTMENT OF JUDGES OF APPELLATE COURT AND CIRCUIT COURTS UPON ADOPTION

(a) The provisions of this Section shall govern the selection of Appellate Judges of a Judicial District and Circuit and Associate Judges of any Circuit within a Judicial District which adopts this Section and Section 12.3 by a local option referendum pursuant to Section 12.2, unless such manner of selection is terminated by referendum pursuant to Section 12.2. For purposes of this Section and Section 12.4, the term "Judge" includes all such Appellate, Circuit and Associate Judges except where a distinction is indicated.

(b) Judges shall be appointed by the Supreme Court Justice of

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the Judicial District in which the vacancy in the office of Judge occurs from nominees submitted by the Judicial Nominating Commissions.

(c) The office of a Judge shall be vacant upon the incumbent's death, resignation, retirement, removal, or 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 six months by a day certain, the Administrative Director of the Illinois Courts shall promptly notify the chairman of the appropriate Judicial Nominating Commission, who shall immediately convene the Commission.

(e) Within 42 days after the receipt of such notice of a vacancy, the Commission shall submit to the Administrative Director of the Illinois Courts a list of three nominees in alphabetical order, 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 then pending before the Supreme Court Justice of the Judicial District in which the vacancy occurs 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 Administrative Director of the Illinois Courts shall make it public.

The Administrative Director of the Illinois Courts shall immediately upon receipt of the list of nominees submitted by the Commission publicly randomly select one such name from the list and tender such name to the Supreme Court Justice of the Judicial District in which the vacancy in the office of Judge occurred. If such vacancy occurred in the First Judicial District, if such District adopts this Section and Section 12.3 by local option

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referendum, the name shall be submitted to the Supreme Court Justice of the First Judicial District based upon seniority. When a vacancy first occurs in the office of Judge in the First Judicial District after the adoption by that District of this Section and Section 12.3 by local option referendum, the name of such nominee to fill the vacancy shall be submitted to the Supreme Court Justice of the First Judicial District who has served the longest tenure on the Supreme Court. The second such vacancy to occur in the First Judicial District shall be filled by appointment by the Supreme Court Justice of the First Judicial District with the second longest tenure on the Supreme Court and the third such vacancy shall be filled by the Supreme Court Justice of the First Judicial District with the third most seniority on the Supreme Court. Thereafter any vacancy in the office of Judge in the First Judicial District shall be filled by the Supreme Court Justice of the First Judicial District on a rotating basis based upon seniority. Not fewer than 28 nor more than 56 days after the receipt of the name from the list, the appropriate Supreme Court Justice shall either appoint such person to fill the vacancy or may disapprove such person.

If the Supreme Court Justice disapproves such person to fill the vacancy, the Administrative Director of the Illinois Courts shall publicly randomly select one of the two remaining names on the list submitted by the Commission and such person selected shall be appointed to fill the vacancy in the office of Judge.

(q) 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) Upon adoption by a District of this Section and Section 12.3 by a local option referendum pursuant to Section 12.2, the

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terms of the Associate Judges of the Circuit Courts located within the District 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:

1. The Administrative Director of the Illinois Courts shall forthwith divide the Associate Judgeships of the Circuit, including 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 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 forthwith by lot assign the Associate Judges then in office to the above groups.

3. 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. JUDICIAL DISTRICT LOCAL OPTION REFERENDA

(a) The electors of any Judicial District may by a referendum, here designated as a local option referendum, adopt a proposition requiring Sections 12.1 and 12.3 to govern the selection of Appellate Court Judges of that Judicial District and Circuit Judges and Associate Judges of the Circuit Courts located within the Judicial District. The electors of a Judicial District 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 Judicial District, asking that the

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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 Appellate Court Judges of that District and Circuit Judges and Associate Judges of the Circuit Courts located within that District.

(b) After the eighth year following a local option referendum whereby the electors of a District have adopted Sections 12.1 and 12.3 to govern the selection of Appellate Court Judges of that District and Circuit Judges and Associate Judges of the Circuit Courts located within that District pursuant to this Section, the electors of the District may terminate their adoption of Sections 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 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 Appellate Court Judges of that District and Circuit Judges and Associate Judges of the Circuit Courts located within the District shall thereafter be governed by Sections 12 and 8, respectively, unless and until Sections 12.1 and 12.3 are again adopted pursuant to this Section.

SECTION 12.3. JUDICIAL NOMINATING COMMISSIONS

(a) In each Judicial District which has adopted Sections 12.1 and 12.3 by a local option referendum, there shall be a Judicial Nominating Commission for the nomination of Judges for the Appellate Court for that District and a Judicial Nominating Commission in each Judicial Circuit located within the Judicial District for the nomination of Circuit and Associate Judges of that Circuit.

If Sections 12.1 and 12.3 are adopted by the First Judicial District, there shall be two Judicial Nominating Commissions for the nomination of Circuit Court and Associate Judges. The Supreme Court shall alternately assign the selection of nominees to fill vacancies occurring in the office of Judge from the First Judicial

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District to one of the Judicial Nominating Commissions.

(b) Each Judicial Nominating Commission shall consist of 12 members who are residents of the appropriate District or Circuit: six non-lawyers and five lawyers.

(c) The non-lawyer members of each Judicial Nominating Commission shall be appointed as follows: two by the Governor, both of whom shall not be affiliated with the same political party, one by the President of the Senate, one by the Speaker of the House of Representatives, one by the Minority Leader of the House of Representatives, and one by the Minority Leader of the Senate.

(d) The lawyer members of each Judicial Nominating Commission shall be elected by secret ballot, with political party designation or with the designation independent by those lawyers admitted to practice in Illinois whose principal office is in the appropriate District or Circuit, in such manner as provided by Supreme Court Rule.

The lawyer who receives the highest number of votes cast within the District or Circuit shall be elected to the Commission. The lawyer receiving the second highest number of votes cast within the District or Circuit who is not affiliated with the same political party as the lawyer receiving the highest number of votes cast shall be elected to the Commission. The lawyer receiving the third highest number of votes cast in the District or Circuit who is not affiliated with the same political party as the lawyer receiving the second highest number of votes cast shall be elected to the Commission. The lawyer receiving the fourth highest number of votes cast in the District or Circuit who is not affiliated with the same political party as the lawyer receiving the third highest number of votes shall be elected to the Commission. The lawyer receiving the fifth highest number of votes cast in the District or Circuit who is not affiliated with the same political party as the lawyer receiving the fourth

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highest number of votes cast in the District or Circuit shall be elected to the Commission. Each Judicial Nominating Commission shall also include an Appellate or Circuit Judge selected by secret ballot by all Circuit and Appellate Court Judges within the Judicial District.

(e) 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 appointing authority who had appointed the person whose vacancy is to be filled. 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 as set forth in subsection (d) of this Section.

(g) The Chairman of each Judicial Nominating Commission shall be selected by vote of all the members 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 services of the United States for such period of time as may be determined by 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 period of three years thereafter.

(i) A member having served a full term of six years on a Judicial Nominating Commission may not serve on a Commission

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during the next three years. No person may serve on more than one Judicial Nominating Commission at the same time.

(j) The 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 appropriate Supreme Court Justice 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.

(m) The Commission and the Supreme Court shall adopt rules restricting campaign contributions to judicial candidates and shall jointly supervise such contributions.

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 of

(ii) an Associate Judge in office in a Judicial Circuit upon adoption by the Judicial District in which such Circuit is located of Sections 12.1 and 12.3 by a local option referendum pursuant to Section 12.2 or of

(iii) an Appellate, Circuit or Associate Judge who was 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

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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 a declaration of candidacy for retention (except each Appellate, Circuit and Associate Judge who, pursuant to Section 12.5, has been found 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 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 herein specified, 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 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 the provisions of this Section. The reduction shall become effective when a vacancy occurs in the affected unit.

SECTION 12.5. RETENTION BY THE JUDICIAL NOMINATING COMMISSIONS FOR APPELLATE, CIRCUIT AND ASSOCIATE JUDGES

(a) The provisions of this Section 12.5 shall govern the

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retention of Appellate Court Judges in a Judicial District and Circuit and Associate Judges in Circuits located within a Judicial District which has adopted Sections 12.1 and 12.3 pursuant to Section 12.2.

(b) In Judicial Districts governed by this Section 12.5, for each Appellate, Circuit and 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 fourteen 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 preceding 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 Nominating Commission of the Judge's candidacy. The Chairman shall then promptly convene the Commission.

(c) 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 finding 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 candidates it has found qualified to serve another term;

(ii) which candidates it has failed to find so qualified, and

(iii) which candidates have withdrawn their candidacy by written notification to the Commission.

(d) Failure of a candidate to be found qualified for retention by a Judicial Nominating Commission shall be without

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prejudice to the candidate's right to stand for retention by the electorate at a general election pursuant to Section 12.4.

(e) The Supreme Court shall provide by rule for the evaluation of Associate Judges by the Circuit Judges of their respective Circuits. Such evaluations shall be submitted to the appropriate Judicial Nominating Commission.

SCHEDULE

If approved by the electors, this Amendment shall take effect the next day following proclamation of the result of the vote.

In a Judicial District which adopts Sections 12.1 and 12.3 by a 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 Circuit and District Judicial Nominating Commissions, vacancies occurring in the office of Appellate Judge, Circuit Judge and Associate Judge to and including the following March 31st shall continue to be filled as provided in Sections 8 and 12, Article VI, of the Constitution adopted in 1970, for a term ending the first Monday in December after the next general election. Vacancies occurring after the following March 31st shall be filled as provided herein.

Clerk Leone: "Introduction and First Reading of House Bills. House Bill 1600, Capparelli, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 1601, offered by Representative Terzich - et al, a Bill for an Act to amend Sections of the County Jail Good Behavior Allowance Act. First Reading of the Bill. House Bill 1602, offered by Representative Cowlshaw and Leverenz, a Bill for an Act to amend Sections of the State Library Act. First Reading of the Bill. House Bill 1603, offered by Representative Homer - et al, a Bill for an Act to add Sections to the Criminal Code. First Reading of the Bill. House Bill 1604, offered by Representative

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Terzich - et al, a Bill for an Act to amend Sections of the Illinois Public Labor Relations Act. First Reading of the Bill. House Bill 1605, offered by Representative DeJaegher, a Bill for an Act to amend Sections of an Act in relationship to state monies. First Reading of the Bill. Being no further business, the House will now stand adjourned until April 8th at 11:00 a.m."

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