

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

20th Legislative Day

February 21, 1995

Speaker Klingler: "The hour of 12:00 noon having arrived the House Perfunctory Session will come to order."

Clerk Rossi: "Dear Lord, bless this House of Representatives and all who serve and work here on behalf of the people of this great state of Illinois."

Speaker Klingler: "We will be led in the Pledge of Allegiance today by Amy Graham."

Graham, Amy - 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 Rossi: "Introduction and First Reading of Bills. House Bill 2472, offered by Representative Phelps, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2473, offered by Representative Bost, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2474, offered by Representative Bost, a Bill for an Act to amend the Criminal Code. First Reading of these House Bills."

Clerk Rossi: "First Reading of House Joint Resolution Constitutional Amendment #19, offered by Representative Dart. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 6 of Article IV of the Illinois Constitution as follows:  
ARTICLE IV THE LEGISLATURE 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

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

20th Legislative Day

February 21, 1995

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. (c) 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 elections, returns and 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 contemptuous behavior. (e) No Representative, however, may serve as the chairperson of any one or more committees of the House of Representatives for more than 4 years in the aggregate. No Senator, however, may serve as the chairperson of any one or more committees of the Senate for more than 4 years in the aggregate. (Source: Illinois Constitution.) SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State. First Reading of House Joint Resolution Constitutional Amendment #19."

Clerk Rossi: "House Joint Resolution Constitutional Amendment #22, offered by Representative Erwin. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

20th Legislative Day

February 21, 1995

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 repeal Section 8 of Article VI,  
amend Sections 10, 11, and 12 of Article VI, and add  
Section 12.5 to Article VI of the Constitution to read as  
follows: ARTICLE VI THE JUDICIARY The terms of office of  
Supreme and Appellate Court Judges shall be ten years; and  
of Circuit Judges, six years, ~~and of Associate Judges, four~~  
years. (Source: Illinois Constitution.) SECTION 11.  
ELIGIBILITY FOR OFFICE No person shall be eligible to be a  
Judge ~~or Associate Judge~~ unless he or she is a United  
States citizen, a licensed attorney-at-law of this State,  
and a resident of the district or circuit unit which  
selects him or her. No change in the boundaries of a unit  
shall affect the tenure in office of a Judge ~~or Associate~~  
~~Judge~~ incumbent at the time of such change. SECTION 12.  
ELECTION AND RETENTION (a) Supreme Court, Appellate and  
Circuit Judges shall be nominated at primary elections or  
by petition and 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 or her 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-5) Appellate and Circuit Judges shall be appointed by  
the Supreme Court from nominees submitted by Judicial  
Nominating Commissions in accordance with subsection (c-5)  
of this Section. (b) The office of a Judge shall be vacant  
upon his or her death, resignation, retirement, removal, or

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

20th Legislative Day

February 21, 1995

upon the conclusion of his or her term without retention in office. 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.

(c) A vacancy occurring in the office of Supreme Court, 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 Supreme Court 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 appointment. (c-5) As soon as a vacancy occurs in the office of Appellate or Circuit Judge, or if such a vacancy 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 and give notice to the public. Within 60 days after receiving the notice of a vacancy, the Judicial Nominating Commission shall submit to the Supreme Court a list of 3 nominees who, by their character, background, temperament, professional aptitude, experience, and commitment to justice are deemed by the Commission to be best qualified to fill the vacancy. The Commission shall also give due consideration to diversity of representation on the bench. The Commission shall submit the nominees' names in alphabetical order. The selection of Judges for appointment by the Supreme Court shall be

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

20th Legislative Day

February 21, 1995

from among those persons best qualified to hold judicial office in this State. All such qualified persons have the right to be considered for selection by a Judicial Nominating Commission free from discrimination on the basis of race, color, creed, national ancestry, or sex. The Commission may not include on a list a nominee who is on another list then pending before the Supreme Court. The function of a list of nominees shall terminate upon the making of the required appointment from the list. Immediately upon receiving a list of nominees from a Judicial Nominating Commission, the Supreme Court shall make the list public. Not fewer than 28 nor more than 56 days after receiving a list, the Supreme Court shall appoint from the list a person to fill the vacancy. If the Supreme Court does not make an appointment within 56 days, the Commission shall immediately submit the list to the Governor, who shall make the appointment from the list within 28 days after receiving the list. A person appointed to fill a vacancy pursuant to this subsection shall serve an initial term equal to the term specified in Section 10.

(d) Not less than six months before the general election preceding the expiration of his or her term of office, a Supreme, Appellate or Circuit Judge who has been elected or appointed to that office may file in the office of the Secretary of State a declaration of candidacy to succeed himself or herself. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy 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

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

20th Legislative Day

February 21, 1995

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 50% 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 or her election for retention. (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 vacancy occurs in the affected unit. (f) The office of Associate Judge is abolished, and all Associate Judges in office on the effective date of this amendment shall on that date assume the office of Circuit Judge. In order to end the terms of those Judges, the Administrative Director of the Illinois Courts, as soon as possible after the effective date of this amendment, shall by lot divide those Judges into 3 groups that are as equal in number as possible. The terms of the Judges in the first group shall end on the first Monday in December after the next general election following the adoption of this amendment and every 6 years thereafter. The terms of the Judges in the second group shall end on the first Monday in December after the second general election following the adoption of this amendment and every 6 years thereafter. The terms of the Judges in the third group shall expire on the first Monday in December after the third general election following the adoption of this amendment and every 6 years thereafter. The Judges described in this subsection may be retained in the same manner as other Circuit Judges. SECTION 12.5. JUDICIAL NOMINATING COMMISSIONS (a) There shall be a Judicial Nominating Commission in each Judicial District

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

20th Legislative Day

February 21, 1995

for the nomination of Judges for the Appellate Court, in each Judicial Circuit for the nomination of Judges for the Circuit Court, and in each Judicial Subcircuit for the nomination of Judges for the Subcircuit Courts. (b) Each Judicial Nominating Commission shall consist of 11 members. Six of the members must be persons who are not licensed to practice as an attorney or counselor at law within this State and are residents of the appropriate District, Circuit, or Subcircuit ("non-lawyer members"). The remaining 5 members must be persons who are licensed to practice as an attorney or counselor at law within this State and are residents of the appropriate District or Circuit ("lawyer members"). (c) Three of the non-lawyer members of each Judicial Nominating Commission shall be appointed by the Attorney General. The remaining 3 non-lawyer members shall be appointed by the officer first in the following order who is not affiliated with the same political party as the Attorney General: the President of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the Senate. (d) The lawyer members of each Judicial Nominating Commission shall be selected in the manner 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 3 groups as equal in number as possible, with one of the Attorney General's appointees in each group. The Attorney General shall by lot designate the members in those groups to serve initial terms of 2, 4, and 6 years respectively. The initial lawyer members of each Judicial Nominating Commission shall also be divided by lot into 3 groups as equal in number as possible, and the members in those groups shall by lot be

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

20th Legislative Day

February 21, 1995

designated to serve initial terms of 2, 4, and 6 years respectively, all in the manner provided by Supreme Court Rule. Thereafter, the terms of all Commission members shall be 6 years. (f) A vacancy in the non-lawyer membership of a Judicial Nominating Commission shall be filled for the remainder of the unexpired term or for a full term, as the case may be, by the Attorney General (if the Attorney General is affiliated with the same political party as the official who appointed the member whose vacancy is to be filled) or by the other officer specified in subsection (c) of this Section (if the Attorney General is affiliated with a political party different from that of the official who appointed the member whose vacancy is to be filled). A vacancy at the end of a term in the lawyer membership of a Judicial Nominating Commission shall be filled in the manner provided by Supreme Court Rule. (g) The members of each Judicial Nominating Commission shall select a Chairperson of the Commission. The Chairperson shall serve for a term of 3 years unless his or her remaining term as a member of the Commission expires sooner. (h) A person is not eligible to serve on a Judicial Nominating Commission if he or she (i) holds any office under the United States or this State, or any political subdivision, municipal corporation, municipality, or unit of local government of this State, and receives compensation for services rendered in that office or (ii) holds any office or official position in a political party. Compensation for service in the State militia or the armed services of the United States, for the period of time determined by Supreme Court Rule, does not disqualify a person from serving on a Judicial Nominating Commission under this subsection. A member of a Judicial Nominating



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

20th Legislative Day

February 21, 1995

Commission may not be appointed to judicial office while serving on the Commission or for a period of 6 months thereafter. (i) A person who has served a full term of 6 years as a member of a Judicial Nominating Commission may not serve on a Commission during the next 3 years following expiration of that 6-year term. A person may not serve on more than one Judicial Nominating Commission at the same time. (j) A Judicial Nominating Commission may conduct investigations, meetings, and hearings, all of which may be secret, and may employ staff members as necessary to perform the Commission's duties. Judicial Nominating Commission members may not receive any compensation for their services on the Commission but shall be reimbursed for their necessary expenses actually incurred in performing their duties. The General Assembly shall appropriate funds to the Supreme Court for that reimbursement and for all other administrative expenses of the Judicial Nominating Commissions. (k) A Judicial Nominating Commission shall submit nominees for the office of Appellate or Circuit Judge to the Supreme Court upon the concurrence of not less than three-fifths of the members of the Commission voting on the nominations. (l) Lawyer and non-lawyer members of Judicial Nominating Commissions are not subject to economic disclosure requirements as provided by law. SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State. First Reading of this House Joint Resolution

Clerk Rossi: "House Joint Resolution Constitutional Amendment #23, offered by Representative Wennlund. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

20th Legislative Day

February 21, 1995

the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 7 of Article V of the Illinois Constitution as follows: ARTICLE V THE EXECUTIVE SECTION 7. VACANCIES IN OTHER ELECTIVE OFFICES If the Lieutenant Governor, Attorney General, Secretary of State, Comptroller or Treasurer fails to qualify or if his office becomes vacant, the Governor shall fill the office by appointment. The appointee shall hold office until the elected officer qualifies or until a successor is elected and qualified as may be provided by law and shall not be subject to removal by the Governor. ~~if--the--Lieutenant Governor--fails-to-qualify-or-if-his-office-becomes-vacant, it-shall-remain-vacant-until-the-end-of-the-term.~~ SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State."

Clerk Rossi: "House Joint Resolution Constitutional Amendment #24, offered by Representative Kubik. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 2 of Article VI of the Illinois Constitution as follows: ARTICLE VI THE JUDICIARY SECTION 2. JUDICIAL DISTRICTS The State is divided into five Judicial Districts for the selection of Supreme and Appellate Court Judges. The First Judicial District consists of Cook County. The remainder of the State of Illinois shall be divided by law into four Judicial Districts of substantially equal population, each of which shall be compact and composed of contiguous

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

20th Legislative Day

February 21, 1995

counties. SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State."

Clerk Rossi: "House Joint Resolution Constitutional Amendment #25, offered by Representative Kubik. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 5 of Article VI of the Illinois Constitution as follows: ARTICLE VI THE JUDICIARY SECTION 5. APPELLATE COURT - ORGANIZATION The number of Appellate Judges to be selected from each Judicial District shall be provided by law. The Supreme Court shall prescribe by rule the number of Appellate divisions in each Judicial District. Each Appellate division shall have at least three Judges. Assignments to divisions shall be made by the Supreme Court. A majority of a division constitutes a quorum and the concurrence of a majority of the division is necessary for a decision. There shall be at least one division in each Judicial District and each division shall sit at times and places prescribed by rules of the Supreme Court of Illinois. (Source: Illinois Constitution.) SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State. Introduction and First Reading of these House Joint Resolution Constitutional Amendments."

Clerk Rossi: "Being no further business the House Perfunctory Session will stand adjourned until February 22nd, at the hour of 12:00 noon."

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
DAILY TRANSCRIPTION OF DEBATE INDEX

95/03/01  
11:11:30

FEBRUARY 21, 1995

HB-2472	FIRST READING	PAGE	1
HB-2473	FIRST READING	PAGE	1
HB-2474	FIRST READING	PAGE	1
*HJR-0019	FIRST READING	PAGE	1
*HJR-0022	FIRST READING	PAGE	2
*HJR-0023	FIRST READING	PAGE	9
*HJR-0024	FIRST READING	PAGE	10
*HJR-0025	FIRST READING	PAGE	11

SUBJECT MATTER

PERFUNCTORY SESSION	PAGE	1
PRAYER - CLERK ROSSI	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
PERFUNCTORY SESSION ADJOURNED	PAGE	11