

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

116th Legislative Day

April 28, 1998

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Reverend Glen Chalmers, who is the Executive Director of the Cathedral Shelter in Chicago. Reverend Chalmers is the guest of Representative Joe Lyons. The guests in the gallery may wish to rise and join us in the invocation."

Reverend Chalmers: "Let us pray. Eternal God, in whose perfect kingdom no sword is drawn but the sword of righteousness, no strength known but the strength of love, we ask You to guide and bless the Members of this Legislature. With serious issues before us and with their responsibilities as elected officials, strengthen their resolve to work together for the welfare of this state. Give them courage, wisdom, and foresight to provide for the needs of all our people and work through their deliberations and struggles to accomplish Your purposes. These things we ask in Your name. Amen."

Speaker Madigan: "For purposes of the Pledge of Allegiance and then the 'Star Spangled Banner', the Chair recognizes Representative Poe. Mr. Poe."

Poe: "And Mr. Speaker and Ladies and Gentlemen of the House, I want you all to welcome the kindergarten class, the 112 strong from the Rochester School and their parents in the gallery. We're quite proud of having them with us today, and they're going to lead us in the pledge."

Kindergarten Class: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

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Currie: "Thank you, Speaker. We have no excused House Democrats to report today."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. If the record would reflect that Representative Biggert is excused."

Speaker Madigan: "Mr. Black."

Black: "Mr. Speaker, someone has taken my key. I can't record myself. I smell a conspiracy here."

Speaker Madigan: "It's more than smell. Mr. Clerk, take the record. There being 117 Members responding to the Attendance Roll Call, there is a quorum present. Ladies and Gentlemen, if you would give your attention to Representative Cross at the Speaker's Podium. Representative Cross is here for the purpose of an announcement."

Cross: "Thank you, Mr. Speaker. If I could introduce to the Members of the House the Oswego High School Varsity Bowling Team. We are very proud in Oswego. The bowling team that's standing behind me: Becky Carey, Christy Constantine, Jessica Schmitz, Kari Schwager, and their coach Russ LaChance, recently won the State Bowling Championship for varsity girls bowling. They averaged 193 throughout the tournament... So if... which I think is very impressive. Considering I've at best had a, I think about a 93 bowling. So if the Clerk would read the Resolution, we would appreciate it."

Clerk Bolin: "HOUSE RESOLUTION #401

WHEREAS, The members of the Illinois House of Representatives wish to congratulate the Oswego High School Bowling Team on becoming State champions; and

WHEREAS, Under the tutelage of Coach Russ LaChance, the Oswego

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Bowling Team set several State records; their total of 11666 for the two day State tournament beat the previous record of 11583 points; the number one ranked Panthers also set records as the second best title round series, 3051; second best title round game, 1079; third best game overall, 1077; and fifth best tournament round series, 3006; and

WHEREAS, Katie Breedlove, Becky Carey, Christy Constantine, Jessica Schmitz, and Kari Schwager went through five tournament wins in Plainfield, Leyden, Lockport, the Suburban Prairie Conference, and the West Aurora Sectional to advance to the State tournament in Rockford; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Oswego Panthers Bowling Team on becoming State champions; they have set an example of teamwork and dedication to their fellow students and bowlers; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Oswego Bowling Team and Coach Russ LaChance."

Cross: "Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Tom Dart, Chairperson from the Committee on Judiciary 1 - Civil Law, to which the following measures were referred, action taken on April 28, 1998, reported the same back with the following recommendations/s: 'do pass Short Debate' Senate Joint Resolution Constitutional Amendment #52."

Speaker Madigan: "The Chair recognizes Mr. Giles for the purpose of an announcement."

Giles: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I would like to suspend the rules on Senate Bill 1225. That Bill inadvertently got just left

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out of my State Government Election Reform Committee."

Speaker Madigan: "Mr. Giles. Have you consulted with anybody on the Republican side?"

Giles: "Yes, Mr. Speaker, Minority Spokesperson Verna Clayton also agreed to this Motion."

Speaker Madigan: "Representative Clayton. Is Representative Clayton here? Mr. Clerk, Mr. Clerk, could we put this Motion in the record? Mr. Clerk, could you put the Giles Motion in the record? Is it in the record? Is it on the board? Mr. Giles, is that your Bill? Mr. Giles."

Giles: "Mr. Speaker, yes. Senate Bill 1225 is Representative McAuliffe. Thank you, Representative Giles and McAuliffe."

Speaker Madigan: "Your Motion is to suspend the posting requirements? Mr. Giles, is your Motion to suspend the posting requirements?"

Giles: "That's correct. That's correct, Mr. Speaker."

Speaker Madigan: "This is supported by Representative Clayton. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Mr. Clerk, for the purpose of an announcement."

Clerk Bolin: "Supplemental Calendar #1 is being distributed."

Speaker Madigan: "On page 4 of the Calendar, on the Order of Senate Bills - Second Reading, there appears Senate Bill 560. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 560. The Bill has been read a second time previously. Floor Amendments #1 and 2 were referred to the Rules Committee. No further Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1215. Mr. Clerk, what is the status of that Bill?"

Clerk Bolin: "Senate Bill 1215, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this Senate Bill."

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Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1258. What is the status of that Bill?"

Clerk Bolin: "Senate Bill 1258, a Bill for an Act to amend the Higher Education Student Assistance Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1273. What is the status of that Bill?"

Clerk Bolin: "Senate Bill 1273, a Bill for an Act to amend the Bingo License and Tax Act. Second Reading of this Senate Bill. Amendment #1 failed in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1370. What is the status of that Bill?"

Clerk Bolin: "Senate Bill 1370, a Bill for an Act to amend the Long Time Owner Occupant Property Tax Relief Act. Second Reading of this Senate Bill. Amendment #1 lost in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1380."

Clerk Bolin: "Senate Bill 1380, a Bill for an Act to amend the Interest Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1383."

Clerk Bolin: "Senate Bill 1383, a Bill for an Act to amend the Civil Administrative Code of Illinois. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1528."

Clerk Bolin: "Senate Bill 1528, a Bill for an Act concerning

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financial regulation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1756."

Clerk Bolin: "Senate Bill 1756, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed. All Notes that have been requested have been filed."

Speaker Madigan: "Third Reading. On the Order of Conference Committee Reports, on page 8 of the Calendar there appears Senate Bill 1031. Mr. John Turner. John Turner. Mr. Turner."

Turner, J.: "Thank you, Mr. Speaker. I refuse to accept the Conference Committee Report #1 and would ask that a second Conference Committee be appointed."

Speaker Madigan: "You've all heard the Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it; the Motion is adopted. The Chair recognizes Mr. Black."

Black: "Thank you very much, Mr. Speaker. I have an inquiry of the Chair. If you would go back on page 5 of the Calendar, Senate Bill 1370, I believe we filed a Fiscal Note request on that Bill this morning, and the Clerk did not indicate any Note having been filed. Would you ask the Clerk if a Fiscal Note has been filed on Senate Bill 1370?"

Speaker Madigan: "Mr. Clerk. Mr. Black."

Black: "Yes."

Speaker Madigan: "The Clerk's Office seems to be having difficulty determining the status of your request. So, why don't we just put the Bill back on the Order of Second Reading?"

Black: "That would be fine. We would appreciate that. I know our

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staff had filed the Fiscal Note this morning."

Speaker Madigan: "Mr. Clerk, Senate Bill 1370, put that on the Order of Second Reading."

Black: "Mr. Speaker."

Speaker Madigan: "Yes, Mr. Black. Mr. Black."

Black: "Yes, Mr. Speaker. Might I be recognized to a point of personal privilege?"

Speaker Madigan: "State your point."

Black: "Yes. I'll state my point if the chamber will come to order. There are Senators on the floor disrupting the entire business of the House. Senator Trotter, it's always good to see you. Go back to the Senate. Mr. Speaker, I'm joined by a requisite number of people on my side of the aisle, and I have filed this Motion in writing. I just filed a Resolution that I would like discharged from Rules immediately. I will not tolerate any verbal objection to this. I want a Roll Call Vote. I'm joined by the applicable number of people on my side of the aisle. I absolutely will not tolerate any verbal dissent. I want a Roll Call. I want this discharged from Rules and brought to immediate consideration. Mr. Speaker, this goes to the heart of an issue dear to you. When you adjourned the House over the Easter break, and we took an extra week, Mr. Speaker, it has come to my attention that we generally honor the date of your birth and that of Republican Leader Daniels, and since you had adjourned the extra week, the Resolution calls for you to provide the chamber today with appropriate cake, cookies and punch and that the Phelps Brothers will take the Speaker's Podium and sing 'Happy Birthday' to the Speaker and to Leader Daniels. Now, if anybody objects to that, I will demand a Roll Call. It's my olive branch to you, Mr. Speaker, we're reaching out...

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we're reaching out, wishing you a happy birthday. We have convened a special prosecutor to see how old you are, and we can find no record, Mr. Speaker."

Speaker Madigan: "Older than I used to be."

Black: "Yes, aren't we all? So we do... we met in caucus early this morning, and while it was not unanimous, most of the Republicans were willing to wish you a happy birthday. We took up a collection, and we have given you an all expense paid trip to Jamaica, which is a small farming community just south of Danville. So if you would... if you would move to the immediate consideration of the Resolution and you will bring out your cake, cookies and punch and have the Phelps Brothers sing 'Happy Birthday' to the Speaker, we will all join in. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Black, I don't know that we have the Resolution here, and we certainly don't have the cake and the cookies. We left those in your office, but we do have Mr. Phelps, who I'm sure could sing 'Happy Birthday' to everybody. Mr. Phelps. Mr. Phelps."

Phelps: "If I understood right, is this a combination of both our esteemed Leaders?"

Speaker Madigan: "The Speaker and the Minority Leader."

Phelps: "Then give me time to be very creative, but I'll just do the traditional. Everybody gather in and come on, this is both of our Leaders. (Sing 'Happy Birthday'.)"

Speaker Madigan: "Mr. Hartke. Mr. Hartke, for the purpose of an announcement. Mr. Hartke."

Hartke: "Yes. The Democrats would request an immediate caucus in Room 114."

Speaker Madigan: "There was a request for a Democratic caucus immediately. The plan of the Chair is to adjourn at this time, providing Perfunctory time for the Clerk to read a

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Constitutional Amendment, and the committees will begin at 2:00. So, Representative Currie moves that the House does stand adjourned until Wednesday at 12 noon, providing Perfunctory time for the Clerk to read a Constitutional Amendment. Those in favor say 'aye; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Committees will begin at 2:00. There is an immediate Democratic caucus. Thank you."

Clerk Rossi: "The House Perfunctory Session will come to order. Second Reading of Senate Joint Resolution Constitutional Amendment #52."

RESOLVED, BY THE SENATE OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES 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 15 of Article VI of the Illinois Constitution as follows:

ARTICLE VI
THE JUDICIARY

(ILCON Art. VI, Sec. 15)

SECTION 15. RETIREMENT - DISCIPLINE

(a) The General Assembly may provide by law for the retirement of Judges and Associate Judges at a prescribed age. Any retired Judge or Associate Judge, with his or her consent, may be assigned by the Supreme Court to judicial service for which he or she shall receive the applicable compensation in lieu of retirement benefits. A retired Associate Judge may be assigned only as an Associate Judge.

(b) A Judicial Inquiry Board is created. The Supreme Court

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shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.

(c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.

(d) The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.

(e) An independent A Courts Commission is created consisting of one Supreme Court Judge selected by that Court as a member and one as an alternate, ~~who shall be its chairman~~, two Appellate Court Judges selected by that Court as members and three as alternates, and two Circuit Judges selected by the Supreme Court

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as members and three as alternates, and two citizens selected by the Governor as members and two as alternates. Members and alternates who are Appellate Court Judges must each be from a different Judicial District. Members and alternates who are Circuit Judges must each be from a different Judicial District. Members and alternates of the Commission shall not be members of the Judicial Inquiry Board. The members of the Commission shall select a chairperson to serve a two-year term.

The Commission shall be convened permanently to hear complaints filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or Associate Judge for willful misconduct in office, persistent failure to perform his or her duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge or Associate Judge who is physically or mentally unable to perform his or her duties.

(f) The concurrence of four ~~three~~ members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.

(g) The Commission shall adopt comprehensive rules to ensure that governing its procedures are fair and appropriate. These rules and any amendments shall be public and filed with the Secretary of State at least 30 days before becoming effective.

(h) A member of the Commission shall disqualify himself or herself, or the other members of the Commission shall disqualify a member, with respect to any proceeding in which disqualification or recusal would be required of a Judge under rules of the Supreme Court, under rules of the Commission, or by law.

If a Supreme Court Judge is the subject of a proceeding, then there shall be no Supreme Court Judge sitting as a member of the

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Commission with respect to that proceeding. Instead, an alternate Appellate Court Judge not from the same Judicial District as the subject Supreme Court Judge shall replace the subject Supreme Court Judge. If a member who is an Appellate Court Judge is the subject of a proceeding, then an alternate Appellate Court Judge shall replace the subject Appellate Court Judge. If an Appellate Court Judge who is not a member is the subject of a proceeding and an Appellate Court Judge from the same Judicial District is a member, then an alternate Appellate Court Judge shall replace that member. If a member who is a Circuit Judge is the subject of a proceeding, then an alternate Circuit Judge shall replace the subject Circuit Judge. If a Circuit Judge who is not a member is the subject of a proceeding and a Circuit Judge from the same Judicial District is a member, then an alternate Circuit Judge shall replace that member.

If a member of the Commission is disqualified under this Section with respect to any proceeding, that member shall be replaced by an alternate on a rotating basis in a manner provided by rule of the Commission. The alternate shall act as member of the Commission with respect to that proceeding only.

(i) The Commission and shall have power to issue subpoenas.

(j) Members and alternates of the Commission who are not Judges shall receive per diem compensation and necessary expenses; members and alternates who are Judges shall receive necessary expenses only. The General Assembly shall provide by law for the expenses and compensation of the Commission.

(Source: Illinois Constitution.)

SCHEDULE

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

Clerk Rossi: "This Senate Joint Resolution Constitutional

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Amendment has been read in full a second time. There being no further business, the House Perfunctory Session stands adjourned."