

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

57th Legislative Day

May 24, 1999

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Crawford: "Let us pray. Most gracious and kind God, I pray according to Your lawful word. It says if My people, which are called by My name, would humble themselves and pray, You said to turn from their wicked ways. You said then would You hear from heaven and heal their land. Lord, we as Your people, we stand in need of Your healing grace. So, I pray that You would grant us grace, to make no peace with oppression, that we'll make no compromise with evil, that there be no yielding to godless ways and philosophies. And dear God, I pray that Your spirit will fill us with a godly passion that would uplift the weak, a passion that would sweep away oppression, a passion that would help those who are not as fortunate as we are. So, dear God, I pray that You would inspire all of our thoughts with Your glorious wisdom. I pray that You pervade our imagination with Your great understanding. I pray and suggest that You will suggest all of our decisions with Your godly directions. And I ask that You would order all of our doings with Your righteous ways. This we kindly pray and ask, as humble servants, in Your Son's name. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Hassert."

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

Currie: "Thank you, Speaker. Please, let the record show that Representative Capparelli is excused. We believe he is on a foreign trade mission. Representatives Pugh and Schoenberg also are excused."

Speaker Madigan: "Mr. Pugh. Mr. Poe."

Poe: "Pugh, Poe, it's all pretty close. Mr. Speaker, let the record show that Representative Wojcik is excused. She's accompanying that trade mission and all the rest of the Republicans are here."

Speaker Madigan: "Have all voted who wish? This is the Attendance Roll Call. Mr. Clerk, take the record. There being 110 people responding to the Attendance Roll Call, there is a quorum present. For what purpose does Mr. Winters seek recognition?"

Winters: "Point of personal privilege, Mr. Speaker. I just wanted to welcome back Representative Osmond, from his extended vacation last week."

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "The Rules Committee will meet at 4:15, in the Speaker's Conference Room. The Rules Committee will meet at 4:15, in the Speaker's Conference Room."

Speaker Madigan: "Senate Bill 19. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "Senate Bill 19, is on the Order of Nonconcurrency."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. I move that the House refuse to recede from House Amendments 1, 2, and 3."

Speaker Madigan: "Mr. Holbrook."

Holbrook: "Thank you, Speaker. I'd like to have everyone in the House join me wishing a 'happy birthday' to Representative

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Smith today and he has a rotund cake, down in front.

Everyone's asked to join in, in having some. Thank you."

Speaker Madigan: "Mr. Lang moves that the House refuses to recede from the Senate Amendments. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. On the Order of Concurrence, on page 11 of the Calendar, there appears Senate Bill 24. Mr. Novak. Mr. Novak, on Senate Bill 24."

Novak: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I now refuse to recede from House Amendment #1 to Senate Bill 24 and request a Conference Committee."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. Excuse me, Mr. Persico."

Persico: "Yeah. Thank you, Mr. Speaker. I just wanted... there's been a change from what I said in caucus. It was going to be Senate Bill 23, now it's Senate Bill 24, again for those people on this side of the aisle."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Senate Bill 27."

Unknown: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to refuse to recede from House Bill's 1, 2, 3, and 5. And ask that a Conference Committee be, be appointed."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Senate Bill 73, Mr. Wirsing."

Wirsing: "Thank you, Mr. Speaker. I would refuse to recede from House Amendment #1 and call for a Conference Committee."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those

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in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Senate Bill 304, Mr. Steve Davis. Mr. Davis, we're going to take this Bill out of the record momentarily. Senate Bill 392, Mr. Dart. Mr. Dart. Senate Bill 441, Representative Cowlshaw. Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. I move to refuse to recede from House Amendments 1, 2, and 3 to Senate Bill 441."

Speaker Madigan: "You've all heard the Lady's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. On page 12 of the Calendar, on the Order of Nonconcurrency, there appears Senate Bill 648. Representative Krause."

Krause: "Thank you, Mr. Speaker. I move to refuse to recede from House Amendments 1 and 2 for Senate Bill 648."

Speaker Madigan: "You've all heard the Lady's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Senate Bill 1202, Mr. Mautino. Mr. Mautino. Mr. Mautino on Senate Bill 1202."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move that we... the House refuse to recede on House Amendment 1. And ask the appointment of Conference Committee."

Speaker Madigan: "You're all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Representative Cowlshaw, do you wish to make a motion on House Bill 134?"

Cowlshaw: "Mr. Speaker, indeed I do. I move to nonconcur in Senate Amendments #'s 2 and 3 with House Bill 134."

Speaker Madigan: "You've all heard the Lady's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have

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it. The Motion is adopted. Mr. Clerk."

Clerk Rossi: "The Rules Committee is meeting immediately in the Speaker's Conference Room. The Rules Committee is meeting immediately in the Speaker's Conference Room."

Speaker Madigan: "Representative Cowlshaw. Did you wish to make a Motion on House Bill 542? It's on page 8 of the Calendar."

Cowlshaw: "Thank you, Mr. Speaker. Indeed I do. I move to nonconcur in Senate Amendment #1 to House Bill 542 and I thank you."

Speaker Madigan: "You've all heard the Lady's Motion. Those in favor signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it and the Motion is adopted. Representative Pankau, do you wish to make a Motion on House Bill 658? Representative Pankau."

Pankau: "Thank you, Mr. Speaker. I move to nonconcur with Senate Amendments 1 and 2 and request a Conference Committee."

Speaker Madigan: "We've all heard the Lady's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Mr. Steve Davis. Mr. Steve Davis. On House Bill 1278, on page 9 of the Calendar. Mr. Davis."

Davis, S.: "Yes, thank you, Speaker. I move to nonconcur with Senate Amendments 1 and 2, or Senate Amendment 2."

Speaker Madigan: "We've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it and the Motion is adopted. Mr. Osmond. Mr. Osmond. Do you wish to make a Motion on House Bill 1413, on page 9 of the Calendar?"

Osmond: "Yes. We move to nonconcur on that."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes'

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have it. The Motion is adopted. Mr. Jerry Mitchell, do you wish to call Senate Bill 840? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 840 has been read a second time, previously. No Committee Amendments. Floor Amendment #3, offered by Representative Woolard, has been approved for consideration."

Speaker Madigan: "The Chair recognizes Mr. Woolard, on Amendment #3."

Woolard: "Thank you, Mr. Speaker. Amendment #3 is accommodating the Chicago Public Schools to be able to utilize their grant monies, a 20%..."

Speaker Madigan: "Mr. Woolard."

Woolard: "Hang on just a... hang, hang on just a second."

Speaker Madigan: "Mr. Woolard."

Woolard: "I'd like..."

Speaker Madigan: "Mr. Woolard."

Woolard: "I'd like to withdraw Floor Amendment #3."

Speaker Madigan: "Withdraw the Amendment. Are there any further Amendments?"

Clerk Rossi: "No Further Amendments have been approved for consideration."

Speaker Madigan: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 840, a Bill for an Act relating to school construction projects. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Senate Bill 840, Ladies and Gentlemen, is a Bill that allows school districts to go above their bonding limit. It has a front door referendum. The problem we have, is that before we started the matching grant from the State of Illinois, there were many districts

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who were at their bonding capacity. They still need new buildings, they would like to build new buildings, but they can't do it, simply because they're at their limit. This would allow them through front door referendum of their local voters, to go above that bonding limit and capture the matching grant from the State of Illinois. This exact same Bill passed the House unanimously before. Senate Bill 840 passed the Senate unanimously and I'd appreciate an 'aye' vote. Be happy to answer any questions."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. Inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "Just so we can make sure our files are in order. Would the Chair enlighten us as to whether or not any Floor Amendments have been added to the Bill?"

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "No Floor Amendments have been adopted to the Bill."

Black: "All right. Would the, would the Sponsor yield, Mr. Speaker?"

Speaker Madigan: "The Sponsor yields."

Black: "Representative, the underlying Bill as unamended, was it the same? What was the House Bill number?"

Mitchell, J: "The, the House Bill was Representative Younge's Bill, I can't remember the name, the number, Bill. I can't remember the number of the Bill, Bill. Hang on just a minute."

Black: "(2686)."

Mitchell, J.: "(2686). That's correct."

Black: "Same identical language?"

Mitchell, J.: "Same identical language."

Black: "Before they can exceed their current debt ceiling, it would require a front door referendum?"

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Mitchell, J.: "That's correct."

Black: "Thank you very much. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Mitchell to close."

Mitchell, J.: "I'd just appreciate an 'aye' vote. Thank you."

Speaker Madigan: "The Gentleman moves for the passage to the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? This is a Third Reading Roll Call. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, record Representative Flowers as 'yes'. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 'ayes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Lyons, did you wish to make a Motion on House Bill 557?"

Lyons, J.: "Thank you, Speaker. I move to nonconcur with Senate Amendment #1 to House Bill 427. We've had numerous discussions and we believe it has been reached agreement for a Conference Committee Report."

Speaker Madigan: "You've all heard the Motion. Those in favor say... Mr. Lyons, Mr. Lyons. We're on 557."

Lyons, J.: "The wrong Bill. Sorry, Speaker. I, I move to nonconcur to House Bill 557, with Senate Amendment #1."

Speaker Madigan: "Mr. Lyons, I've been advised that we're not prepared to consider these Motions. Mr. Uhe. Mr. Uhe. House Bill 1670. Mr. Woolard, do you wish to make a Motion? Mr. Woolard."

Woolard: "I move to nonconcur in Senate Amendments 1 and 2."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Senate Bill 1015. Mr. Brunsvold. Mr. Clerk, what is the status of the Bill?"

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Clerk Rossi: "Senate Bill 1015, a Bill for an Act concerning the Secretary of State. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Clerk, put this Bill on the Order of Second Reading. Mr. Brunsvold. Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. I believe there's an Amendment."

Clerk Rossi: "Floor Amendment #3, offered by Representative Brunsvold has been approved for consideration."

Brunsvold: "I would move to adopt Floor Amendment #3. This Amendment, within the Secretary of State's Office, sets up a fund to collect fees that will be set up through the JCAR, Administrative Rules. Last year, a Bill was passed and it doesn't go into effect until July 1, of this year, that gave the responsibility of certifying an electronic signatures over the Internet, on a Bill that was passed out of Attorney General Jim Ryan's Office, which gave the Secretary of State that responsibility. This Amendment addresses that, sets up this fund within the Secretary of State's Office. This Amendment does not set any fees. So, I would ask for the adoption of Floor Amendment #3."

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

Black: "Yes. Thank you very much, Mr. Speaker. Inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "Has Floor... Would you ask the Clerk if Floor Amendment #2 has been adopted to the Bill?"

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "Floor Amendment #2 is withdrawn."

Black: "Is Floor Amendment, therefore, is Floor Amendment #3, therefore, an order?"

Clerk Rossi: "Yes."

Black: "I see it. All right, it adds to. I'm sorry. Would the

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Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Black: "Representative, in Floor Amendment #3, you're adding to the underlying Bill. Are there any new fees in the Bill as amended?"

Brunsvold: "It's re... it's replacing the underlying Bill and there are no fees, Representative Black. None."

Black: "What's replacing the underlying Bill?"

Brunsvold: "On line 6, it says, 'by replacing everything after the enacting clause with the following...'"

Black: "Does it, does it clearly say that in Floor Amendment #3, that it deletes everything after the enacting clause? My, my copy says it adds to the Bill."

Brunsvold: "Staff is checking, Mr. Black. We may have a... to a look at the two Amendments."

Speaker Madigan: "Mr. Black."

Black: "Yes. Thank you very much, Mr. Speaker. I apologize for the confusion. Our Amendment indicated that it added to the Bill. Democrat staff has a copy of the Amendment that clearly states that the Amendment becomes the Bill and sets up a fund. The fee, as I understand it, could already be levied, but there is no fund to put the fee in. Is that correct?"

Brunsvold: "There's, there's no fund, Bill, to put the..."

Black: "There's no fund?"

Brunsvold: "There's no fund."

Black: "I want to get this right here, sooner or later."

Brunsvold: "There's no fund."

Black: "So, it creates the fund..."

Brunsvold: "Correct."

Black: "So, then, the fee has already been authorized?"

Brunsvold: "Yes."

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Black: "All right."

Brunsvold: "...by statute and actually, the Bill really hasn't gone into effect yet, until July 1. And that Bill passed."

Black: "And it, and it doesn't have anything to do with... when you say electronic digital... yeah, easy for me to say... it doesn't have anything to do with the verification signature that we did a year or two ago on voting. That's not what this is about?"

Brunsvold: "No. This is, this would be like a, an electronic signature with coding that would come over the Internet and the Secretary of State's responsibility is to certify that those electronic signatures are what they are."

Black: "Okay. All right. I, I apologize for the confusion. I, and I appreciate your willingness to get it straightened out. Thank you very much."

Speaker Madigan: "Mr. Brunsvold."

Brunsvold: "I move for the adoption of Floor Amendment #3."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Brunsvold, did you wish to call the Bill?"

Brunsvold: "Yes, Mr. Speaker."

Speaker Madigan: "Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1015, a Bill for an Act concerning the Secretary of State. Third Reading of this Senate Bill."

Brunsvold: "Mr. Black and I have just discussed the Third Amendment and it just sets up a fund within the Secretary of State's Office. I would ask for the passage of Senate Bill 1015."

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Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk."

Clerk Rossi: "Attention Members. The House Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Madigan: "On page 8 of the Calendar, on the Order of Concurrence, there appears House Bill 557. Mr. Lyons."

Lyons, J.: "Thank you, Speaker. I move to nonconcur with Senate Amendment #1 to House Bill 557."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. House Bill 427. Mr. Lyons."

Lyons, J.: "Thank you, Speaker. Now I have my Bills straight. Appreciate your indulgence. House Bill 427, I wish to nonconcur with Senate Amendment #1. Again, there has been extensive discussions...on this legislation, I believe we have an agreement for a Conference Committee Report. Thank you."

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

Speaker Brunsvold: "On page 14 of the Calendar, appears HR164."

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Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. HR 164 is a Resolution, which calls for a study of the payday loans industry which has been blossoming in our state. It's a measure that, as you can see by the Sponsors, it got bipartisan support and it touches on most every district. In my district in particular, we've had problems with the payday loans coming up out of nowhere. It's caused some degree of problems, because there are some that actually, are very good at what they do, other ones are not as good and we are a little bit more questionable background. And the whole point of this is to try to find out where the truth is in this and to try to study it over the summer and come up with some answers, so that we might be more informed when we try to legislate in this area. And I'd move for it's adoption."

Speaker Brunsvold: "The Gentleman has moved for the adoption of HR 164. Is there any discussion? The question is, 'Shall the House adopt House Resolution 164?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. The 'ayes' are 107, the 'nays' are 0. The House does adopt House Resolution 164. Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s were referred, action taken on May 24, 1999, reported the same back with the following recommendations: direct floor consideration for Senate Bill 304 House Amendment #1. Motion to recede. Senate Bill 578, House Amendment #1. Motion to recede. And Senate Bill 680,

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House Amendments 1, 2, and 3. Motion to recede."

Speaker Brunsvold: "Mr. Cross, for what reason do you rise?"

Cross: "Thank you, Mr. Speaker. I'd like to move for immed... immediate consideration on House Resolution 243. I think it's something we put off last week. Obviously, it's very important to the college students in this state and if Representative Hoffman's not willing to file a Motion, we'll do it on his behalf."

Speaker Brunsvold: "You, you probably need to talk to Mr. Hoffman."

Cross: "Well, we're trying to help him out, Mr. Speaker."

Speaker Brunsvold: "We should, we should talk to Mr. Hoffman."

Cross: "Can you at least wait maybe when he comes back into the chamber, can we put it back on the board?"

Speaker Brunsvold: "Once you... Once you converse with Mr. Hoffman."

Cross: "That's way too easy. We'd like to do it on the, on the floor. Thank you, Mr. Speaker."

Speaker Brunsvold: "On page 11 of the Calendar, appears Senate Bill 304. Mr. Davis."

Davis, S.: "Thank you, Speaker. I would move to recede from House Amendment 1."

Speaker Brunsvold: "The Gentleman's moved to recede from House Amendment #1. Is there any discussion? Seeing none, all in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the House does recede... Mr. Black, would you like to speak on the Motion?"

Black: "Well, I have an inquiry of the Chair, Mr. Speaker. I think this is the first one we've had this year. And as I understand it, if you recede from the House Amendments, then you are returning the Bill to the order that it passed the Senate and the next step is to concur. And I just want

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people to be away, be aware of the fact, that if no one objects and you recede from the House Amendment then the next step, obviously, is to vote on the Senate Bill, as it left the Senate."

Speaker Brunsvold: "Exactly."

Black: "And there might be some people who didn't like the Senate Bill, the way it left the Senate. So, I..."

Speaker Brunsvold: "Correct."

Black: "... I, I apologize for being a little late on my speak button, but I would like the, with the consent of the Chair, because I was late..."

Speaker Brunsvold: "The Gentleman yields."

Black: "I, I, I thought he might explain the House Amendments and why he has chosen to recede."

Speaker Brunsvold: "Mr. Davis."

Davis, S.: "Yes. Thank you, Mr. Speaker. Representative Black, thank you for the question. House Amendment 1, the Amendment makes an assault or battery against a broad variety of health care workers an aggravated offense when the offense occurs in the vicinity of a health care organization or where the health care worker performs his duty. And personally, I thought it was a good Amendment, Representative. However, Senator Bowles, who carried the Bill in the Senate, there was some misunderstanding when we put the House Amendment on and passed it out. Come to the fact that she did not want the Amendment on her Bill. So, I agreed to recede from the House Amendment."

Black: "How, how similar would... if you recede from the House Amendment, is the underlying Bill very similar to the one that you had in the House?"

Davis, S.: "It is similar, Representative."

Black: "All right. Fine. Thank you very much and thank you, Mr."

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Speaker."

Speaker Brunsvold: "Further discussion? Seeing none, Mr. Davis to close."

Davis, S.: "Yes. Thank you, Speaker. I would just ask for an 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall the House recede from House Amendment #1 to Senate Bill 304. This is final action. All those in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take... take the record. And on this question, there are 109 voting 'aye', 0 voting 'no', and 0 voting 'present'. The House does recede from House Amendment #1 to Senate Bill 304. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill 578. On page 12 of the Calendar. Mr. Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Mr. Speaker). I move to recede from House Amendment #1, on Senate Bill 578. I'll be glad to answer any questions."

Speaker Brunsvold: "Explain the Amendment, Mr. Lawfer."

Lawfer: "The Amendment that was put in the House required that if there was a hospital test, for any blood or urine test, where there was a unlawful use of any drug, then the results should be reported to the Department of State Police or local law enforcement agency. The medical society and the hospital association objected to that and so we returned to the original version of the Senate, which required that the hospital emergency room shall be closed to the Department of State Police or local law enforcement agencies, upon requests, the results of those tests. Earlier, the original legislation said it 'may', what we did was change that to 'shall' disclose those remarks. I

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know of no opposition to this."

Speaker Brunsvold: "The Gentleman's moved to recede from House Amendment #1. Is there any discussion? Mr. Black."

Black: "Yes. Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, the underlying Bill, on your Motion, to your Motion, that makes the underlying Bill, what we'll vote on. And I've, I have never understood, even with your Amendment, it seems as if the individual's right of due process is completely abrogated in this. Because it says, you 'shall' give these results. What if the person seeking treatment was unconscious, did not give permission for any blood or urine sample to be taken? The test clearly shows it's in excess of the limit and the law then says, you 'shall' present this. I, it not only seems that due process is thrown out, but your, your ability to waive, you know, to not incriminate yourself, is thrown out. I mean, what, is there any body of case law that says you can, in fact, do this?"

Lawfer: "I'm, I'm not aware of the legal implications that you raised in that regard, other than, they were not raised during the committee meetings or by the Senate, to my knowledge."

Black: "Well, I, I don't want to debate, obviously, what the courts would do with the law. If you're satisfied with it and that's the explanation. I... it just seems to me that, if I'm unconscious and a blood or urine sample has been taken and then it, the law, this law says, 'you must give it to law enforcement', without any right of due process, constructive notice, or even the ability to say 'I don't have to incriminate myself', I'm cooked. And maybe that's

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what needs to be done. I, I don't know. I think it came from your district, on a case, did it not?"

Lawfer: "Right. And, and what, what happened in that... the blood tests were taken, the results were made available, but they were only available by a civil action."

Black: "All right."

Lawfer: "And what this does, is says that the will be available on the request of the enforcement agency. So, it gets away..."

Black: "Upon the request of the prosecution or law enforcement officers?"

Lawfer: "The law enforcement officers that are involved, whether it be State Police or..."

Black: "And the health care professionals, then, have no leeway. Would, would they be at some risk in a liability sense under the Bill?"

Lawfer: "No, that handles in that... is also a part of it and no person shall be liable for civil damages or professional discipline as a result of the disclosure."

Black: "Okay. Fine."

Lawfer: "That is added."

Black: "All right. Thank you, Representative. I appreciate it."

Speaker Brunsvold: "Further discussion? Seeing none, Mr. Lawfer to close."

Lawfer: "I'd ask for a favorable vote on this."

Speaker Brunsvold: "The question is, 'Shall the House recede from House Amendment #1 to Senate Bill 578?' This is final action. All those in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 107 voting 'yes', 0 voting 'no', and 0 voting 'present'. The House

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recedes from House Amendment #1 to Senate Bill 578. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill 680, on page 12 of the Calendar. Representative Hamos."

Hamos: "Thank you, Mr. Chairman (sic-Mr. Speaker), Ladies and Gentlemen I move to recede from House Amendments 1, 2, and 3, from Senate Bill 680. A long time ago, when I called this Bill, in the first place, I was asked what my intentions were, whether they were to move this Bill into Conference Committee and I said 'no, I was hoping that the Senate would see the light and agree to move three good Amendments', all related to TANF issues. And but alas, they didn't really want to move on these three Bills at this time, three Amendments. All three, all three Amendments were three Bills that we had considered earlier in the House. And again, I don't know that I need to go into much more detail, except to say that the Senate had asked us to recede, so that we could help save the underlying Bill. Thank you."

Speaker Brunsvold: "The Lady has moved to recede from House Amendments 1, 2, and 3. Is there any discussion? Mr. Black."

Black: "Yeah. Thank you very much, Mr. Speaker. I have an inquiry of the Chair."

Speaker Brunsvold: "State your inquiry."

Black: "Pursuant to House Rules, it's my understanding, one of these Amendments is a Republican Amendment. And under House Rules, it would be possible, would it not, for the Republican Sponsor of the Amendment to make a counter Motion or divide the question?"

Hamos: "And just to clarify, Representative Black, all three Amendments were originally Republican Bills, in the House."

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Black: "My point exactly."

Hamos: "But, it was the Republican Senate, that unfortunately rejected them."

Black: "Well, I, I can't..."

Speaker Brunsvold: "Mr. Black, do you know who the Republican Sponsor of that Amendment is?"

Black: "I believe, I believe Amendment #3 is Representative Coulson's."

Hamos: "Yes. Representative Coulson."

Speaker Brunsvold: "Representative Coulson."

Hamos: "Well, again, Representative Black, the Senate Leadership has made it clear to Senator Obama that they had no intention of calling any of these Amendments or to pass them out of Rules Committee. So again, as a courtesy to the Senate Sponsor, as I promised, we would... I said that we would then recede, or attempt to recede from them. And this was also Representative Coulson's understanding when we talked about her adding this Amendment."

Speaker Brunsvold: "Just, just a minute, Mr. Black. Representative Coulson."

Black: "Yes. Thank you."

Coulson: "Thank you. I just have, really, one question to the Sponsor."

Speaker Brunsvold: "State your question."

Coulson: "It is my understanding that the Amendment that I had, which is Amendment #3, the language in that Amendment, or 90% of the language in that Amendment, will be taken care of in the appropriations language. Is that your understanding, as well?"

Hamos: "I was not aware of that. That'd be great."

Coulson: "Well, I would, I will agree to recede. I'm, I'm going to assume it is being taken care of, as I was told last

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week, but I will look into it further. Thank you."

Speaker Brunsvold: "Thank you, Representative. Representative (sic-Coulson) has agreed to allow Representative Hamos to recede from Amendment 3. Any further discussion? Seeing none. The question is, 'Shall the House recede from House Amendments 1, 2, and 3, to Senate Bill 680? This is final action. All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 109 voting 'aye', 0 voting 'no', and 0 voting 'present'. And the House does recede from House Amendments 1, 2, and 3 to Senate Bill 680. And this Bill having received a Constitutional Majority is hereby declared passed. On page 11 of the Calendar, under nonconcurrences, appears Senate Bill 392. Mr. Dart."

Dart: "Thank you, Mr. Speaker. I move to refuse to recede..."

Speaker Brunsvold: "Mr. Dart have you filed a Motion on this?"

Dart: "Can you take this out of the record for one second?"

Speaker Brunsvold: "Removed. Take this Bill out of the record. Senate Bill 392, on page 11 of the Calendar."

Dart: "Thank you, Mr. Speaker, Members of the House. I move to refuse to recede from House Amendments 1, 2, and 4, and ask for a Conference Committee to Senate Bill 392."

Speaker Brunsvold: "The Gentleman has moved to refuse to recede. Is there any discussion? Seeing none. The Gentleman's Motion is to refuse to recede from House Amendments 1, 2, and 4. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Gentleman does refuse to recede from House Amendments 1, 2, and 4, and requests a Conference Committee be appointed. On page 9 of the Calendar, appears House Bill 1532. Mr. Ryder."

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Ryder: "Thank you, Mr. Speaker. I would move to concur in Senate Amendments 1 and 4."

Speaker Brunsvold: "Out of the record. On page 14 of the Calendar, appears HJR #9. Representative Monique Davis."

Clerk Bolin: "House Joint Resolution 9. Floor Amendment #1, offered by Representative Monique Davis, has been approved for consideration."

Speaker Brunsvold: "Representative Davis, Floor Amendment #1. Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. Thanks to the help and support of staff here, I think House Joint Resolution 9 is to not allow waivers for substitute teachers over 90 day periods. Not to let teachers teach in classrooms, over 90 days. I think we're not allowing that with these waivers."

Speaker Brunsvold: "The Lady has moved for the adoption of Floor Amendment #1. Is there any discussion? Mr. Skinner, the Gentleman from McHenry."

Skinner: "Why?"

Davis, M.: "Did, did you ask why?"

Skinner: "Yes."

Speaker Brunsvold: "She yields."

Davis, M.: "Well, because children deserve a certified teacher in a classroom and not a substitute. Very often a substitute has not completed his or her educational training and if a district hires them for over a 90 day period, that means these children have teachers who have fulfilled a lower standard than the majority of teachers in our state."

Skinner: "This is not just a jobs protection Bill?"

Davis, M.: "It, it certainly is not just a jobs protection Bill. Substitutes are allowed to work in classrooms."

Skinner: "So, it's not just a jobs protection Bill, but that's part of what it is?"

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Davis, M.: "Excuse me. We're just saying 'no' to the waivers, where they have requested to have substitutes in the classroom for over a 90 day period."

Skinner: "Waivers from, from whom? A school district?"

Davis, M.: "From the State Board of Education. They're seeking waivers..."

Skinner: "Oh, this is a school district that's seeking a waiver? Oh, then my seatmate says I should vote against all of these. Vote in favor of every waiver, so I'd want to vote against your Amendment, right?"

Davis, M. "I think you should vote 'yes' on this Amendment."

Skinner: "My seatmate, Tom Johnson, is saying, 'Yes, that's right, Cal.'"

Davis, M.: "I believe you should vote 'yes' on this Amendment."

Speaker Brunsvold: "Further discussion? The Lady from Du Page, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Cowlshaw: "Thank you. I have a question, and that is, there is an Amendment #2 that was filed to this Bill, which includes all of the materials in Amendment 1, as well, as some additional materials..."

Davis, M.: "Rep... Representative, we chose not to call Amendment 2, because it includes physical education and the feeling was, that in the Senate that would not pass, therefore, these do not have any of the P.E. waivers included."

Cowlshaw: "I see. So, there is no intention to call Amendment #1, just Amendment... I mean, 2, just Amendment 1?"

Davis, M.: "That is correct, Representative."

Cowlshaw: "Very good. Thank you for, for clearing that up for me. Now, to the Amendment, Mr. Speaker."

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Speaker Brunsvold: "Proceed."

Cowlshaw: "In the past, it has been the practice that the persons whose school districts were involved, that is the Legislator, whether Senator or House Member, whose schools districts were involved in these waiver requests, would be consulted about whether or not they wanted something to be done, in regard to either, approving the waiver by doing nothing or disapproving it by passing something, like a Resolution. For those of you who might be interested, I would like to point out to you that nothing in Amendment #1 affects the Chicago Public Schools, the district in which the Sponsor resides. Let me tell you the names of the Representatives whose school districts are involved in this Amendment. Representatives Poe and Klingler, here in Sangamon County. Representative Brosnahan, for the Oak Lawn School District. Representative Murphy, for the Prairie Hills District. And Representatives McAuliffe and Saviano, for the Rosemont School District. I guess, my concern would be that normally if these people who represent those areas wanted this to be done, they would have come forward with something of their own. There have been efforts, Mr. Speaker, by the Members of the Senate, as well, as the Members on this side, including the Chairman of the Education Committee, to come up with some Resolution that would be in accord with what everybody that has a school district that had anything to require, or to ask, or whatever, that that would all be something that we would take everybody's views into account. Frankly, Mr. Speaker, I think that if the school districts that are involved in the waivers that the Sponsor of this Amendment would like to have changed, are not the Sponsors of the Resolution, then I would look somewhat askance at that. Because, we've

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always, pretty much respected our rights as legislators to do what we believe to be right, for the school districts that are within our own representative area. And for that reason, Mr. Speaker, I rise in opposition to this Amendment and would ask for a Roll Call vote."

Speaker Brunsvold: "The Lady's requested a Roll Call vote on the Amendment. Is there any further discussion? Mr. Black."

Black: "Yes. Just an inquiry of the Chair, for clarification."

Speaker Brunsvold: "State your inquiry."

Black: "We don't often see Floor Amendments to a waiver request. I want to make sure what a 'no' vote means and what a 'yes' vote means. If you vote 'yes', you are denying... No, if you vote 'yes', you're voting to disapprove the waiver on the Amendment? I'm, I'm sure we have, but I've never seen a Floor Amendment on a waiver request."

Speaker Brunsvold: "You are correct, Mr. Black. You are correct."

Black: "So, if you vote 'yes' on the Floor Amendment, you're voting to disapprove the waiver request, correct?"

Speaker Brunsvold: "Parliamentarian."

Parliamentarian Uhe: "Representative Black, in response to your inquiry and on behalf of the Speaker, voting 'yes' on a Resolution that denies a waiver has the affect of denying that waiver, disapproving it. The Floor Amendment will not have the affect of denying the waiver until it is adopted to the Bill and then thereafter, when the Bill... when the Resolution is voted upon."

Black: "I see. All right. Fine. Thank you."

Speaker Brunsvold: "Any discussion? Further discussion on the Floor Amendment? Seeing none, the Lady from Cook to close."

Davis, M.: "Sir, Mr. Speaker."

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Speaker Brunsvold: "You're closing on the Amendment, Representative."

Davis, M.: "I know. I think it's very important for us to realize that most of the work locations are represented by some unions and many unions feel that if substitutes come in and work over 90 days, what they're doing is being relatively disingenuous with the rest of the faculty. But more importantly, more importantly, someone spoke about people being from certain districts, and carrying certain Bills. I think all of us know that some of us carry legislation for other groups. The Chicago reform legislation was certainly not presented by a Chicagoan. All children deserve teachers, in their classrooms, who are dedicated to a full year of service, who have agreed, and who are prepared in the subject that they teach. Most often, a substitute in a physics class is not a physics teacher. Most often, a substitute in a biology class is not a biology teacher. And we have to ask, 'Do we want our children to have the very best teachers, per subject, that's available, or do we want to just place a substitute in a class and have a body there?' I believe that all children are entitled to teachers who are qualified in the subjects in which they teach. This waiver should get a 'yes' vote, which would do just as Representative Black stated, it would deny those districts their requests to have a sub in their classes, who are not qualified in the subjects they teach, for over 90 days. I urge you to vote 'yes'. Please vote 'green'."

Speaker Brunsvold: "The Lady has moved for the adoption of Floor Amendment #1. Mr. Black, for what reason do you rise?"

Black: "Mr. Speaker, I've, I've made an inquiry of the Chair. Forgive me. I'm really confused on this now. Under, under

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the House Rules, if the Parliamentarian could, could enlighten us. I, I don't know of anyway on a Floor Amendment, other than to vote 'yes' or 'no', to adopt the Amendment."

Speaker Brunsvold: "Correct. That's what we're going to do now, Mr. Black."

Black: "Okay. So, how do you vote on this, has nothing to do with the language of the Amendment. You're voting 'yes' to adopt the Amendment or 'no' to not adopt the Amendment."

Speaker Brunsvold: "That's correct, Mr. Black."

Black: "That's... Okay. Fine. Thank you."

Speaker Brunsvold: "That's all. Okay, the Lady has moved for the adoption of Floor Amendment #1. All in favor. Excuse me. There's been a roll call asked for on the adoption of the Amendment. All in favor of adopting Amendment #1 vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Has everyone recorded themselves? Have all voted who wish? Mr. Clerk, take the record. On this question, on the Motion, there are 56 voting 'aye', 53 voting 'no'. And the Amendment has been adopted. Represent... Mr. Clerk, take this Resolution out of the record. On concurrences, on page 10, appears House Bill 2166. Mr. Leitch. Out of the record. Mr. Leitch, do you wish to nonconcur? The Gentleman from Peoria, Mr. Leitch, on Senate Amendments 1 and 2 and a Nonconcurrency Motion."

Leitch: "I move that we refuse to recede from Senate Amendments #1 and #2, and that a Conference Committee be appointed."

Speaker Brunsvold: "The Gentleman has moved to nonconcur in Senate Amendments 1 and 2. Is there any discussion? Seeing none. The Motion is to nonconcur in Senate

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Amendments 1 and 2. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the House does nonconcur in Senate Amendments 1 and 2. Clerk, Committee Schedule."

Clerk Bolin: "The following committees will meet tomorrow. The Human Services Committee will meet at 1:15 p.m. in Room 118. The Transportation Committee will meet at 1:15 p.m. in Room 114. The Aging Committee will meet at 1:30 p.m. in Room 114. The Agriculture Committee will meet at 1:30 p.m. in Room C-1 Stratton. Children and Youth Committee will meet at 1:30 p.m. in Room 118. The Electric Utility Deregulation Committee will meet at 1:30 p.m. in Room 122B. And the Environment and Energy Committee will meet at 1:45 p.m. in Room 122B."

Speaker Brunsvold: "The Calendar schedule for committees is being distributed on the House Floor. The Lady from Cook, Representative Currie, for an announcement."

Currie: "Thank you, Speaker. It's a Motion and I would venture..."

Speaker Brunsvold: "...Motion."

Currie: "...to suggest that unless the Motion is successful, most of those committees will not need to meet tomorrow, at the times just prescribed. My Motion is that we suspend the posting requirement on a variety of Resolutions that were approved for various House committees this afternoon in Rules. I'll suspend the posting notice so they could be heard tomorrow in the committee schedule just read. Senate Joint Resolution 32, Senate Joint Resolution 35, House Resolution 325, House Resolution 329, Senate Joint Resolution 37, and that I believe, Speaker and Members of the House, is it."

Speaker Brunsvold: "The Lady has moved to suspend the posting notices for the Resol..."

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Currie: "I'd like to amend the Motion, Speaker, Members of the House, to include Senate Joint Resolution 30."

Speaker Brunsvold: "The Lady has made the Motion to suspend the posting requirements. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the posting notices have been suspended on those Mot... or on those Bills and Resolutions. Representative Cowlshaw."

Cowlshaw: "Yes. Thank you very much, Mr. Speaker. I, I have an inquiry, if I may, please."

Speaker Brunsvold: "State your inquiry."

Cowlshaw: "Since, some of these committees are meeting to consider Resolutions, I just wondered, perhaps, if the Chair could share with us its intent in regard to those Resolutions that have been on the Calendar for many weeks, one of which is House Joint Resolution 111... or is it 11? House Joint Resolution 11, which is cosponsored by Representative Woolard and myself. It came out of the Education Committee on a unanimous vote that it be adopted. It's been sitting there on the Calendar for weeks. It's never been called for a vote. It is not controversial. There was not a single Member of the committee who was opposed to it. And now we are going to go to committees to consider more Resolutions when the ones that have been unanimously approved by committees haven't even been called yet. Could I please ask what the Chair's intention is in regard to calling for a vote House Joint Resolution 11 and any of the other Resolutions that have been growing soft and soggy while waiting so long there on the Calendar?"

Speaker Brunsvold: "The House intends to call the Resolutions, Representative. Your Resolution #11 will, will be called. HR 164. HJR 9, Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. This is a waiver, I mean,

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I'm sorry... We're voting not to allow waivers for substitutes in classrooms over 90 days. And the reason is, a third grade teacher should not be in a science or biology class for over 90 days. A kindergarten teacher, who has decided to become a substitute, should not be in an algebra class for over 90 days. I mean, it's just unfair to those children to have someone so ill-prepared to be in that classroom a half a semester. And this Bill is to protect the children, all over the state, and make sure the teachers are well qualified to teach the subjects in which they are teaching. I urge an 'aye' vote."

Speaker Brunsvold: "The Lady has moved for the adoption of HJR #9 and the Members should remember that a 'yes' vote on this will deny the waiver. Is there any discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. To the process, as much as to the Resolution. I've not heard from any of the Sponsor's or the Representatives, both on the Democrat side of the aisle and the Republican side of the aisle, in whose districts these waiver requests originate. And since I haven't heard that, I don't know if this is a good idea or a bad idea. I would encourage Members on my side of the aisle, and those who care about the process on the other side of the aisle to vote 'no'. And I would request a verification, Mr. Speaker, should the Resolution require that it get the requisite number of votes to pass."

Speaker Brunsvold: "Further discussion? The Lady from Dupage, Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. I, I just want to make one observation, because I think I must of misheard something that was said a little earlier. I believe there was something, and I, I am confident I was mistaken and didn't

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hear it clearly, but to imply that any substitute teacher who teaches 90 days or less, is certainly adequately qualified to do whatever he or she has been employed to do, but that any substitute teacher who teaches more than 90 days is somehow not qualified to do whatever he or she was hired to do. I think that magic 90 day number probably has as little to do with the qualifications of that teacher, as any number of other things that we discuss around here, sometimes at great length. And Mr. Speaker, I really do want to repeat, once again, every school district, that submitted a waiver that is being denied on this Resolution, is a school district in which the Sponsor does not live. I think it is important for us to continue a very great tradition here, and that is that we respect the views about schools of those Senators and Representatives whose district that school is in. None of those people are the Sponsors of this Bill, or of this Resolution. I think that is worth noting and thank you, Mr. Speaker."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I rise in support of the Resolution. I'd remind my colleagues that this whole business of waivers has been held, has been held unconstitutional by a circuit court in Cook County. We have no business not rejecting every single one of the waivers that school districts have asked for and that in some instances the State Board has approved. I don't think it means a lot that a representative of one or another of these school districts has spoken or not on the topic. Our responsibility is to the process and to all the school kids across the state. And you know as well as I know that if we begin approving waivers like this, then the question

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will be out of our hands when the issue is my school district. It'll be out of your hands when the issue is your school district, for the State Board of Education will begin, automatically granting waivers on this topic to school district after school district. If you want to change the law, if you want to say substitute teachers after 90 days are just as legit as regular full-timer's, fine, put in the Bill, but the court in Cook County said that this backdoor waiver program violates our responsibilities under the Constitution on the merits Representative Davis' Joint Resolution, makes sense, and as a matter of procedure and constitutionality, we should certainly vote with her. Vote 'yes', to reject this waiver."

Speaker Brunsvold: "Further discussion? Representative Davis to close."

Davis, M.: "First of all, Mr. Speaker. I'm not going to apologize for carrying this Bill. It has been in committee..."

Speaker Brunsvold: "Excuse me, Representative Davis. Mr. Hoeft. I did not see your light on. Do you wish to speak?"

Hoeft: "Yes, I do."

Speaker Brunsvold: "Representative Davis, we'll let Mr. Hoeft speak and then you can close."

Davis, M.: "Thank you."

Speaker Brunsvold: "Let's get some law here, please. Certification in the State of Illinois, an individual has to go through a training period, that amounts to about a year, then they have to have 24 hours in their field, math, calculus, history, whatever. A Substitute Certificate is entirely different. A Substitute Certificate is anyone who has graduated from a recognized college. They don't have

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to have any, any, any hours in the field that they substitute. We are... looking at the possibility of a substitute coming in and teaching calculus, who has not had a single hour of calculus. We are,... 'cause substitutes are there to fill in for a teacher on an emergency basis. So, you're talking about a real lessening of the qualities or qualifications of individuals in the State of Illinois that are teaching our children. Second point, which is connected. Remember, if we pass one of these and accept it as a General Assembly, then the State Board of Education must adopt it for every other school district in the state. So, this applies, virtually across the board, once we set the precedent. So, if you want to say a home ec. teacher, excuse me, an individual who is trained for home ec. is going to be teaching your english, teaching your calculus, teaching your physics, straight across the board for every school district in the state, then you should vote 'no', but if you think that it is important to have qualities in our teachers and not allow substituting being our full-time teachers, then you gotta reject this."

Speaker Brunsvold: "The Gentleman from Madison, Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the, of the Lady's Motion. The previous speaker hit it right on the head. What we're talking about here, is insuring quality of teachers over a long period of time, over the long haul. We're talking about certification of teachers in such a manner that the individual who is qualified in a particular subject, will long term be able to teach that particular subject. I understand under certain circumstances, we may face an incident where a substitute teacher is doing a good job and is extremely qualified in that particular subject, but that

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shouldn't be the rule. And if we allow one waiver here, we're going down a path, that I think, we don't want to go. What we're talking about is good quality teaching for our, our children in subject that that, that that teacher is qualified to teach. I urge an 'aye' vote."

Speaker Brunsvold: "Mr. Black."

Black: "Yes, with apologies to the Chair, Mr. Speaker. I feel like the quarterback of the Chicago Bears on a third and long situation, sometimes the play calling is very confused, to say the least. So, let me withdraw my request for a verification and let me say to Members on my side of the aisle, vote however in the heck you want to vote."

Speaker Brunsvold: "Thank you, Mr. Black. Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I, too, rise in favor of the Lady's Amendment. Ladies and Gentlemen, we don't want to allow a substitute in any area to serve as a teacher in a specialist area. If we begin doing this across the State of Illinois, and it will happen across the State of Illinois, we will never, ever have the right number of teachers in their teaching area, because it will be so simple just to put anyone in that position. And we'll never have the proper amount of chemistry teachers, physics teachers, special education teachers, in those areas where we already have shortages, it will get worse. By trying to make it better, we'll simply make it worse. Vote 'yes' for the Lady's Amendment. Thank you."

Speaker Brunsvold: "Representative Davis to close."

Davis, M.: "I would just like to say, Mr. Speaker, that as we prepare to broaden the standards for any teacher to be in a classroom, we must adhere to our own request, that we want the best and the best prepared in those classrooms. And I agree with Representative Black, that we must not allow a

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teacher who is not prepared in these subjects, to be there for longer than 90 days. And I thank you very much, Mr. Speaker. And I thank the Body. And I hope they all vote 'yes'. Thank you very much."

Speaker Brunsvold: "The question is, 'Shall the House adopt House Joint Resolution #9?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? A 'yes' vote will deny the waiver. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 85 voting 'yes', 24 voting 'no', 1 voting 'present'. And the House does adopt House Joint Resolution 9. Allowing perfunctory time for the Clerk, Representative Currie now moves the House stand adjourned until May 25, Tuesday, at the hour of 2 p.m., the hour of 2 p.m. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the House does stand adjourned until Tuesday, May 25, at the hour of 2 p.m."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction of House Joint Resolution Constitutional Amendment #16. This will be First Reading. Be it resolved by the House of Representatives of the 91st 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 and proposition to amend Sections 10, 11, 12, and add Sections 12.1, 12.2, 12.3, 12.4, and 12.5 to Article VI of the Illinois Constitution as follows, Article VI, the judiciary, Section 10, terms of office, except as provided in Subsection B, the terms of office of supreme and appellate court judges shall be 10

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years, of circuit judges 6 years, and associate judges 4 years. The initial term for each judge of the First Judicial Circuit appointed to office, under Section 12.1, shall expire on the first Monday in December, following the third general election after his or her appointment, thereafter, pertaining to office pursuant to Section 12.4. The term of all judges of the First Judicial Circuit shall be 10 years. The terms of office for judges of the First Judicial Circuit elected before the effective date of this Constitutional Amendment shall expire at the end of the term for which they were elected. 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 unit which selects him or her. No change in the boundaries of unit after a judge or associate judge is selected, shall affect the tenure in office of a judge or associate judge, incumbent at the time of the change or prohibit that judge from seeking retention when his or her current, or any future term expires, election or retention, except as otherwise provided in this Article, supreme, appellate, and circuit judges shall be nominated in a primary elections or a petition. Judges shall be elected at general or judicial elections, as the General Assembly shall provide by law. A person eligible for the office of judge may cause his name to appear on the ballot as a candidate for judge at the primary and at the general or judicial elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions, except as otherwise provided in this Article, the office of a judge shall be vacant upon his death, resignation, retirement, removal, or upon the conclusion of

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his term, without retention in office. Whenever an addition of appellate or circuit judge is authorized by law, the office shall be filled in the manner provided for filling a vacancy in that office. Except, as otherwise provided in this Article, a vacancy occurring in the office of Supreme, appellate, or circuit judge shall be filled as a General Assembly may provide by law. In the absence of the law, vacancies may be filled by appointment by the Supreme Court. A person appointed to fill a vacancy 60 days or more 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 appointment. Except, as otherwise provided in this Article, not less than six months after the general election proceeding the expiration of his term of office of 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 Candidacy, to succeed himself. 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. Their retention election 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

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term commencing on the first Monday in December, following his election. 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. Section 12.1, application process for an appointment of judges, in the First Judicial Circuit. A vacancy in the office of judge in the First Judicial Circuit, Circuit shall be deemed to have occurred upon 1) the death, resignation, or removal of the judge, 2) the retirement of a judge before or upon the expiration of his or her current term, 3) the failure of the judge to be retained in office by the Judicial Review Commission or by the electorate as provided in Section 12.4, or for their creation of a new judgeship by the General Assembly. For vacancies in a judgeship in the First Judicial Circuit, the chief judge of the circuit shall cause notice to be given to the Bar of the Circuit. In the same manner, as notice of manners of general interest to the bar is customarily given to the circuit, if the vacancy exists it will be filled percent to the provisions of Section 12.2. To notice of any vacancy, covered by this section shall be given as soon as possible, but no later than 30 days after the accumulation of five consecutive vacancies in the First Judicial Circuit. The chief judge of the First Judicial Circuit shall give notice of these vacancies to the Chair of the Judicial Nominating Commission. At the same time, the chief judge gives public notice of the vacancies. If the chief judge of the First Judicial Circuit, fails to give notice of vacancies in the First Judicial Circuit, within the time prescribed, period prescribed by this section, the Director of the Administrative Office of the

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Illinois Courts shall give notice of the relevant vacancies within five days of the expiration, of the time periods set forth in this section. Any person who is qualified to serve as a judge, pursuant to the provisions of Section 11, may seek appointment to fill any vacancy in the First Judicial Circuit, provided that a person may seek to fill a vacancy in the First Judicial Circuit, or where applicable, a subcircuit of the First Judicial Circuit, only if he or she resides in the First Judicial Circuit and were applicable to a particular subcircuit of the First Judicial Circuit at the time the vacancy arises. Any person seeking to fill a vacancy shall have 30 days after the notice of vacancy is given within which to file with the chief judge of the First Judicial Circuit and with the Director of the Administrative Office of the Illinois Courts an application in the form prescribed and furnished by the director and shall also file any other materials prescribed by the Judicial Nominating Commission that has considered applications for the vacancy for which the person is applying. Appointment of judges in the First Judicial Circuit, the Supreme Court shall fill vacancies in the First Circuit and any subcircuit, hereinafter, from the nominees submitted by the Judicial Nominating Commission for the First Judicial Circuit or a subcircuit thereof. The appropriate Judicial Nominating Commission shall investigate the qualifications of all applicants for the particular vacancy and in particular, shall evaluate each applicant's character, background, temperament, professional aptitude, experience, intellect, integrity, sense of compassion, and commitment to equal justice under the law. All applicants shall be considered for appointment by the Judicial Nominating Commission, free

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from discrimination on the basis of race, color, creed, national origin, sex, sexual orientation, disability, as long as the applicant is able to perform the essential functions of a judge, political party, or a political affiliation. Within 49 days after the last day for applicants to file applications to fill the vacancy, the Judicial Nominating Commission shall submit to the Supreme Court and make public a list of the three best qualified nominees for the vacancy in alphabetical order, together with a written statement setting forth its evaluation of each of the three nominees based on all the criteria listed in the subsection. Upon receipt of the Judicial Nominating Commissions list of three nominees, the chief justice of the Supreme Court shall promptly issue an order providing at least 28 days after the Supreme Court's receipt of the list of nominees for the submission of written public comment about all three nominees. All written comments shall be made public by the Director of the Administrative Office of the Illinois Courts, as soon as possible, after they are received, except a comment shall be deemed confidential and not be made public, if the commenter so request. No member of the Judicial Nominating Commission may be appointed to State Judicial Office while serving on the commission or a period of three years thereafter. The Judicial Nominating Commission may not include on a list a nominee who is under... is on another list of nominees then pending before the Supreme Court. The function of the list of nominees shall terminate upon the making of the required appointment from the list. The Supreme Court shall appoint an applicant to fill the pending vacancy in the First Judicial Circuit no later than 14 days after the close of the public comment period provided under

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Subsection C. A person appointed to fill a vacancy pursuant to this section shall serve an initial term, as prescribed in Section 10. Judicial Nominating Commission in the First Judicial Circuit is a circuit wide Judicial Nominating Commission shall be created to nominate from those applicants who have applied for each at large vacancy on the circuit court for the First Judicial Circuit, three candidates for each such vacancy. Separate Judicial Nominating Commission shall be created to nominate candidates from these applicants who have applied for vacancies in each subcircuit of the First Judicial Circuit. The circuit wide Judicial Nominating Commission shall consist of 15 members, eight of whom are not lawyers and seven of whom are lawyers. Two of the nonlawyer members and four of the lawyer members, all of whom shall be residents of the First Judicial Circuit shall be chosen from the First Judicial Circuit at large. Two nonlawyer members and one lawyer member shall be chosen from each of the three subcircuits, subdistricts within the First Judicial Circuit and they shall be residents of the subdistrict from which they are chosen. The subdistricts shall be determined on the basis of population by the General Assembly and like manner to that provided for legislative redistricting in Section 3 of Article IV. A separate Judicial Nominating Commission shall be created for each judicial subcircuit within the First Judicial Circuit. Each subcircuit, judicial nominee and commission shall consist of 11 members, six of whom are lawyers, five of whom are... six of whom are not lawyers, five of whom are lawyers, three of the nonlawyer members and three of the lawyer members shall be residents of the subcircuit in which they serve. The remaining members shall be residents

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of the First Judicial Circuit, but need not be residents of the subcircuit, in which they serve. Half the nonlawyer members of each Judicial Nominating Commission shall be appointed by the Attorney General and the other half by the state official or officer first in the order indicated who was elected to office and not affiliated with the same political party as the Attorney General, the Secretary of State, the Comptroller, the Treasurer, President of the Senate, Speaker of the House, Minority Leader of the Senate, provided that two of the nonresident, nonlawyer members and one of the resident lawyer members of each subcircuit Judicial Nominating Commission shall be appointed by the President of the Cook County Board of Commissioners and one resident nonlawyer member and two resident lawyer members of each subcircuit Judicial Nominating Commission shall be appointed by the member of the Cook County Board of Commissioners with the most seniority who is of another political party than the President of the Cook County Board of Commissioners. The lawyer members of each Judicial Nominating Commission, except the resident lawyer members of the subcircuit Judicial Nominating Commission, shall be selected by the Supreme Court pursuant to the Supreme Court Rule, not more than a simple majority of the lawyers appointed shall be primary electors of the same political party. Upon appointment of the initial nonlawyer members of each Judicial Nominating Commission, the Attorney General shall divide the appointees, by lot, into three groups equal in number as near as may be, within 1 of his or her appointees in each group and shall not... and shall by law designate the groups to serve initial terms of 2, 4, 6 years, respectively. The initial lawyer members of each Judicial

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Nominating Commission shall also be divided by lot into three groups, equal in number, as near as may be, and the group shall be by lot, be designated to serve initial terms of 2, 4, and 6 years, respectively, all in such a manner as provided by the Supreme Court Rule. Thereafter, the terms of all Judicial Nominating Commission members shall be years. No one, who shall have served a term for more than years as a member of the Judicial Nominating Commission shall be eligible to serve another term on the Judicial Nominating Commission for at least years after the expiration of his or her original term."

Clerk Bolin: "A vacancy in the nonlawyer membership of a Judicial Nominating Commission shall be filled for an unexpired term or for a full term, as the case may be, by the Attorney General, if qualified by being affiliated with the same political party as the official or officer who had appointed the person whose vacancy is to be filled, or otherwise, by the state official or officer who was so qualified and first in the order indicated in Subsection C. A vacancy in the lawyer membership of the Judicial Nominating Commission shall be filled, shall be filled for an unexpired term or for a full term, as the case may be, by the Supreme Court pursuant to Supreme Court Rule. The Chair of each Judicial Nominating Commission shall be selected by majority vote of all members of the commission. The term of a Chair shall be two years, unless his or her term, as a member of the commission, expires sooner. Any person who holds any office under the United States, this state, or any political subdivision, municipal corporation, or unit of local government of this state and receives compensation for services rendered in that office, or who holds any office or official position in a political party

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shall be ineligible to serve on the Judicial Nominating Commission. Compensation for services in the state militia or the Armed Services of the United States for a period of time, as it be determined by Supreme Court Rule, should not 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. Each Judicial Nominating Commission may conduct investigations, meetings, and hearings, all of which may be confidential and employ staff members, as may be necessary, to perform it's duties. Members of each commission shall not receive any compensation for their services, but shall be entitled to reimbursement for necessary expenses. The General Assembly shall appropriate funds for that reimbursement and for all other administrative expenses of the Judicial Nominating Commission. Nominations by the Judicial Nominating Commission of candidates for appointments to fill judicial vacancies shall be submitted to the Supreme Court, only upon the concurrence of not less than three-fifths of all members of the commission. All members of each Judicial Nominating Commission shall be subject to ethics and economic disclosure requirements as provided by law. Section 12.4, retention procedures for judges in the First Judicial District. No later than the first Monday in December of this calendar year, before the year in which a term of a judge of the First Judicial Circuit expires, pursuant to Section 10, he or she may file in the office of the Director of the Administrative Office of Illinois Courts, a Declaration of Candidacy, for retention in that office. Any judge of the First Judicial Circuit who holds office subsequent to the effective date of this

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Constitutional Amendment, shall be eligible for retention in the office to which he or she was appointed. No later than 11 months before the general election, next preceding the expiration of the term of office of a judge seeking retention, the Director of the Administrative Office of Illinois Courts shall notify the Chair of the appropriate Judicial Review Commission of the judge's candidacy. The Chair, shall then, promptly convene the commission. No later than 195 days before the general election to be held in that calendar year, each Judicial Review Commission shall issue a notice to the public and shall make all reasonable efforts to publicize the notice. The notice shall provide that any individual or organization shall have until, at least 165 days, before the general election, in which to submit written comments about the performance of a capacity to continue serving of any judge being considered for retention by the particular Judicial Review Commission. The Judicial Review Commission's notice to the public shall list the names and any current assignments of all judges being considered by it, for retention, and shall provide an address to which written comments may be sent. All written comments shall be made public by the Director of the Administrative Office of Illinois Courts, at the same time that the evaluations of the judges and the Judicial Review Commissions written report on each judge are made public pursuant to Subsection D, except that written comments shall be made public if the commenter so requests. If by concurrence, of not less than three-fifths of its members, the Judicial Review Commission finds the candidate to be qualified to serve another term, the candidate shall be deemed, retained in office for a full term commencing on the first Monday in December, of that

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calendar year. The standard for determining qualifications to serve another term shall be the same used to determine whether a person shall be recommended to fill a vacancy pursuant to subsection b, of Section 12.2. All judges shall be considered for retention by the Judicial Review Commission, free from discrimination on the basis of race, color, creed, national origin, sex, sexual orientation, disability, so long as the judge can perform the essential functions of a judge, political party or political affiliation. Not less than 150 days before the general election to be held in that calendar year, the Judicial Review Commission shall submit to each candidate its finding as to whether the candidate is qualified or not qualified to serve another term. The Judicial Review Commission's findings shall include a written statement, evaluating the candidates performance in office during the term that is expiring and shall comment upon its assessment of the candidates performance under all the criteria set forth, in subsection b of Section 12.2. Not less than 135 days before the election, the Judicial Review Commission shall submit to the Director of the Administrative Office of Illinois Courts, a list stating by name, 1) which candidates it has found qualified to serve another term, 2) which candidates it has found not qualified to serve another term, and 3) which candidates have withdrawn their candidacy by written notification to the Judicial Review Commission. At the same time that the Judicial Review Commission tenders its list to the Director of the Administrative Office of Illinois Courts, the Judicial Review Commission shall also make its list public. In addition, the Judicial Review Commission shall make public its written evaluations which have previously submitted to

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all the candidates who sought retention, except for those candidates who withdrew the retention candidacies no later than 135 days before the general election. A judge found not qualified for retention by a Judicial Review Commission shall have the right to stand for retention by the electorate at the general election. The judge shall file in the office of the Secretary of State, not less than 135 days before the election, a Declaration of Candidacy, for retention by the electorate. Not less than 115 days before the general 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 by the electorate shall be submitted to the electorate separately and without party designation, on the sole question of retention in office for another term. Retention elections shall be conducted at the same time as general elections. The affirmative vote of three-fifths of the electors voting on the question of retention shall be necessary to retain a judge in that office for a full term, commencing on the first Monday in December, following the election. A judge eligible to file a Declaration of Candidacy for retention who 1) fails to do so, by the first Monday in December of the calendar year before the expiration of his or her, then current term, or 2) declares his or her vacancy, declares his or her candidacy for retention and subsequently withdraws that candidacy pursuant to subsection d or fails, or fails of retention shall vacate the office on the first Monday of December, following the general election held in that calendar year, whether or not a successor shall yet have been selected and qualified. If an incumbent judge does not timely file a Declaration of Candidacy for

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retention or withdraws as a candidate 135 days or more before the next general election, the selection of a successor, if any, shall proceed immediately in the manner provided in Sections 12.1 and 12.2. So, the successor may take office as soon as the vacancy occurs. An authorized reduction in the number of judges in the First Judicial Circuit shall be without prejudice to the rights, to the right of judges in office at the time of the reduction, to seek retention in accordance with this section. The reduction shall become effective when the vacancy occurs in the First Judicial Circuit. The Illinois Constitution, Article VI, Section 12.5, new, Section 12.5, Judicial Review Commissions. In the First Judicial Circuit, a Judicial Review Commission shall be created to determine qualifications for retention of circuit judges. A separate Judicial Review Commission shall be created for each subcircuit of the First Judicial Circuit, to review the performance in office of any judge in the First Judicial Circuit who was originally elected by subcircuit, rather than on an at large basis. The members of a Judicial Review Commission shall be appointed as provided by subsections b, c, and d of Section 12.3, with respect to members of a Judicial Nominating Commission. The terms of all members of a Judicial Review Commission shall begin 11 months before the general election in each calendar year in which a general election is held and shall expire on the first Monday in November of the same calendar year. Appointments to a Judicial Review Commission may not be made earlier than 45 days before the term is to commence. 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

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Nominating Commission. The Chair of each Judicial Review Commission shall be elected by a majority vote of all the members of the commission. The term of a Chair shall be 11 months. The Judicial Review Commissions shall be governed by the provisions in subsections a, b, c, d, f, h, i, j, and k of Section 12.3, with respect to Judicial Nominating Commissions, as well as by this Section. Schedule, this Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act, except that Judicial Nominating Commissions shall be impaneled by the following April 1, and the Director of the Administrative Office of Illinois Courts shall not certify any judicial vacancies in the First Judicial Circuit until the following July 1. A vacancy occurring in any judicial office and the First Judicial Circuit may be filled until that July 1, as provided in Section 12 of Article VI, but only for a term ending upon the selection of a judge to fill the vacancy pursuant to Section 12.1. The First Reading of this Constitutional Amendment. Having no further business, the House Perfunctory Session will stand adjourned. The House will reconvene in regular Session on Tuesday, May 25th, at 2 p.m."