

STATE OF ILLINOIS
96th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

92nd Legislative Day

2/3/2010

Speaker Turner: "The hour of 2:30 having come and gone, the House is in Session, February 3, 2010. We shall be led in prayer today by the Reverend Monte Johnson, who is the pastor of Immanuel (sic - Evangelical) Lutheran Church in Chicago, Illinois. Reverend Johnson is the guest of Representative Osterman. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers, and rise for the invocation and the Pledge of Allegiance. Pastor Johnson."

Reverend Johnson: "God of wisdom, in the great State of Illinois, we have a stack of Bills that must be carefully considered, a stack of overdue bills that we must repay. We have a crowded field of applicants for Governor. The media say it's too close to call, and as we count our ballots and possibly recount them, good Lord, we know that You recount the years. And as we struggle to pay our debts, You graciously forgive us our own greater debts. As these elected leaders gather to do the state's work, speak to them of Your urgent and eternal call to care for the least of these among us. Help these entrusted stewards of the public interest to look beyond the special interests clamoring for their attention, that together they might glimpse Your vision of the common good and know the deep compassion You have for all people of every race, region, and religion. On this day after our Primary Elections, we remember that for You, Lord God, every day is an election day. In the end, Your vote upon our actions and inactions has the final say when the sum of our life's work is tallied. We thank You, Lord God, for the work You give us

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to do. We thank You for Your call to serve, and I thank You for these, Your public servants gathered here. May Your holy word be a lamp for their feet and Your compassionate grace a light to shine upon their path. Amen."

Speaker Turner: "We shall be led in the Pledge today by the Gentleman from Sangamon, Representative Poe."

Poe - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Turner: "Roll Call for Attendance. The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. Please let the record reflect the excused absences of Representatives Acevedo, Arroyo, Berrios, Burke, Dugan, Feigenholtz, Golar, Graham, (sic - Hamos), Soto, Yarbrough, Zalewski."

Speaker Turner: "The Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker. Our list isn't quite that long, but after the time of the election here, on this Republican side, if we could excuse Representative Reitz, Representative Mulligan, and Representative Wait. Thank you, Mr. Speaker."

Speaker Turner: "There're 102 Members present, a quorum is present today. Clerk."

Clerk Mahoney: "Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on February 3, 2010:

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'approved for floor consideration', referred to the Order of Third Reading, 'approved for consideration' is House Bill 180. House Resolution 870 is referred to the Order of Resolutions, recommends be adopted."

Speaker Turner: "The Gentleman from DeKalb, Representative Pritchard, for what reason do you rise?"

Pritchard: "Thank you, Mr. Speaker, to a point of personal privilege."

Speaker Turner: "State your point."

Pritchard: "Ladies and Gentlemen of the House, as we just heard in our call to Session from our great pastor, that we have lots of financial issues before us, I would just like to join you in remembering what's happened over the last few weeks as we've gone around our district talking to a lot of people. We probably heard from some of those organizations that are not being paid their state award. I would just lift up on behalf of one early childhood organization that wrote me today that I said I would mention something on the House Floor that all of us know the importance of the issue of paying bills, but we sometimes forget when we're here in Springfield the impact on those organizations that are not paid. And what this organization is telling us is that they are losing local support because of the economy, because of local government cutbacks. They have not been paid for months from the state, they will not be here this fall. It's critical that in the next few weeks and months that we deal with the issue of back payment of bills, that we deal with the issue of priorities for this state, and that we work together for a difficult solution. I stand

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ready to work with you, and I challenge all of you to reach out and to do something about the unpaid bill and the fiscal problems we're in. Thank you, Mr. Speaker."

Speaker Turner: "Lady from Montgomery, Representative Hannig, for what reason do you rise?"

Hannig: "I rise on a point of personal privilege. I'd like to introduce a guest or visitor I have today, Tom Mitchell and his wife, April, are here with the Illinois Municipal League, enjoying our view of State Government."

Speaker Turner: "They're in the gallery, welcome. Welcome to Springfield. If I can have the Members' attention, we have a very special guest today that would like to bring remarks, and rather than I do an injustice in introducing him, we're going to invite the President of the Senate, John Cullerton, to come up and make the most favorable introduction. President Cullerton. Welcome President Cullerton to the House."

President Cullerton: "Thank you very much. It's been 13 years since I've once served here in the House, and it's an honor to be back. I wanted to introduce for you the... first of all, the Consul General to... from Ireland, Martin Rouine is here, Martin, please welcome him. And the United States... and the Ire... the Irish Ambassador to the United States, Michael Collins. I'd like to ask him to come up and say a few words, please. Please welcome him."

Ambassador Michael Collins: "Thank you very much, Mr. President. Thank you very much, John. And please convey my... my best wishes also to Speaker Madigan. It's a great pleasure to be here in Springfield today. It's not every

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day that we get the opportunity to get out of Washington, but whenever we do, it's great to get to somewhere like Springfield. So, I had the opportunity this morning of meeting the good Mayor of Springfield, another good Irishman, Mayor Dalvin. I had an opportunity to speak today at the University of Illinois. So, it's great to be able to convey the best wishes of Ireland to the Irish people, to the great people of Illinois, and particularly the great people of Springfield. So, it's my pleasure, my privilege, to represent the people of Ireland to the United States and to also build in every way I can the relationship between Ireland and this great country, and in particular, also the relationship between Ireland and the 44 million people of the United States that claim Irish inheritance. Ireland is a country of 4.2 million people. We have 44 million in this country. We have 70 million globally. We love you all, we love you all. But it's truly a unique position to be in, and the contribution of successive waves of Irish immigrants to the United States is woven into every aspect of American life, and it's truth to say that the Irish have been here since the very beginning. And if I say so... and in this town of Springfield... this City of Springfield, the very first cabin in the settlement of Springfield was built by an Irishman in 1820, one John Kelly. And you all know about the great famine and the implications that was for Ireland. The great famine, saw an increase of Irish immigrant... immigration to the United States and the growth of great cities like Chicago. And in 1850, one in five of the City of Chicago's population had

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been born in Ireland. The wave of Irish immigrants in the late 1840s and 1850s came over here as laborers, miners, construction workers, railway workers, and I think one.. one or two of them, in the meantime, made their way in politics. And the Irish people obviously, came here looking for opportunity, looking for a new land, and, in fact, in the words of the great Illinois poet, the Irish American poet John Fitzgerald said, we made this journey not from desire, but thirst, the thirst to find a better life. And Irish people and their descendents took to every sphere of American life, and they found a place in the history of this country. From the signing of the Declaration of Independence, to the Civil War, to the board rooms, sports fields, the police stations, and the fire stations, the school rooms, and the more modern circumstances into the research labs of today, the sons and daughters of miners, construction workers, the sons and daughters of Ireland, worked and lived the American dream. Today, truly, in every corner of America, there is Irish America, proud, successful, and resilient. And the extraordinary phenomenon that is Irish America is at the heart of Ireland's relationship with the United States today. It's not a connection based on strategic foreign policy or economic calculations alone, it is, instead, a living bond, deeply felt by millions upon millions of people. And in this hometown of Abraham Lincoln, I'm reminded of something he once said in a letter to another Irish man... or an Irish man, Joseph Gillespie, in July of 1849. He said, quote, 'The better part of one's life

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consists of friendships.' And let me say that Ireland and America enjoy a unique friendship, and we work day and daily to improve that friendship and to make it as good as we can. We have a very good relationship with the United States, the modern relationship is the relation obv... relationship obviously that means an awful lot to us in Ireland, but we would like to also believe that it's a relationship which means an awful lot to Americans, Irish Americans, and others alike. We work very hard to sustain it, we work very hard to build it, we cherish it, we value. America's important for us, and we would like to believe also, in our small way, that Ireland is also important for America. Thank you very much, indeed."

Speaker Turner: "The Ambassador will be in the well for photos or if anybody wants to personally greet him, you can come on down. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions is
House Resolution 830, offered by Representative Reboletti.
House Resolution 831, offered by Representative Stephens.
House Resolution 832, offered by Representative Phelps.
House Resolution 833, offered by Representative McCarthy.
House Resolution 835, offered by Representative Cross.
House Resolution 836, offered by Representative Howard.
House Resolution 837, offered by Representative Yarbrough.
House Resolution 838, offered by Representative Cross.
House Resolution 840, offered by Representative Lyons.
House Resolution 841, offered by Representative Nekritz.
House Resolution 842, offered by Representative Hoffman.
House Resolution 845, offered by Representative Reis.

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House Resolution 849, offered by Representative Reis.
House Resolution 850, offered by Representative Reis.
House Resolution 852, offered by Representative Monique Davis.
House Resolution 853, offered by Representative Cultra.
House Resolution 854, offered by Representative Eddy.
House Resolution 855, offered by Representative Watson.
House Resolution 860, offered by Representative Rose.
House Resolution 862, offered by Representative May.
House Resolution 863, offered by Representative Howard.
House Resolution 864, offered by Representative Cross.
House Resolution 865, offered by Representative Lang.
House Resolution 866, offered by Representative Coladipietro.
House Resolution 867, offered by Representative Coladipietro.
House Resolution 869, offered by Representative Cross.
House Resolution 872, offered by Representative Chapa LaVia.
And House Resolution 874, offered by Representative Franks."

Speaker Turner: "Representative Currie moves for the adoption of Agreed Resolutions. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Agreed Resolutions are adopted. Committee Announcements, Mr. Clerk? We ask the Members to please give your undivided attention to this announcement. There're a number of changes."

Clerk Mahoney: "Committee Announcements. The following committees have been canceled. The following committees have been canceled. The Elections & Campaign Reform Committee that was to meet at 4:00 p.m., has been canceled. Healthcare Availability and Accessibility has been

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canceled. Also canceled is the Personnel & Pensions at 4:00 p.m., also canceled. Canceled at 5:00 p.m. is Mass Transit. The Mass Transit Committee has been canceled. Committees for tomorrow that were... have been canceled are Telecommunications that was to meet at 10:00 a.m. tomorrow, that committee has been canceled. The Labor Committee that was to meet at 10:00 a.m. has been canceled. At el... the 11:00 a.m. committee, Financial Institutions, has also been canceled for tomorrow. Financial Institutions canceled. The following committees... This is the following committee schedule, 4:00 p.m. Veterans Affairs will meet in Room 118. Veterans Affairs in Room 118 at 4:00 p.m. At 5:00 p.m., State Government Administration will meet in Room 1... correction, Room C-1. 5:00 p.m. State Government Administration in Room C-1. Judiciary II - Criminal Law will meet in Room D-1 today at 5:00 p.m. On Thursday, tomorrow, February 4, at 8:30 a.m., Elementary & Secondary Education will meet in Room 114, Human Services will meet in Room D-1, International Trade & Commerce will meet in Room 115, Judiciary Civil Law, Jud I, will meet in Room C-1. At 10:00 a.m., Vehicle Safety will meet in Room 115, Business and Occupational License will meet in Room D-1, Juvenile Justice Reform will meet in Room 122-B. Consumer... Correction again, Insurance Committee will meet in Room 118, Consumer Protection will meet in Room C-1 at 11:00 a.m., and Cities & Villages will meet in Room 115 at 11:00 a.m. Two more cancelations, the Agriculture & Conservation Committee that was to meet tomorrow at 11:00 a.m. has also been canceled. In a... in addition, the International Trade

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Committee has also been canceled, that was to meet tomorrow at 8:30. International Trade, to meet at 8:30 a.m. in Room 115, has been canceled."

Speaker Turner: "The Gentleman from Cook, Representative Lang, for what reason do you rise?"

Lang: "Thank you, Mr. Speaker. In an early version of this week's schedule, there was a note that the Jobs Taskforce might have a meeting this week. That has been canceled, but we will be meeting next week, I believe on Wednesday the 10th. Thank you, Sir."

Speaker Turner: "And now, Representative Currie moves that the House stands adjourned until Thursday.. I'm sorry, the Gentleman from Fulton, Representative Smith, for what reason do you rise? Mr. Clerk."

Clerk Mahoney: "One additional cancelation for tomorrow at 8:30. Elementary & Secondary Education, 8:30 a.m. in Room 114 has been cancelled. Elementary & Secondary Education has been canceled."

Speaker Turner: "Seeing no further questions, the Lady from Cook, Representative Currie, moves that the House stands adjourned until tomorrow, Thursday, February 4, at the hour of 12:00 noon. Thursday, February 4, at the hour of 12:00 noon. The House now stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Franks, Chairperson from the Committee on State Government Administration, reports the following back... action taken on February 03, 2010: 'recommends be adopted' is House Resolution 551, House Resolution 618, 'recommends be adopted as amended' is House

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Resolution 712, 'do pass Short Debate' is House Bill 4650 and House Bill 4667. Representative Howard, Chairperson from the Committee on Judiciary Criminal Law reports the following committee action taken on February 3, 2010: 'do pass Short Debate' is House Bill 3869 and House Bill 4776, 'do pass as amended Short Debate' is House Bill 4765. Referred to the House Committee on Rules is House Resolution 834, House Resolution 839, House Res... offered by Representative Ramey, House Resolution 844, offered by Representative Bassi, House Resolution 847, offered by Representative Black, House Resolution 848, offered by Representative Black, House Resolution 851, offered by Representative Joyce, House Resolution 856, offered by Representative Cross, House Resolution 857, offered by Representative Bellock, House Resolution 858, offered by Representative May, House Resolution 859, offered by Representative Rose, House Resolution 861, offered by Representative Pihos, House Resolution 868, offered by Representative Brady, House Resolution 871 offered by Representative Nekritz, House Resolution 873, offered by Representative Coladipietro, House Joint Resolution 6... 84, offered by Representative Dan Brady, House Joint Resolution 85, offered by Representative Osmond, House Joint Resolution 86, offered by Representative Eddy, House Joint Resolution 87, offered by Representative Black, House Joint Resolution 88, offered by Representative Chapa LaVia, House Joint Resolution 89, offered by Representative Verschoore, House Joint Resolution 90, offered by Representative Mautino. Introduction and reading of House Bills—First

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Reading. House Bill 5200, offered by Representative Brady, a Bill for an Act concerning local government. House Bill 5201, offered by Representative Coladipietro, a Bill for an Act concerning revenue. House Bill 5202, offered by Representative Coladipietro, a Bill for an Act concerning revenue. House Bill 5203, offered by Representative Fortner, a Bill for an Act concerning nuclear safety. House Bill 5204, offered by Representative Reitz, a Bill for an Act concerning public aid. House Bill 5205, offered by Representative Brady, a Bill for an Act concerning education. House Bill 5206, offered by Representative Brady, a Bill for an Act concerning elections. House Bill 5207, offered by Representative Brady, a Bill for an Act concerning revenue. House Bill 5208, offered by Representative Brady, a Bill for an Act concerning revenue. House Bill 5209, offered by Representative Brady, a Bill for an Act concerning revenue. House Bill 5210, offered by Representative Lyons, a Bill for an Act concerning financial regulation. House Bill 5211, offered by Representative Osterman, a Bill for an Act concerning elections. House Bill 5212, offered by Representative Tryon, a Bill for an Act concerning State Government. House Bill 5213, offered by Representative Tryon, a Bill for an Act concerning revenue. House Bill 5214, offered by Representative Tryon, a Bill for an Act concerning courts. House Bill 5215, offered by Representative Tryon, a Bill for an Act concerning agriculture. House Bill 5216, offered by Representative Tryon, a Bill for an Act concerning education. House Bill 5217, offered by

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Representative Mautino, a Bill for an Act concerning insurance. House Bill 5218, offered by Representative Lang, a Bill for an Act concerning regulation. House Bill 5219, offered by Representative Lang, a Bill for an Act concerning public aid. House Bill 5220, offered by Representative Cavaletto, a Bill for an Act concerning education. House Bill 5221, offered by Representative Phelps, a Bill for an Act concerning weapons. House Bill 5222, offered by Representative Reitz, a Bill for an Act concerning State Government. House Bill 5223, offered by Representative Reitz, a Bill for an Act concerning aging. House Bill 5224, offered by Representative Reitz, a Bill for an Act concerning civil law. House Bill 5225, offered by Representative Reboletti, a Bill for an Act concerning criminal law. House Bill 5226, offered by Representative Holbrook, a Bill for an Act concerning safety. House Bill 5227, offered by Representative Reboletti, a Bill for an Act concerning criminal law. House Bill 5228, offered by Representative Reboletti, a Bill for an Act concerning criminal law. House Bill 5229, offered by Representative Reboletti, a Bill for an Act concerning criminal law. House Bill 5230, offered by Representative Bradley, a Bill for an Act concerning State Government. House Bill 5231, offered by Representative Bradley, a Bill for an Act concerning criminal law. House Bill 5232, offered by Representative Bradley, a Bill for an Act concerning notices. House Bill 5233, offered by Representative Bellock, a Bill for an Act concerning utilities. House Bill 5234, offered by Representative Bellock, a Bill for an

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Act concerning human rights. House Bill 5235, offered by Representative Bellock, a Bill for an Act concerning deeds. House Bill 5236, offered by Representative Bellock, a Bill for an Act concerning revenue. House Bill 5237, offered by Representative Bellock, a Bill for an Act concerning revenue. House Bill 5238, offered by Representative Bellock, a Bill for an Act concerning revenue. House Bill 5239, offered by Representative Bellock, a Bill for an Act concerning revenue. House Bill 5240, offered by Representative Bellock, a Bill for an Act concerning State benefits. House Bill 5241, offered by Representative Bellock, a Bill for an Act concerning public aid. House Bill 5242, offered by Representative Bellock, a Bill for an Act concerning public aid. House Bill 5243, offered by Representative Bellock, a Bill for an Act concerning public aid. House Bill 5244, offered by Representative Bellock, a Bill for an Act concerning medical oversight. House Bill 5245, offered by Representative Osterman, a Bill for an Act concerning elections. House Bill 5246, offered by Representative Osterman, a Bill for an Act concerning housing. House Bill 5247, offered by Representative Mendoza, a Bill for an Act concerning employment. House Bill 5248, offered by Representative Sacia, a Bill for an Act concerning finance. House Bill 5249, offered by Representative Osterman, a Bill for an Act concerning housing. House Bill 5250, offered by Representative Chapa LaVia, a Bill for an Act concerning insurance. House Bill 5251, offered by Representative Osterman, a Bill for an Act concerning health. House Bill 5252, offered by

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Representative Osterman, a Bill for an Act concerning housing. House Bill 5253, offered by Representative Osterman, a Bill for an Act concerning housing. House Bill 5254, offered by Representative Osterman, a Bill for an Act concerning housing. House Bill 5255, offered by Representative Osterman, a Bill for an Act concerning professional regulation. House Bill 5256, offered by Representative Osterman, a Bill for an Act concerning civil law. House Bill 5257, offered by Representative Osterman, a Bill for an Act concerning civil law. House Bill 5258, offered by Representative Osterman, a Bill for an Act concerning civil law. House Bill 5259, offered by Representative Osterman, a Bill for an Act concerning civil law. House Bill 5260, offered by Representative Osterman, a Bill for an Act concerning safety. House Bill 5261, offered by Representative Osterman, a Bill for an Act concerning safety. House Bill 5262, offered by Representative Hatcher, a Bill for an Act concerning public employee benefits. House Bill 5263, offered by Representative Hatcher, a Bill for an Act concerning revenue. House Bill 5264, offered by Representative Hatcher, a Bill for an Act concerning public aid. House Bill 5265, offered by Representative Hatcher, a Bill for an Act concerning revenue. House Bill 5266, offered by Representative Osterman, a Bill for an Act concerning safety. House Bill 5267, offered by Representative Osterman, a Bill for an Act concerning safety. House Bill 5268, offered by Representative Osterman, a Bill for an Act concerning public aid. House Bill 5269, offered by

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Representative Osterman, a Bill for an Act concerning public aid. House Bill 5270, offered by Representative Osterman, a Bill for an Act concerning public aid. House Bill 5271, offered by Representative Osterman, a Bill for an Act concerning regulation. House Bill 5272, offered by Representative Osterman, a Bill for an Act concerning regulation. House Bill 5273, offered by Representative Osterman, a Bill for an Act concerning regulation. House Bill 5274, offered by Representative Osterman, a Bill for an Act concerning regulation. House Bill 5275, offered by Representative Osterman, a Bill for an Act concerning regulation. House Bill 5276, offered by Representative Osterman, a Bill for an Act concerning regulation. House Bill 5277, offered by Representative Nekritz, a Bill for an Act concerning local government. House Bill 5278, offered by Representative Nekritz, a Bill for an Act concerning elections. House Bill 5279, offered by Representative Flowers, a Bill for an Act concerning children. House Bill 5280, offered by Representative Sacia, a Bill for an Act concerning criminal law. House Bill 5281, offered by Representative Dunkin, a Bill for an Act concerning professional regulation. House Bill 5282, offered by Representative Connelly, a Bill for an Act concerning real property. House Bill 5283, offered by Representative Hatcher, a Bill for an Act concerning local government. House Bill 5284, offered by Representative Moffitt, a Bill for an Act concerning veterans. House Bill 5285, offered by Representative Moffitt, a Bill for an Act concerning transportation. House Bill 5286, offered by Representative

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Lyons, a Bill for an Act concerning employee benefits. House Bill 5287, offered by Representative Lyons, a Bill for an Act concerning employment. House Bill 5288, offered by Representative Bost, a Bill for an Act concerning government. House Bill 5289, offered by Representative William Davis, a Bill for an Act concerning finance. House Bill 5290, offered by Representative Coladipietro, a Bill for an Act concerning civil law. House Bill 5291, offered by Representative Mautino, a Bill for an Act concerning appropriations. House Bill 5292, offered by Representative Lyons, a Bill for an Act concerning elections. House Bill 5293, offered by Representative Black, a Bill for an Act concerning civil law. House Bill 5294, offered by Representative Black, a Bill for an Act concerning education. House Bill 5295, offered by Representative Black, a Bill for an Act concerning local government. House Bill 5296, offered by Representative Mautino, a Bill for an Act concerning transportation. House Bill 5297, offered by Representative May, a Bill for an Act concerning public employee benefits. House Bill 5298, offered by Representative Jerry Mitchell, a Bill for an Act concerning education. House Bill 5299, offered by Representative Reis, a Bill for an Act concerning transportation. House Bill 5300, offered by Representative Reis, a Bill for an Act concerning regulation. House Bill 5301, offered by Representative Reis, a Bill for an Act concerning transportation. House Bill 5302, offered by Representative Reis, a Bill for an Act concerning education. House Bill 5303, offered by Representative Leitch, a Bill for an Act

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concerning State Government. House Bill 5304, offered by Representative Leitch, a Bill for an Act concerning State Government. House Bill 5305, offered by Representative Leitch, a Bill for an Act concerning health. House Bill 5306, offered by Representative Leitch, a Bill for an Act concerning health. House Bill 5307, offered by Representative Leitch, a Bill for an Act concerning wildlife. House Bill 5308, offered by Representative Leitch, a Bill for an Act concerning regula... professional regulation. House Bill 5309, a Bi... offered by Representative Careen Gordon, a Bill for an Act concerning civil procedures. House Bill 5310, offered by Representative Chapa LaVia, a Bill for an Act concerning education. House Bill 5311, offered by Representative Pritchard, a Bill for an Act concerning education. Senate Bills—First Reading. Senate Bill 380, offered by Representative Turner, a Bill for an Act concerning State government. First Reading of this Senate Bill. House Joint Resolution Constitutional Amendments—First Reading. Offered by Representative Franks is House Joint Resolution Constitutional Amendment 44.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH...
NINE... NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS...
RESOLVED BY THE HOUSE OF REPRESENTATIVES NINETY-SIXTH
GENERAL ASSEMBLY OF THE STATE OF ILLINOIS THAT THE SENATE
CONCURRING HEREIN, that there shall be submitted to the
electors of the State for adoption or rejection at the
general election next occurring at least 6 months after the
adoption of this resolution a proposition to repeal Section

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8 of Article VI, amend Sections 10, 11, 12 of Article VI, and add Section 12.5 to Article VI of the Constitution to read as follows:

ARTICLE VI
THE JUDICIARY

SECTION 8. ASSOCIATE JUDGES

This section is repealed.

SECTION 10. TERMS OF OFFICES

The terms of offices of Supreme and Appellate Court Judges shall be ten years; and of Circuit Judges, six years.

SECTION 11. ELIGIBILITY FOR OFFICE

No person shall be eligible to be a Judge unless he or she is a United States citizen, a licensed attorney-at-law of this State, and a resident of the district or circuit which selects him or her. No change in the boundaries of a unit shall affect the tenure in office of a Judge incumbent at the time of such change.

SECTION 12. ELECTION AND RETENTION

(a) Supreme Court Judges shall be nominated at primary elections or by petition and shall be elected at general or judicial elections as the General Assembly shall provide by law. A person eligible for the office of Judge may cause his or her name to appear on the ballot as a candidate for Judge at the primary and at the general or judicial elections by submitting petitions. The General Election shall prescribe by law the requirements for petitions.

Subsection (a-5) Appellate and Circuit Judges shall be appointed by the Supreme Court from nomi... nominees

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submitted by Judicial Nominating Commissions in accordance with subsection (c-5) of this Section.

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

Subsection (c) A vacancy occurring in the office of Supreme Court Judge shall be filled as the General Assembly may provide by law. In the absence of a law, vacancies may be filled by appointment by the Supreme Court. A person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Supreme Court Judges shall serve until the vacancy is filled for a term at the next general or judicial election. A person appointed to fill a vacancy less than 60 days prior to the next primary election to nominate Judges shall serve until the vacancy is filled at the second general or judicial election following such appointment.

(c-5) As soon as a vacancy occurs in the office of Appellate or Circuit Judge, or if such a vacancy will occur within 6 months by a day certain, the Administrative Director of the Illinois Courts shall promptly notify the chairperson of the appropriate Judicial Nominating Commission, who shall immediately convene the Commission and give notice to the public.

Within 60 days after receiving the notice of a vacancy, the Judicial Nominating Commission shall submit to the Supreme

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Court a list of 3 nominees who, by their character, background, temperament, professional aptitude, experience, and commitment to justice are deemed by the Commission to be best qualified to fill the vacancy. The Commission shall also give due consideration to diversity of representation on the bench. The Commission shall submit the nominees' names in alphabetical order. The selection of Judges for appointment by the Supreme Court shall be from among those persons best qualified to hold judicial office in this State. All such qualified persons have the right to be considered for selection by a J... Judicial Nominating Commission free from discrimination on the basis of race, color, creed, national ancestry, or sex. The Commission may not include on a list a nominee who is on another list then pending before the Supreme Court. The function of a list of nominees shall terminate upon the making of the required appointment from the list.

Immediately upon receiving a list of nominees from a Judicial Nominating Commission, the Supreme Court shall make the list public. Not fewer than 28 or more than 56 days after receiving a list, the Supreme Court shall appoint from the list a person to fill the vacancy. If the Supreme Court does not make an appointment within 56 days, the Commission shall immediately submit the list to the Governor, who shall make the appointment from the list within 28 days after receiving the list.

A person appointed to fill a vacancy pursuant to this subsection shall serve an initial term equal to the term specified in Section 10.

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(d) Not less than six months before the general election preceding the expiration of his or her term of office, a Supreme, Appellate or Circuit Judge who has been elected or appointed to that office may file in the office of the Secretary of State a declaration of candidacy to succeed himself or herself. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy to the proper election officials. The names of Judges seeking retention shall be submitted to the electors, separately and without party designation, on the sole question whether each Judge shall be retained in office for another term. The retention elections shall be conducted at general elections in the appropriate Judicial District, for Supreme and Appellate Judges, and in the circuit for Circuit Judges. The affirmative vote of 50% of the electors voting on the question shall elect the Judge to the office for a term commencing on the first Monday in December following his or her election for retention.

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

(f) The office of Associate Judge is abolished, and all Associate Judges in office on the effective date of this amendment shall on that date assume the office of Circuit Judge. In order to end the terms of those Judges, the Administrative Director of the Illinois Courts, as soon as possible after the effective date of this amendment, shall

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by lot divide those Judges into 3 groups that are as equal in number as possible. The terms of the Judges in the first group shall end on the first Monday in December after the next general election following the adoption of this amendment and every 6 years thereafter. The terms of the Judges in the second group shall end on the first Monday in December after the second general election following the adoption of this amendment and every 6 years thereafter. The terms of the Judges in the third group shall expire on the first Monday in December after the third general election following the adoption of this amendment and every 6 years thereafter.

The Judges described in this subsection may be retained in the same manner as other Circuit Judges.

SECTION 12.5. JUDICIAL NOMINATING COMMISSIONS

(a) There shall be a Judicial Nominating Commission in each Judicial District for the nomination of Judges for the Appellate Court, in each Judicial Circuit for the nomination of Judges for the Circuit Court, and in each Judicial Subcircuit for the nomination of Judges for the Subcircuit Courts.

(b) Each Judicial Nominating Commission shall consist of 11 members. Six of the members must be persons who are not licensed to practice as an attorney or counselor at law within this State and are residents of the appropriate District, Circuit, or Subcircuit ("non-lawyer members"). The remaining 5 members must be persons who are licensed to practice as an attorney or counselor at law within this

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State and are residents of the appropriate District, Circuit, or Subcircuit ("lawyer members").

(c) Three of the non-lawyer members of each Judicial Nominating Commission shall be appointed by the Attorney General. The remaining 3 non-lawyer members shall be appointed by the officer first in the following order who is not affiliated with the same political party as the Attorney General: the President of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the Senate.

(d) The lawyer members of the Judicial... mem... each Judicial Nominating Commission shall be selected in the manner provided by Supreme Court Rule.

(e) Upon appointment of the initial non-lawyer members of each Judicial Nominating Commission, the Attorney General shall divide the appointees by lot into 3 groups as equal in number as possible, with one of the Attorney General's appointees in each group. The Attorney General shall by lot designate the members in those groups to serve initial terms of 2, 4, and 6 years respectively. The initial lawyer members of each Judicial Nominating Commission shall also be divided by lot into 3 groups as equal in number as possible, and the members in those groups shall by lot be designated to serve initial terms of 2, 4, and 6 years respectively, all in the manner provided by Supreme Court Rule. Thereafter, the terms of all Commission members shall be 6 years.

(a) A vacancy in the non-lawyer membership of a Judicial Nominating Commission shall be filled for the remainder of

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the unexpired term or for a full term, as the case may be, by the Attorney General (if the Attorney General is affiliated with the same political party as the official who appointed the member whose vacancy is to be filled) or by the other officer specified in subsection (c) of this Section (if the Attorney General is affiliated with a political party different from that of the official who appointed the member whose vacancy is to be filled). A vacancy at the end of a term in the lawyer membership of a Judicial Nominating Commission shall be filled in the manner provided by Supreme Court Rule.

(g) The members of each Judicial Nominating Commission shall select a Chairperson of the Commission. The Chairperson shall serve for a term of 3 years unless his or her remaining term as a member of the Commission expires sooner.

(h) A person is not eligible to serve on a Judicial Nominating Commission if he or she (i) holds any office under the United States or this State, or any political subdivision, municipal corporation, municipality, or unit of local government of this State, and receives compensation for services rendered in that office or (ii) holds any office or official position in a political party. Compensation for service in the State militia or the armed services of the United States, for the period of time determined by Supreme Court Rule, does not disqualify a person from serving on a Judicial Nominating Commission under this subsection. A member of a Judicial Nominating Commission may not be appointed to judicial office while

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serving on the Commission or for a period of 6 months thereafter.

(i) A person who has served a full term of 6 years as a member of a Judicial Nominating Commission may not serve on a Commission during the next 3 years following expiration of that 6-year term. A person may not serve on more than one Judicial Nominating Commission at the same time.

(j) A Judicial Nominating Commission may conduct investigations, meetings, and hearings, of all those.. all of which may be secret, and may employ staff members as necessary to perform the Commission's duties. Judicial Nominating Commission members may not receive any compensation for their services on the Commission but shall be reimbursed for their necessary expenses actually incurred in performing their duties. The General Assembly shall appropriate funds to the Supreme Court for that reimbursement and for all other administrative expenses of the Judicial Nominating Commissions.

(k) A Judicial Nominating Commission shall submit nominees for the office of Appellate or Circuit Judge to the Supreme Court upon the concurrence of not less than three-fifths of the members of the Commission voting on the nominations.

(l) Lawyer and non-lawyer members of Judicial Nominating Commissions are not subject to economic disclosure requirements as provided by law.

This Constitutional Amendment takes effect upon approval by the electors of this State. There being no further business, the House Perfunctory Session will stand adjourned."