

Speaker Bradley: "The House will be in order and the Members will be in their seat. . . . seats. We'll be led in prayer by the Clerk, Jack O'Brien."

Clerk O'Brien: "Let us pray. Lord, bless this House and all those that serve and work here. Amen."

Speaker Bradley: "Message from the Senate."

Clerk O'Brien: "A message from the Senate by Mr. Fernandes, Temporary Secretary. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate concurred with the House in the adoption of the following Joint Resolution to wit', House Joint Resolution #3, concurred in by the Senate, January 13, 1977. Edward E. Fernandes, Temporary Secretary of the Senate."

Speaker Bradley: "Introduction, First Reading Bills."

Clerk O'Brien: "House Bill 123, Gaines, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 124, Gaines, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 125, Gaines, a Bill for an Act to amend Sections of an Act in relation to the definition, licensing and regulation of community currency exchange. First Reading of the Bill. House Bill 126, Winchester, a Bill for an Act relating to State Government. First Reading of the Bill."

Speaker Bradley: "Introduction to reading of Constitutional Amendments."

Assistant Minutes Clerk Sullivan: "House Joint Resolution Constitutional Amendment 1, Wolf, 'Resolved by the House of Representatives of the Eightieth General Assembly of the State of Illinois, the state concurring . . . 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 6 months after the adoption of this Resolution, a proposition to amend Sections 8 and 12 of and to add Sections 12.1 and 12.2 to Article VI of the Constitution, the amended and added Sections to read as follows: Article VI, The Judiciary. Section 8. Associate Judges. Each Circuit Court shall have such number of Associate Judges as provided by law. In the First Judicial District, unless otherwise provided by law, at least one-fourth of the Associate Judges shall be



appointed from, and reside, outside Chicago. The Supreme Court shall provide by rule for matters to be assigned to Associate Judges.

Section 12. Appointment and Retention--Supreme Court and Appellate Court--Circuit Courts upon Adoption. The following provisions shall govern the selection and tenure of Judges of the Supreme Court and the Appellate Court, and shall also govern the selection and tenure of the Judges of the Circuit Court of any Circuit which adopts this Section as provided in Section 12.1. For purposes of this Section and Sections 12.1 and 12.2, the term 'Judge' includes all Judges of the Supreme Court and Appellate Court and all Judges and Associate Judges of the Circuit Courts. (a) Judges shall be appointed by the Governor from nominees submitted by Judicial Nominating Commissions. (b) The office of a Judge shall be vacant upon his death, resignation, retirement, removal, or upon the conclusion of his term without retention in office. Whenever an additional Judge is authorized by law, the office shall be filled in the manner provided for filling a vacancy in the office. (c) If a vacancy occurs in the office of Judge, the administrative director shall notify the chairman of the appropriate Nominating Commission, who shall immediately convene the Commission. The Commission may conduct informal meetings and hearings; but no formal action shall be taken by the Commission except upon concurrence of a majority of all members of the Commission. Within 28 days after delivery of the notice, the Commission shall submit a list of 3 qualified persons to the Governor. However, the Commission, by certifying in writing by its chairman to the Governor that additional time is required, may take additional time not in excess of 28 days. If there is more than one vacancy on the same court, the number of qualified persons listed shall be 3 times the number of vacancies. The Commission may determine and advise the Supreme Court that the number of qualified persons available is less than 3 times the number of vacancies. The Supreme Court may accept this determination and permit only the names of those available to be listed; otherwise it shall request the Commission to continue its search for qualified persons. The Governor, immediately upon receipt of this . . . of



the list, shall make it public. Not fewer than 28 nor more than 56 days after delivery of the list to the Governor, he shall appoint therefrom one person to fill each vacancy. If the Governor does not make the appointment within 56 days, the Supreme Court shall make the appointment promptly from the list. (d) A Judge appointed to fill a vacancy shall serve an initial term ending on the first Monday in December following the next general election held after he has complete one year in office. He may at that general election stand for retention in office as hereinafter provided. (e) Not less than 6 months prior to the general election next preceding the expiration of his term of office, any Judge previously elected or appointed may file in the office of the Secretary of State a declaration of candidacy to succeed himself, and the Secretary of State, not less than 63 days prior to the election shall certify the Judge's candidacy to the proper election officials. At the election the name of each Judge who has filed a declaration shall be submitted to the electors, separately and without party designation, on the sole question whether he shall be retained in office for another term. The elections shall be conducted in the appropriate judicial districts and circuits. The affirmative votes of three-fifths of the electors voting on the question shall elect him to the office for a full term commencing the first Monday in December following the election. Any Judge who does not file a declaration within the time herein specified, or having filed, fails of retention, shall vacate his office on the first Monday in December following the general election, whether or not his successor shall yet have qualified. (f) If an incumbent does not file a declaration of candidacy within the time specified above, the selection and appointment of his successor, if any, shall proceed immediately in the manner provided in this Section so that the successor may take office as soon as the vacancy occurs. (g) Any law reducing the number of Judges of the Appellate Court in any district or the number of Circuit or Associate Judges in any circuit shall be without prejudice to the rights of Judges in office at the time of its enactment to seek retention in office. The



reduction shall become effective whenever a vacancy in the affected unit occurs. Section 12.1. Circuit Courts. The Judges and Associate Judges of all Circuit Courts shall be elected, and vacancies in such offices may be filled by appointment for interim periods, in such manner as may be prescribed by law; except that the provisions of subparagraphs (e), (f) and (g) of Section 12 shall apply to such Judges and Associate Judges as shall be elected under this Section. However, the electors of any Circuit may be . . . may by referendum adopt the provisions of Section 12 to govern the selection and tenure of Judges and Associate Judges of that Circuit. The electors of any Circuit shall vote on the proposition at the general election held not less than 3 months following the filing of petitions with the Secretary of State signed by not fewer than 5 percent of the total number of electors who voted at the next preceding general election in that Circuit, asking that the proposition be submitted to referendum. If a majority of votes cast on the proposition shall be in the affirmative, the provisions of Sections 12 and 12.2 shall thereafter govern the selection and tenure of Judges and Associate Judges of the Circuit Court of that Circuit. Section 12.2. Judicial Nominating Commissions. There shall be Judicial Nominating Commissions in each Judicial District and in each Circuit which adopts the proposition pursuant to Section 12.1, for nomination of Judges or Associate Judges for the Supreme Court, Appellate Court, and Circuit Courts, as follows: (a) The Circuit Judicial Nominating Commission for each Circuit outside the First Judicial District, to make nominations for Circuit Court Judges in each respective circuit, shall consist of 6 persons who are not lawyers, no more than 3 of whom shall be members of the same political party, and 5 lawyers. (b) The District Judicial Nominating Commission for each judicial district other than the First Judicial District, to make nominations for Appellate and Supreme Court Judges from each respective district, shall consist of 2 lawyers and 2 persons who are not lawyers from each Circuit Judicial Nominating Commission within the district, elected by each Circuit Commission, and an additional non-lawyer member appointed by the



Governor from any Circuit Commission within the District. District Judicial Nominating Commission members from any Circuit which does not have a Circuit Judicial Nominating Commission shall be as follows: 2 lawyers chosen under subsection (e) of this Sections to be members of the Circuit Commission and 2 non-lawyers, each a member of a different political party, to be appointed by the Governor with the advice and consent of the Senate. However, from and after the time there shall be a Circuit Judicial Nominating Commission in any such Circuit, either by reason of an election under Section 12.1 or by reason of the establishment of such a Commission by law for the filling of vacancies pursuant to Section 12.1, the members of the District Judicial Nominating Commission from that Circuit shall be elected and appointed in the manner prescribed in this subparagraph. (c) The First District Judicial Nominating Commission, to make nominations for the Appellate and Supreme Court Judges from the District, and for Circuit Judges and Associate Judges, if the electors of the Circuit adopt the provisions of Section 12.1, shall consist of 12 (10) persons who are not lawyers, no more than 5 of whom shall be members of the same political party, and 9 lawyers. (d) The non-lawyer members of each Circuit Commission and of the Commission for the First Judicial District shall be appointed by the Governor with the advice and consent of the Senate. The Governor shall designate one of the non-lawyer members of each Commission as chairman. The chairman may vote only in the case of a tie. The term of any chairman may be 3 years unless his remaining term as a member of the Commission expires sooner. The non-lawyer members shall reside in the Circuit or District for which they are appointed. (e) The lawyer members of each Circuit Commission and of the Commission for the First Judicial District shall be chosen by secret ballot by those lawyers admitted to practice in Illinois whose principal offices are in the appropriate circuit, in such manner as shall be provided by rules which shall be adopted by the Supreme Court. The lawyer members shall reside in the Circuit or District for which they are chosen. (f) In appointing the . . .



initial members of each Commission, the Governor shall divide the non-lawyer appointees into 2 groups and shall designate one group to serve for 3 years and one to serve for 6 years. As near as may be, the groups shall be equal in number and the members of one political party in any group shall not exceed the number of the rest of the group by more than one. The initial lawyer members shall be divided into 2 groups equal as near as may be, in such manner as the Supreme Court shall provide, one group to serve for 3 years and one to serve for 6 years. Thereafter the terms of all members shall be 6 years. (g) A vacancy in the office of chairman or members of the Commission shall be filled for the unexpired term in the same manner and subject to the same qualifications as those originally chosen. (h) No person who holds any office under, or is an employee of, the United States or of this state or any municipal corporation or political subdivision of this state or who holds any official position in a political party is eligible to serve on a Judicial Nominating Commission. Compensation for service in the state militia or the armed forces of the United States for such period of time as may be determined by rule of the Supreme Court shall not be considered a disqualification. No member of a Judicial Nominating Commission may be nominated or appointed to judicial office for a period of 3 years from the last day of his service on the Commission. A member, having served a full term of 6 years on a Commission, may not be selected to serve on a Commission during the next 3 years. Members of Commissions shall not receive any compensation for their services but shall be entitled to reimbursement for necessary expenses. The General Assembly shall appropriate funds to the Supreme Court for such reimbursement and for other administrative expenses of the Commissions. The Commissions may conduct such investigations, and employ such staff members as may be necessary to perform their duties. Schedule. If approved by the electors, these Amendments shall take effect the next day following proclamation of the result of the vote.' First Reading."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #3, Daniels



et al, 'Resolved by the House of Representatives of the Eightieth General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the electors of this State, at the general election next occurring at least 6 months after the adoption of this Resolution, a proposition to amend Sections 8 and 12 of and to add Sections 12.1 and 12.2 to Article VI of the Constitution, the amended and added Sections and the applicable Schedule to read as follows: Article VI. The Judiciary. Section 8. Associate Judges. Each Circuit Court shall have such number of Associate Judges as provided by law. In the First Judicial District, unless otherwise provided by law, at least one-fourth of the Associate Judges shall be appointed from, and reside, outside Chicago. The Supreme Court shall provide by rule for matters to be assigned to Associate Judges. Section 12. Appointment and Retention-- Supreme Court and Appellate Courts--Circuit Courts upon Adoption. The following provisions shall govern the selection and tenure of the Judges of the Supreme Court and the Appellate Court, and shall also govern the selection and tenure of the Judges of the Circuit Court of any Circuit which adopts this Section as provided in Section 12.1. For purposes of this Section and Sections 12.1 and 12.2, the term 'Judge' shall include all Judges of the Supreme Court and Appellate Courts and all Judges and Associate Judges of the Circuit Courts. (a) Judges shall be appointed by the Governor from nominees submitted by Judicial Nominating Commissions. (b) The office of a Judge shall be vacant upon his death, resignation, retirement, removal or upon the conclusion of his term without retention in office. Whenever an additional Judge is authorized by law, the office shall be filled in the manner provided for filling a vacancy in the office. (c) If a vacancy occurs in the office of Judge, the administrative director shall notify the chairman of the appropriate Nominating Commission, who shall immediately convene the Commission. The Commission may conduct informal meetings and hearings; but no formal action shall be taken by the Commission except upon concurrence of a majority of all members of the Commission. Within 28 days after delivery of the



notice, the Commission shall submit a list of 3 qualified persons to the Governor. However, the Commission, by certifying in writing by its chairman to the Governor that additional time is required, may take additional time not in excess of 28 days. If there is more than one vacancy on the same court, the number of qualified persons listed shall be 3 times the number of vacancies. The Commission may determine and advise the Supreme Court that the number of qualified persons available is less than 3 times the number of vacancies. The Supreme Court may accept this determination and permit only the names of those available to be listed; otherwise it shall request the Commission to continue its search for qualified persons. The Governor, immediately upon receipt of the list, shall make it public. Not fewer than 28 nor more than 56 days after delivery of the list to the Governor, he shall appoint therefrom one person to fill each vacancy. If the Governor does not make the appointment within 56 days, the Supreme Court shall make the appointment promptly from the list. (d) A Judge appointed to fill a vacancy shall serve an initial term ending on the first Monday in December following the next general election held after he has completed one year in office. He may at the general election stand for retention in office as hereinafter provided. (e) Not less than 6 months prior to the general election next preceding the expiration of his term of office, any Judge previously elected or appointed may file in the office of the Secretary of State a declaration of candidacy to succeed himself, and the Secretary of State, not less than 63 days prior to the election shall certify the Judge's candidacy to the proper election officials. At the election the name of each Judge shall be . . . shall . . . who has filed a declaration shall be submitted to the electors, separately and without party designation, on the sole question whether he shall be retained in office for another term. The elections shall be conducted in the appropriate judicial districts and circuits. The affirmative votes of three-fifths of the electors within . . . voting on the question shall elect him to the office for a full term commencing the first Monday in December following the election. Any





Judge who does not file a declaration within the time herein specified, or, having filed, fails of retention, shall vacate his office on the first Monday in December following the general election, whether or not his successor shall yet have qualified.

(f) If an incumbent does not file a declaration of candidacy within the time specified above, the selection and appointment of his successor, if any, shall proceed immediately in the manner provided in this Section so that the successor may take office as soon as the vacancy occurs. (g) Any law reducing the number of Judges of the Appellate Court in any district or the number of Circuit or Associate Judges in any Circuit shall be without prejudice to the right of Judges in office at the time of its enactment to seek retention in office. The reduction shall become effective whenever a vacancy in the affected unit occurs. Section 12.1. Circuit Courts. The Judges and Associate Judges of all Circuit Courts shall be elected, and vacancies in such offices may be filled by appointment for interim periods, in such manner as may be prescribed by law; except that the provisions of subparagraphs (e), (f) and (g) of Section 12 shall apply to such Judges and Associate Judges as shall be elected under this Section. However, the electors of any Circuit may by referendum adopt the provisions of Section 12 to govern the selection and tenure of Judges and Associate Judges of that Circuit. The electors of any Circuit shall vote on the provision (proposition) at the general election held not less than 3 months following the filing of petitions with the Secretary of State signed by not fewer than 5 percent of the total number of electors who voted at the next preceding general election in that Circuit, asking that the provision (proposition) be submitted to retention (referendum). If a majority of votes cast on the provision (proposition) shall be in the affirmative, the provisions of Sections 12 and 12.2 shall thereafter govern the selection and tenure of Judges and Associate Judges of the Circuit Court of that Circuit. Section 12.2. Judicial Nominating Commissions. There shall be Judicial Nominating Commissions in each Judicial District and in each Circuit which adopts the provisions (proposition) pursuant to Section 12.1, for



nomination of Judges or Associate Judges for the Supreme Court, Appellate Court, and Circuit Courts, as follows: (a) The Circuit Judicial Nominating Commission for each Circuit outside the First Judicial District, to make nominations for Circuit Court Judges in each respective circuit, shall consist of 6 persons who are not lawyers, no more than 3 of whom shall be members of the same political party, and 5 lawyers. (b) The District Judicial Nominating Commission for each judicial district other than the First Judicial District, to make nominations for Appellate and Supreme Court Judges from each respective district, shall consist of 2 lawyers and 2 persons who are not lawyers from each Circuit Judicial Nominating Commission within the district, elected by each Circuit Commission, and an additional non-lawyer member appointed by the Governor from any Circuit Commission within the District. The District Judicial Nominating Commission members from any Circuit which does not have a Circuit Judicial Nominating Commission shall be elected and appointed in the manner provided in subparagraphs (d) through (g) of this Section; but, from and after the time shall be a Circuit Judicial Nominating Commission in any such Circuit, either by reason of an election under Section 12.1 or by reason of the establishment of such a Commission by law for the filling of vacancies pursuant to Section 12.1, the members of the District Judicial Nominating Commission from that Circuit shall be elected and appointed in the manner prescribed in this subparagraph. (c) The First District Judicial Nominating Commission, to make nominations for the Appellate and Supreme Court Judges from that District, and for Circuit Judges and Appellate (Associate) Judges, if the electors of the Circuit adopt the provisions of Section 12.1, shall consist of 11 persons who are not lawyers, nor more than 6 of whom shall be members of the same political party, and 10 lawyers. (d) The non-lawyer members of each Circuit Commission and of the Commission for the First Judicial District shall be appointed by the Governor with the advice and consent of the Senate. The Governor shall designate one of the non-lawyer members of each Commission as chairman. The chairman may vote only in case of a tie. The term



of any chairman shall be 3 years unless his retention (remaining) term as a member of the Commission expires sooner. The non-lawyer members shall reside in the Circuit or District for which they are appointed. (e) The lawyer members of each Circuit Commission and of the Commission for the First Judicial District shall be chosen by secret ballot by those lawyers admitted to practice in Illinois whose principal offices are in the appropriate circuit, in such manner as shall be provided by rules which shall be adopted by the Supreme Court. The lawyer members shall reside in the Circuit or District for which they are chosen. (f) In appointing the initial members of each Commission, the Governor shall divide the non-lawyer appointees into 2 groups and shall designate one group to serve for 3 years and one to serve for 6 years. As near as may be, the groups shall be equal in number and the members of one political party in any group shall not exceed the number of the rest of the group by more than one. The initial lawyer members shall be divided into 2 groups equal as near as may be, in such manner as the Supreme Court shall provide, one group to serve for 3 years and one to serve for 6 years. Thereafter the terms of all members shall be 6 years. (g) A vacancy in the office of chairman or members of the Commission shall be filled for the unexpired term in the same manner and subject to the same qualifications as those originally chosen. (h) No person who holds any office under, or is an employee of, the United States or this state or any municipal corporation or political subdivision of this state or who holds any official position in a political party is eligible to serve on a Judicial Nominating Commission. Compensation for service in the state militia or the armed forces of the United States for such period of time as may be determined by rule of the Supreme Court shall not be considered a disqualification. No member of a Judicial Nominating Commission may be nominated or appointed to judicial office for a period of 3 years from the last day of his service on the Commission. A Member, having served a full term of 6 years on a Commission, may not be selected to serve on a Commission during the next 3 years. (i) Members of Commissions



shall not receive any compensation for their services but shall be entitled to reimbursement for necessary expenses. The General Assembly shall appropriate funds to the Supreme Court for such reimbursement and for other administrative expenses of the Commissions. The Commissions may conduct such investigations, and employ such staff members as may be necessary to perform their duties. Schedule. If approved by the electors, such Amendments . . . these Amendments shall be effective the next day following proclamation of the result of this vote'. First Reading of the Constitutional Amendment."

Speaker Bradley: "The House will stand adjourned until the hour of 4 o'clock on January 18th."



## TRANSCRIPTION INDEX

DATE: January 17, 1977, Perfunct

<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
1	2:00	Speaker Bradley	House to order
		Clerk O'Brien	Prayer
		Speaker Bradley	Messages from the Senate
		Clerk O'Brien	Reads Messages from the Senate
		Speaker Bradley	Introduction, First Reading
		Clerk O'Brien	Reads First Reading Bills
		Speaker Bradley	Introduction to Constitutional Amendments
		Assistant Minutes	
2, 3, 4, 5, 6		Clerk Sullivan	Reads House Joint Resolution Constitutional Amendment 1
7, 8, 9, 10, 11, 12		Clerk O'Brien	Reads House Joint Resolution Constitutional Amendment 3
		Speaker Bradley	House adjourned until January 18 at 4 o'clock



GENERAL ASSEMBLY  
STATE OF ILLINOIS  
HOUSE OF REPRESENTATIVES