93rd Legislative Day

February 25, 1998

- Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We will be led in prayer today by Lee Crawford, who is the Assistant Pastor with the Victory Temple Church in Springfield. The guests in the Gallery may wish to rise and join us in the invocation."
- Assistant Pastor Crawford: "Let us pray. Oh God of might, wisdom, justice, through whom all of our blessings flow, assist us with your spirit of counsel and guidance upon this Body. Impress upon each one of them, the importance of the grace of God, Your mercy and Your honor, that You will lead them through the problem that they will confront. Keep us mindful of Your greatness and Your ability to sustain us. Now, Lord, I ask that You will vow safe unto them wisdom and protection throughout this day and forevermore. Amen."
- Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Hartke."
- Hartke 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 Madigan: "Roll Call for Attendance. Mr. Cross."
- Cross: "Thank you, Mr. Speaker. If the record would reflect that Representatives Black and Churchill are excused."
- Speaker Madigan: "Mr. Cross, could you please advise the Body how you plan to proceed without Mr. Black?"
- Cross: "Well, if there is some concern about that, we could maybe adjourn now if you'd like to. But, is the Motion in order to do that?"
- Speaker Madigan: "Would you want some special help because of Mr. Black's absence?"
- Cross: "Well, no. We feel more than adequate. Representative

93rd Legislative Day

- February 25, 1998
- Turner is here today. Representative Durkin's here today.

  Poe and others, so we're going to try. Representative

  Bost. Excuse me, and Representative, of course, last but

  not least, Representative Mulligan is here to help us."
- Speaker Madigan: "Good. Let the record reflect those excused absences. Representative Currie. Representative Currie, on the order of excused absences."
- Currie: "Thank you, Speaker. Please let the record reflect that we are aware of no excused absences among the House Democrats today."
- Speaker Madigan: "Mr. Clerk, take the record. There being 116

  Members responding to the Attendance Roll Call, there is a
  quorum present. The Chair recognizes Representative

  Deuchler for the introduction of a former Member.

  Representative Deuchler."
- Deuchler: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to introduce, it's my great pleasure to introduce my former seatmate, Susan Catania, former State Representative from Chicago, who is now with DHS overseeing sexual assault programs statewide. Susan."
- Speaker Madigan: "The Chair recognizes the Clerk."
- Clerk Bolin: "Committee Reports. Representative Phelps, Chairman from the Committee on Elementary and Secondary Education, to which the following actions were referred, action taken on February 25, 1998, reported the same back with the following recommendations: 'do pass Short Debate' House Bill 2411, 'do pass Short Debate' House Bill 2492, and 'do pass Short Debate' House Bill 2640. Representative Coy Pugh, Chairman from the Committee on Human Services, to which the following Bills, Resolutions and Motions were referred, action taken on February 25, reported the same back with the following recommendations: 'do pass as

93rd Legislative Day

February 25, 1998

amended Short Debate' House Bill 1072. Representative Tom Dart, Chairman from the Committee on Judiciary I Civil Law, to which the following Bills, Amendments Resolutions and/or Motions were referred, action taken on February 25, 1998, reported the same back with the following recommendations: 'do pass Short Debate' House Bill 3630, 'do pass as amended Short Debate' House Bill 2326. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which legislative measures or motions were t.he following referred, action taken on February 25, 1998, reported the same back with the following recommendations: Senate Bill 1041 approved for consideration referred to Second Reading, Senate Bill 9 Amendatory Veto in compliance approved for consideration."

Speaker Madigan: "Supplemental Calendar announcement.

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

- Speaker Madigan: "Mr. Clerk, do you have a House Resolution 329?

  Who's the Sponsor of the Resolution?"
- Clerk Bolin: "Representative Rich Myers is the Sponsor of House Resolution 329."
- Speaker Madigan: "Mr. Clerk, take that out of the record for a moment. Is Representative Lindner in the chamber? Representative, you're the Sponsor of House Bill 349 on the Order of Second Reading. Do you wish to move the Bill? Mr. Clerk, read the Bill."
- Clerk Bolin: "House Bill 349, a Bill for an Act to amend the Water Well and Pump Installation Contractors License Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."
- Speaker Madigan: "Third Reading. Mr. Clerk, on the Order of House Resolution 329. Will the Members please give their attention to the podium? Would staff please retire to the

93rd Legislative Day

February 25, 1998

rear of the chamber? All right, Ladies and Gentlemen, if you could give your attention to the Clerk. Mr. Clerk, read the Resolution."

Clerk Bolin: "House Resolution 329.

WHEREAS, The members of the Illinois House of Representatives wish to congratulate the Western Illinois University Leathernecks on their winning football season; and

WHEREAS, The Leathernecks have recorded the highest number of wins over two seasons in the last two years; after going 9-3 in 1996, Western Illinois University won twenty games over the last two seasons; and

WHEREAS, In the Gateway Conference the Leathernecks were ranked number one in rushing offense, total offense, punt returns, and scoring offense; in rushing offense they were ranked eighth in the nation; in Division 1-AA Aaron Stecker of the Leathernecks was ranked number one in the Conference and number two in the national ranks in rushing; and

WHEREAS, Team records for 1997 include: most wins at 11, most points scored at 407, most touchdowns at 53, most rushing yards at 3,072, most rushing touchdowns at 37, most total yards at 5,327, best 4th-down conversion rate at 85% (11 of 13), and most tackles-for-losses at 146; and

WHEREAS, The Leathernecks, led by Coach Randy Ball, with assistance by Defensive Coordinator and Assistant Coach Bill Wilt and Offense Coordinator Doug Downing, have achieved a milestone for the team with this great season; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Western Illinois University Leathernecks on their successful

93rd Legislative Day

season; may they set the standard for the future of the Leathernecks; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Western Illinois University Leathernecks."

Speaker Madigan: "On the Resolution, the Chair recognizes Representative Myers."

Myers: "Thank you, Mr. Speaker. As a proud Alumni of Western Illinois University, it is a great honor today to have this chamber honor the Western Illinois University Leatherneck football team. Here today to receive this Resolution are Head Coach Randy Ball, Coaching Staff: Bill Wilt, Doug Downing, Curt Strasheim, Dion Melvin, Mark Caballero, Kirby Cannon, and Chad Remmert. The players with us today are: Charles McPheeters, Kevin Walsh, Dan Shymkewich, Thedo Griffin, Brad Freeman, and Aaron Stecker. The last individual you heard mentioned in the Resolution, but he also is a runner up for the Walter Payton Award. first team's all American, and in all team's and Aaron Stecker lead the nation in touchdowns, scoring, rushing. It is a great honor for me to have these gentlemen down here as they have provided the community of Macomb and Western Illinois University students and faculty with a great deal of enjoyment this year. They won the conference defeating the long time leaders, University of Northern Iowa, by winning the game against them in double overtime. My congratulations to the Western Illinois University Leathernecks."

Speaker Madigan: "Mr. Myers has moved for the adoption of House Resolution 329. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Congratulations to the Leathernecks and to Representative Myers. Chair recognizes the Clerk for an announcement."

93rd Legislative Day

- February 25, 1998
- Clerk Bolin: "The Rules Committee will meet immediately in the Speaker's Conference Room."
- Speaker Madigan: "The announcement is of a meeting of the Rules

  Committee. Representative Currie, meeting of the Rules

  Committee. Representative Currie."
- Currie: "At 12:30, I believe."
- Speaker Madigan: "No, immediately."
- Currie: "Immediately, thank you."
- Speaker Madigan: "Immediately. Mr. Turner, Rules Committee. Is

  Mr. Hannig available? Mr. Hannig. Meeting of the Rules

  Committee. Mr. Ryder is racing to be the first one there.

  The Chair recognizes Representative Eugene Moore."
- Moore, E.: "Yes, thank you, Mr. Speaker. I would like to make an announcement that the Revenue Committee will be cancelled for the next meeting until further notice. Thank you very much."
- Speaker Madigan: "The Chair recognizes Representative Flowers."
- Flowers: "Thank you, Mr. Speaker. I would like to announce that the Health Care Committee meeting will be cancelled for today. Thank you."
- Speaker Madigan: "Representative Currie, could we do the Rules

  Committee meeting, please. Mr. Turner. Mr. Turner, could

  you go to the Rules Committee, please. The Chair

  recognizes Representative Currie."
- Currie: "Thank you, Speaker, Members of the House. I move that we suspend the posting requirement so that House Amendment 1 to Senate Bill 1041 may be heard immediately in the Judiciary I Committee, and then I would encourage the House to stand at ease so that committee hearing could go forward."
- Speaker Madigan: "You've all heard the Motion. The Motion is to suspend the posting requirements to hear a Bill in the

93rd Legislative Day

February 25, 1998

Judiciary I Committee. Those in favor of the Motion say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Posting requirement has been suspended. The House shall stand in recess for one half hour. Every Member of Judiciary I should go to Room 114 for an immediate meeting of the Judiciary I Committee. Let me repeat that. The House shall stand in recess for one half hour. Every Member of Judiciary I should go to Room 114 for an immediate meeting of the Judiciary I committee, and we shall return at 1:00 p.m. Thank you."

- Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. On page 2 of the Calendar on the Order of House Bills Second Reading, there appears House Bill 2400 by Mr. Acevedo. Mr. Clerk, what is the status of the Bill?"
- Clerk Rossi: "House Bill 2400 has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."
- Speaker Madigan: "Place the Bill on the Order of Third Reading.

  Mr. Clerk, read the Bill for a third time."
- Clerk Rossi: "House Bill 2400, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

  Speaker Madigan: "Mr. Acevedo."
- Acevedo: "Mr. Speaker, Ladies and Gentlemen of the General Assembly. First and foremost, I would like to welcome the CAPs volunteers from all over the City of Chicago who are here to support House Bill 2400. I stand here today to present this Legislative Body a much needed anti-crime legislation. We all know how effective community policing is in the City of Chicago. Especially the CAPs Program. This program has been designed to incorporate community

93rd Legislative Day

February 25, 1998

policing, participation in the productive venture successfully eradicate crime from our neighborhoods. As a Chicago police officer, I put my life at risk 24 hours a job provides me with a gun and a bullet proof So, I can effectively provide protection to honest citizens. On the other hand, as you can all see around the gallery, there are hundreds of volunteers that care for our communities. They not only contribute their time and efforts to improve our neighborhoods, but actively participate in community policing, such as CAPs. But they also put their lives at risk by doing so. Because honest citizens should not live in fear of criminals. And because community stands together against crime to push gang members and drug dealers out of our neighborhoods, introduce House Bill 2400. This measure is aimed to protect individuals such as the ones you see down here in support of House Bill 2400 today. My legislation provides for serious criminal penalties to any individual who assaults, hurts, intimidates, or murders a person that actively participates in a community policing program such as CAPs. House Bill 2400 establishes factors to enhance battery to aggravated battery, makes enhanced offense a Class II Felony, rather than a Class III Felony, for which a sentence of imprisonment may be imposed of not less than three years, not more than fourteen years. It also provides that it is an aggravating factor for which the death penalty may be imposed, if the murdered individual is a community policing person killed in the course of performing community policing functions or retaliation for performing community policing functions. And the defendant knew that the murdered individual was working as a community policing person. Ladies and Gentlemen of this

93rd Legislative Day

February 25, 1998

Body, I ask for your support in House Bill 2400."

Speaker Madigan: "On the Bill. The Chair recognizes Mr. McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to praise Representative Acevedo with his work on this Bill. The CAPs Program is a very important program, not only in the City of Chicago, but I believe it will be throughout the whole State of Illinois. It is a very important part of my district. I attend various CAPs meetings and at these meetings, the residents tell us and police officers what the problems are in their area, so we can rectify that. I believe that us, as elected officials, should also support this Bill to let community persons, people know that we are in support of them and that we believe what they are doing is right and to give them the support. And that is why I ask for a favorable vote on House Bill 2400. Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. I, too, rise in support of the Gentleman's Bill. Community policing in our area works very well. And it works very well because of people like the people that ring the gallery today. The kind of people that are here today and work so hard to make our communities work better and make them freer of crime is a model for the country. And we hope that other states and other communities around the country will take a look at what we're doing here in Illinois. I applaud the people in the gallery. I also want to applaud the Sponsor. Representative Acevedo has worked tirelessly to accomplish this. I applaud his hard work and I believe we should all support the Gentleman and his Bill."

Speaker Madigan: "Representative Tom Johnson."

93rd Legislative Day

February 25, 1998

Johnson, Tom: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Johnson, Tom: "First of all, Representative, as I said in committee, I fully support your Bill here, and I'm going to vote for this. But, I do think that it's important that certain issues be raised here on the Floor, and if there is any way to make this even a better Bill when it goes to the Senate, I hope that that can occur. The underlying question that I raised in committee, and I'm not... and I think it is important that we know, is...is there any registration in terms of who are CAPs volunteers and who are not? Any formal registration anywhere?"

Acevedo: "They are appointed as CAP... be representatives of the CAPs coordinators, and this is only during while they are performing CAPs duties. If you would like, Representative, what we can do, we can amend it. I have talked to the Senator who is the Sponsor on the Senate side, and we can amend it to add that wording in for you."

Johnson, Tom: "Okay. And I really appreciate that, because I am concerned that we lead people to believe that there is additional protection when, in fact, there might not be. Because, obviously, you have to show intent and knowledge on the part of anybody to qualify for these enhanced penalties. And if, in fact, nobody really knows who a CAPs person is, when a crime is being committed, I'm not sure that this is really going to kick in - and I want it to. I sincerely mean that, and it needs to be done. I'm just not sure that the mechanisms are fully in place in the Bill as it currently exists, but I applaud you on this. I applaud the members of CAPs. It is a wonderful program, and it's one we need to encourage. And I do that, but again, I think that you understand that there might be some

93rd Legislative Day

February 25, 1998

difficulties with this. Thank you."

Speaker Madigan: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise to explain my 'present' vote, because it's important to me to say how much I appreciate the CAPs As someone who worked hard to bring the first community... one of the first community policing programs to the 24th District in Chicago... police district in Chicago, and one who works closely with the CAP organizations in... throughout my district, I support any kind of way that would protect people who put themselves on the line to work to protecting the community. My problem is only one, and that's that it expands the death penalty. As all of you know, I oppose the death penalty. And it is only for that reason that I would have to vote 'present' on this Bill and would certainly want to work in any way that I can to protect those people who are willing to be great community leaders and supporters and make our streets safer. So, it is with reluctance that I cast a 'present' vote on this Bill."

Speaker Madigan: "Mr. Acevedo, to close."

Acevedo: "Mr. Speaker, this Bill is very important to the City of Chicago to protect the average hard working citizens who come out and patrol their neighborhoods and fight for what they believe in; fight against gang members and drug dealers. I commend these people for coming out here to support my Bill today because it shows what they stand for. It's very important to the City of Chicago also, so important that Mayor Daley, first time ever, came to speak before the committee, to testify before the committee to show how important it was to the City of Chicago. But let's remember one thing, gang members and drug dealers are

93rd Legislative Day

February 25, 1998

not only in the City of Chicago. They're all over the State of Illinois. And until we put our foot down, they'll continue to spread. And I ask for your support on House Bill 2400."

Speaker Madigan: "The Gentleman has moved for the passage of the Bill. Those in favor of the passage of the Bill will signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 110 people voting 'aye', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk. Mr. Burke. Mr. Burke. Do you wish to move your Motion on the Amendatory Veto? On the Supplemental Calendar, there appears a Motion relative to a Governor's Amendment on Senate Bill 9. Mr. Burke."

Burke: "Thank you, Speaker. I move that we accept the Governor's Amendatory Veto on Senate Bill 9."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Parke: "Representative Burke, the Governor veto...amendatorily vetoed this Bill. Can you share with the Body why? What was the statement that the Governor was concerned about, and how did he change it?"

Burke: "Representative, I believe you received a copy of the Senate Bill. There is some very technical language that was adjusted, and I don't know that we have to go into any great length in describing it. If you have a copy, you might want to review that."

Parke: "Wasn't there a little bit more of a clarification of what is considered a Class A Misdemeanor? Was it to a Class IV

93rd Legislative Day

February 25, 1998

Felony, or something to that effect that the Governor was concerned about?"

Burke: "Do you have a specific concern?"

Parke: "Just that I think the Body should be aware of what we're doing here, so that when we do move to override or accept the Amendatory Veto, the Body should know what we are accepting on behalf of the citizens of the state."

Burke: "I'd be very happy to attempt to answer if you would cite your specific area of concern."

Parke: "Do you know why he was concerned about the first offense, and changed it from a Class B Misdemeanor to a Class A Misdemeanor?"

Burke: "I would surmise that the Governor took the manner very seriously and wanted to increase the penalty, and I know there was some great concern for the removal of private property from the homes of individuals that were accused."

Parke: "And so therefore, you, with that change, you're willing to present to the Body accept his Amendatory Veto as..."

Burke: "Yes, I think that, even with the Amendatory Veto, the matter has been such a serious concern in our recent society that this is a very needed and important piece of legislation."

Parke: "Thank you, Representative."

Speaker Madigan: "Mr. Burke moves to accept the Amendment."

Burke: "Yes, I do, Mr. Speaker. I move to accept the Amendatory Veto."

Speaker Madigan: "The question is, 'Shall the House accept the Governor's specific recommendation for change with respect to Senate Bill 9?' Those in favor, signify by voting 'aye'; those opposed by voting 'no'. This is final action. This is final action. Have all voted who wish? Have all voted who wish? Have all voted

93rd Legislative Day

February 25, 1998

who wish? The Clerk shall take the record. On this question, there are 116 people voting 'aye', 0 voting 'no'. This Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change regarding Senate Bill 9. Mr. Clerk. The Chair recognizes Representative Lang on a Motion to table House Bill...rather House Bill 2628. Mr. Lang. The Gentleman moves. Mr. Lang."

Lang: "You stated the Motion correctly, Mr. Speaker."

Speaker Madigan: "Is there leave for this Motion? This is a Motion by Mr. Lang. Is there leave? Leave is granted. Motion is adopted. The Chair is prepared to adjourn. Is there anything further to come before the Body? There being nothing further, Representative Currie moves that the House does stand adjourned until 12:30 tomorrow. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. The House does stand adjourned until 12:30 tomorrow, providing Perfunctory time for the Clerk."

Clerk Rossi: "The House Perfunctory Session will come to order.

Introduction and First Reading of House Bills. House Bill

3868, offered by Representative O'Brien, a Bill for an Act
making appropriations. House Bill 3869, offered by
Representative Brunsvold, a Bill for an Act to amend the
Riverboat Gambling Act. First Reading of these House Bills.

Committee Reports. Representative Mautino, Chairman from
the Committee on Insurance, to which the following Bill was
referred, action taken on February 25, 1998, reported the
same back with the following recommendation: 'do pass Short
Debate' House Bill 2908. Representative Larry Woolard,
Chairman from the Committee on Agriculture, to which the
following Bill was referred, action taken on February 25,

93rd Legislative Day

February 25, 1998

1998, reported the same back with the following recommendation: 'do pass as amended' House Bill 2315. Representative Howard Kenner, Chairman from the Committee on Labor and Commerce, to which the following Bill was referred, action taken on February 25, 1998, reported the same back with the following recommendation: 'do pass' House Bill 2884. Representative Jay Hoffman, Chairman from the Committee on Transportation, to which the following Bill was referred, action taken on February 25, 1998, reported the same back with the following recommendation: 'do pass as amended' House Bill 2667."

Clerk Bolin: "First Reading of House Joint Resolution Constitutional Amendment #20.

#### 'HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 15 of Article VI of the Illinois Constitution as follows:

#### ARTICLE VI

#### THE JUDICIARY

#### SECTION 15. RETIREMENT - DISCIPLINE

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

93rd Legislative Day February 25, 1998 retirement benefits. A retired Associate Judge may be assigned only as an Associate Judge.

- (b) A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.
- (c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.
- (d) The Board shall adopt rules governing its procedures. It shall have subpoen power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.
- (e) <u>An independent</u> A Courts Commission is created consisting of one Supreme Court Judge selected by that Court <u>as a member and</u>

one as an alternate, whe-shall-be-its-chairman, two Appellate Court Judges selected by that Court as members and three as alternates, and two Circuit Judges selected by the Supreme Court as members and three as alternates, and two citizens selected by the Governor as members and two as alternates. Members and alternates who are Appellate Court Judges must each be from a different Judicial District. Members and alternates who are Circuit Judges must each be from a different Judicial District.

Members and alternates of the Commission shall not be members of the Judicial Inquiry Board. The members of the Commission shall select a chairperson to serve a two-year term.

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

- (f) The concurrence of <u>four</u> three members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.
- (g) The Commission shall adopt <u>comprehensive</u> rules <u>to ensure</u> that governing its procedures <u>are fair and appropriate</u>. These rules and any amendments shall be public and filed with the <u>Secretary of State at least 30 days before becoming effective</u>.
- (h) A member of the Commission shall disqualify himself or herself, or the other members of the Commission shall disqualify a member, with respect to any proceeding in which disqualification or recusal would be required of a Judge under rules of the Supreme

93rd Legislative Day

February 25, 1998

Court, under rules of the Commission, or by law.

If a Supreme Court Judge is the subject of a proceeding, then there shall be no Supreme Court Judge sitting as a member of the Commission with respect to that proceeding. Instead, an alternate Appellate Court Judge not from the same Judicial District as the subject Supreme Court Judge shall replace the subject Supreme Court Judge. If a member who is an Appellate Court Judge is the subject of a proceeding, then an alternate Appellate Court Judge shall replace the subject Appellate Court Judge. If an Appellate Court Judge who is not a member is the subject of a proceeding and an Appellate Court Judge from the same Judicial District is a member, then an alternate Appellate Court Judge shall replace that member. If a member who is a Circuit Judge is the subject of a proceeding, then an alternate Circuit Judge shall replace the subject Circuit Judge. If a Circuit Judge who is not a member is the subject of a proceeding and a Circuit Judge from the same Judicial District is a member, then an alternate Circuit Judge shall replace that member.

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

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

(Source: Illinois Constitution.)

#### SCHEDULE

93rd Legislative Day

February 25, 1998

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

First Reading of this Constitutional Amendment. Committee Reports.

Representative Calvin Giles, Chairman from the Committee on State Government Administration and Election Reform, to which the following Bills, Amendments, Resolutions and/or Motions were referred, action taken on February 25, 1998, reported the same back with the following recommendations:

'do pass Short Debate' House Bill 2827; 'do pass as amended Short Debate' House Bill 2672, House Bill 2864, and House Bill 3181; 'do pass Standard Debate' House Bill 2533."

Clerk Rossi: "The House Perfunctory Session will come to order. Committee Reports. Representative Novak, Chairman from the Committee on Environment and Energy, to which the following Bill was referred, action taken on February 25, 1998, reported the same back with the following recommendation: 'do pass Short Debate' House Bill 2940. Representative Todd Stroger, Chairman from the Committee on Local Government, to which the following Bills were referred, action taken on February 25, 1998, reported the same back with the following recommendations: 'do pass' House Bill 2869; 'do pass as amended' House Bill 2373, House Bill 2557, and House Bill 2716. There being no further business, the House Perfunctory Session stands adjourned."