

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

24th Legislative Day

March 3, 1997

Tape Malfunction - Per Transcription Log

Clerk Rossi: "The designated hour having arrived the House Perfunctory Session will come to order."

Clerk Rossi: "Prayer read."

Clerk Rossi - 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."

Clerk Rossi: "Introduction - First Reading of Bills. House Bill 1256, offered by Representative Black, a Bill for an Act to amend the Clerks of Courts Act. House Bill 1257, offered by Representative Black, a Bill for an Act to amend the Criminal Code. House Bill 1258, offered by Representative Black, a Bill for an Act to amend the Clerks of Courts Act. House Bill 1259, offered by Representative Ronen, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 1260, offered

Tape Begins

by Representative Ronen, a Bill for an Act to amend the Illinois Insurance Code. House Bill 1261, offered by Representative Novak, a Bill for an Act concerning State land. First Reading of these House Bills. House Perfunctory Session will stand in Recess until the hour of 3:30."

Tape Malfunction - Per Transcription Log

Clerk Bolin: "House Bill 1262 offered by Representative Currie, a Bill for an Act to amend the Condominium Property Act. House Bill 1263, offered by Representative Hughes, a Bill for an Act concerning employee health benefit mandates. House Bill 1264, offered by Representative Hughes, a Bill for an Act to amend the Minimum Wage Law by changing Section 4a. House Bill 1265, offered by Representative Brady, a Bill for an Act to amend the Illinois Insurance

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

24th Legislative Day

March 3, 1997

Code. House Bill 1266, offered by Representative Brady, a Bill for an Act to amend the Illinois Insurance Code. First Reading of these House Bills."

Clerk Bolin: "House Joint Resolution Constitutional Amendment 9, offered by Representative Woolard.

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 1 of and add Section 1.5 to Article X of the Illinois Constitution as follows:

ARTICLE X

EDUCATION

SECTION 1. GOAL - FREE SCHOOLS

A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities.

The State shall provide for an efficient system of high quality public educational institutions and services. Education in public schools through the secondary level shall be free. There may be such other free education as the General Assembly provides by law.

SECTION 1.5. FUNDING AND ACCOUNTABILITY

(a) The General Assembly shall provide by law the criteria and incentives for an efficient, high quality system of elementary and secondary public education, including funding, educational achievement, and accountability.

Tape Begins

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

24th Legislative Day

March 3, 1997

(b) The General Assembly shall establish and review at least every two years the per pupil foundation level of financial support that provides and maintains an efficient, high quality system. The General Assembly shall provide by law for a combination of State and local funds to meet the requirements of the foundation level of support. In the aggregate, at least half of such funding necessary for the foundation level shall be provided by the State from State resources. No more than half of such funding for the foundation level in the aggregate shall be provided from taxes levied upon real property.

(c) Concurrent with implementation of the system of funding required by this Section, the State shall substantially reduce in the aggregate the taxes levied by school districts upon real property.

(d) The General Assembly shall provide by law for supplemental funding above the foundation level from State, local, and other resources and shall establish limitations, including requirements for local referenda, on the provision of supplemental funding from local taxes.

(e) On or before May 30, 1999, the General Assembly shall provide by law for implementation of this Amendment.

SCHEDULE

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

Clerk Bolin: "House Joint Resolution Constitutional Amendment #10, offered by Representative Erwin.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING

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

24th Legislative Day

March 3, 1997

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 Article VI of the Illinois Constitution by changing Sections 7, 8, and 12 and adding Sections 12.1, 12.2, 12.3, 12.4, and 12.5 as follows:

ARTICLE VI

THE JUDICIARY

SECTION 7. JUDICIAL CIRCUITS

(a) The State shall be divided into Judicial Circuits consisting of one or more counties. The First Judicial District shall constitute a Judicial Circuit. The Judicial Circuits within the other Judicial Districts shall be as provided by law. Circuits composed of more than one county shall be compact and of contiguous counties. The General Assembly by law may provide for the division of a circuit for the purpose of selection of Circuit Judges and for the selection of Circuit Judges from the circuit at large.

(b) Each Judicial Circuit shall have one Circuit Court with such number of Circuit Judges as provided by law. Unless otherwise provided by law, there shall be at least one Circuit Judge from each county.

(c) Circuit Judges in each circuit shall select by secret ballot a Chief Judge from their number to serve at their pleasure. Subject to the authority of the Supreme Court, the Chief Judge shall have general administrative authority over his court, including authority to provide for divisions, general or specialized, and for appropriate times and places of holding court.

SECTION 8. ASSOCIATE JUDGES

Each Circuit Court shall have such number of Associate Judges

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

24th Legislative Day

March 3, 1997

as provided by law. In the First Judicial District and in each Judicial Circuit that adopts Sections 12.1 and 12.3 by a local option referendum under Section 12.2, no new Associate Judges shall be appointed, but existing Associate Judges shall be eligible for reappointment by the Circuit Judges in each circuit as the Supreme Court shall provide by rule; otherwise Associate Judges shall be appointed by the Circuit Judges in each circuit as the Supreme Court shall provide by rule. The Supreme Court shall provide by rule for matters to be assigned to Associate Judges.

SECTION 12. ELECTION OF CIRCUIT JUDGES AND RETENTION

(a) In the First Judicial District and in Judicial Circuits that adopt Sections 12.1 and 12.3 by a local option referendum under Section 12.2, Circuit Judges shall be selected in the manner provided by those Sections, unless that manner of selection is terminated by referendum under Section 12.2; otherwise, Circuit Judges shall be elected in the manner provided by this Section.

(b) Circuit Judges shall be nominated at primary elections or by petition and shall be elected at general ~~er-judicial~~ elections as provided by law. A person eligible for the office of Circuit Judge may cause his or her name to appear on the ballot as a candidate for Circuit Judge at the primary and at the general ~~er judicial~~ elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions. A Circuit Judge elected to office under this subsection (b) may stand for retention for a full term under Section 12.4.

(c) The office of a Circuit Judge shall be vacant upon the incumbent's death, resignation, retirement, or removal, ~~er~~ upon the conclusion of a his term without retention in office, or ~~er~~ whenever an additional Circuit Judge is authorized by law.

(d) A vacancy occurring in the office of Circuit Judge shall be filled as the General Assembly may provide by law or, in the absence of a law, by appointment by the Supreme Court. A person

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

24th Legislative Day

March 3, 1997

appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Circuit Judges shall serve until the first Monday in December following the general election next following the appointment. A person appointed to fill a vacancy less than 60 days prior to the next primary election to nominate Circuit Judges shall serve until the the first Monday in December following the second general election following such appointment.

SECTION 12.1. APPOINTMENT OF JUDGES

(a) This Section governs the selection of Supreme and Appellate Judges and the selection of Circuit Judges of the First Judicial District and Circuits that adopt this Section and Section 12.3 by a local option referendum under Section 12.2. For purposes of this Section and Section 12.4, the term "Judge" includes all Supreme, Appellate, and Circuit Judges selected in accordance with this Section except where a distinction is indicated.

(b) Judges shall be appointed by the Governor from nominees submitted by Judicial Nominating Commissions.

(c) The office of a Judge shall be vacant upon the incumbent's death, resignation, retirement, or removal, upon conclusion of a term without retention in office, or whenever an increase in the number of Judges is authorized.

(d) As soon as a vacancy occurs in the office of Judge or will occur within 6 months by a day certain, or upon receiving notice from the Governor that all 3 nominees on a list have been rejected, the administrative director of the Illinois courts shall promptly notify the chairperson of the appropriate Judicial Nominating Commission, who shall immediately convene the Commission.

(e) Within 42 days after receiving notice from the administrative director of the Illinois courts, the Commission shall submit to the Governor a list of 3 nominees in alphabetical

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

24th Legislative Day

March 3, 1997

order, who are qualified for review by the Commission. For the purposes of Sections 12.1 through 12.5, "qualified for review by the Commission" means persons who by their character, temperament, professional aptitude, experience, and commitment to equal justice under law are deemed by the Commission to be best qualified to fill the vacancy. The Commission may not include on a list a nominee who is on another list pending before the Governor to fill a vacancy in the same judicial office or who was a nominee on a list rejected by the Governor to fill a vacancy in the same judicial office. No list shall have any effect after the required appointment is made from the list or all 3 nominees on the list are rejected by the Governor.

Clerk Rossi (f) Immediately upon receiving a list, the Governor shall make it public. Not less than 28 nor more than 56 days after receiving a list, the Governor shall appoint from the list a person to fill the vacancy or notify the administrative director of the Illinois courts that all 3 nominees on a list have been rejected.

(g) In the First Judicial District, half of the vacancies and new positions on the Circuit Court shall be filled by persons residing anywhere within the District and half shall be filled by persons residing within the divisions of the Circuit provided by law in accordance with subsection (a) of Section 7 of Article VI, if any. The appointments from the divisions, if any, within the Circuit shall be allocated equally among the divisions.

(h) A person appointed to fill a vacancy under this Section shall serve an initial term ending on the first Monday in December following the next general election held after the completion of one year in office. At that general election the Judge may stand for retention in office for a full term under Section 12.4.

SECTION 12.2. CIRCUIT LOCAL OPTION REFERENDA

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

24th Legislative Day

March 3, 1997

(a) The electors of a Judicial Circuit may by a local option referendum adopt a proposition requiring Sections 12.1 and 12.3 to govern the selection of Circuit Judges of that Circuit. The electors of a Circuit shall vote on the proposition at the next general election held not less than 3 months following the filing of petitions with the Secretary of State, signed by at least 5% 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 are in the affirmative, Sections 12.1 and 12.3 shall thereafter govern the selection of Circuit Judges of the Circuit Court of that Circuit.

(b) After the eighth year following a local option referendum in which the electors of a circuit have adopted Sections 12.1 and 12.3 to govern the selection of Circuit Judges, the electors of the Circuit may terminate, by a local option referendum, their adoption of Sections 12.1 and 12.3. The referendum shall be subject to the same requirements and shall be conducted in the same manner as a referendum for adoption of Sections 12.1 and 12.3. If a majority of the votes cast on the proposition to terminate are in the affirmative, the selection of Circuit Judges and Associate Judges of that Circuit shall be governed by Sections 12 and 8, respectively, unless Sections 12.1 and 12.3 are again adopted under this Section.

(c) To provide time for the establishment of District Judicial Nominating Commissions, vacancies occurring in the offices of Supreme and Appellate Judge and, in the First Judicial District, Circuit Judge on or before June 30th following the date this Amendment takes effect shall continue to be filled, using the procedures in Section 12 as it existed before the effective date of this Amendment, for a term ending the first Monday in December after the next general election.

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

24th Legislative Day

March 3, 1997

(d) To provide time for the establishment of a Circuit Judicial Nominating Commission, vacancies occurring in the offices of Circuit Judge on or before March 31st following the adoption of Sections 12.1 and 12.3 in a local option referendum in a Judicial Circuit shall continue to be filled, using the procedures applicable before the referendum, for a term ending the first Monday in December after the next general election.

SECTION 12.3. JUDICIAL NOMINATING COMMISSIONS

(a) There shall be a Judicial Nominating Commission in the First Judicial District for the nomination of Judges for the Supreme, Appellate and Circuit Courts for that District, in each other Judicial District for the nomination of Judges for the Supreme and Appellate Courts for that District, and in each Judicial Circuit that, by a local option referendum, adopts Section 12.1 and this Section for the nomination of Circuit Judges for that Circuit.

(b) Each Judicial Nominating Commission shall consist of 12 members who are residents of the appropriate District or Circuit.

(c) The President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives shall each appoint 3 members to each Judicial Nominating Commission. Each appointing authority shall appoint one lawyer and 2 non-lawyers. Each member shall serve for a term of 6 years, except that the 3 initial members appointed by each appointing authority shall serve terms of 2, 4, and 6 years as designated by the appointing authority. Vacancies shall be filled for the unexpired term by the appointing authority who appointed the member whose office is then vacant. "Appointing authority" means the office, not the individual or political party affiliation of the individual who may hold that office from time to time.

(d) The chairperson of each Judicial Nominating Commission

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

24th Legislative Day

March 3, 1997

shall be selected by vote of all the members of the Commission. The term of a chairperson shall be for 3 years unless his or her remaining term as a member of the Commission expires sooner.

(e) A person who holds an office under the United States or this State or a unit of local government or school district and receives compensation for services rendered in that office or who holds any office or official position in a political party is ineligible to serve on a Judicial Nominating Commission. Compensation for service in the State militia or the armed services of the United States for a period of time to be determined by the Supreme Court by rule shall not be considered a disqualification. No member of a Judicial Nominating Commission may be appointed to judicial office while serving on the Commission or for a period of 3 years after his or her service on a Commission has ended.

(f) A member who has served a full term of 6 years on a Judicial Nominating Commission may not serve on a Commission during the next 3 years. No person may serve on more than one Judicial Nominating Commission at the same time.

(g) A Commission may conduct investigations, meetings, and hearings, all of which may be secret, and employ staff members that may be necessary to perform the Commission's duties. 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 reimbursement of those expenses and for all other administrative expenses of the Commissions.

(h) Nominations shall be submitted to the Governor only upon concurrence of not less than two-thirds of all members of the Commission.

(i) All lawyer and non-lawyer members of each Judicial Nominating Commission shall be subject to ethics and economic

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

24th Legislative Day

March 3, 1997

disclosure requirements as provided by law.

SECTION 12.4. RETENTION ELECTIONS

(a) Not less than 6 months before the general election next preceding the expiration of the term of office of (i) a Supreme, Appellate, or Circuit Judge who was elected to that office or (ii) a Supreme, Appellate, or Circuit Judge who was appointed to that office under Section 12.1, he or she may file in the office of the Secretary of State a declaration of candidacy for retention in that office for a full term. Not less than 63 days before the election, the Secretary of State shall certify the Judge's candidacy to the proper election officials. At the election the name of each Judge who has timely filed a declaration of candidacy for retention (except each Supreme, Appellate, and Circuit Judge who, under Section 12.5, has been found qualified for review by the Commission and qualified to serve for the succeeding term) shall be submitted to the electors, separately and without party designation, on the sole question of retention in office for another term. Retention elections shall be conducted at general elections in the appropriate Judicial Districts and Circuits. The affirmative vote of three-fifths of the electors voting on the question of retention shall elect a Judge to that office for a full term commencing on the first Monday in December following the election.

(b) A Judge eligible to file a declaration of candidacy for retention who fails to do so within the time specified in subsection (a) or, having filed, fails to be retained shall vacate the office on the first Monday in December following the election, whether or not a successor has yet qualified. If an incumbent Judge, eligible to do so, does not timely file a declaration of candidacy for retention, the selection of a successor, if any, shall proceed immediately in the manner

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

24th Legislative Day

March 3, 1997

provided in Section 12 or 12.1, whichever applies, so that the successor may take office as soon as a vacancy occurs.

(c) An authorized reduction in the number of Judges shall be without prejudice to the right of Judges in office at the time to seek retention in accordance with this Section. The reduction shall become effective when a vacancy occurs in the affected unit.

SECTION 12.5. JUDICIAL REVIEW COMMISSIONS

(a) In the First Judicial District, in each other Judicial District, and in each Judicial Circuit that, by local option referendum, has adopted Sections 12.1 and 12.3 for selection of Circuit Judges for that circuit, a Judicial Review Commission shall be created and empowered to determine qualification for retention of appointed Supreme, Appellate, and Circuit Judges.

(b) The members of a Judicial Review Commission shall be appointed in the manner specified in subsection (c) of Section 12.3 for appointment or election of members of a Judicial Nominating Commission.

(c) The terms of all members of a Judicial Review Commission shall begin 6 months before the general election in each year in which a general election is held and shall expire on the first Monday in November of the same year. Appointments to a Judicial Review Commission may not take place earlier than 45 days before the term is to commence.

(d) A vacancy in the membership of a Judicial Review Commission shall be promptly filled as provided in subsection (c) of Section 12.3 with respect to vacancies on a Judicial Nominating Commission.

(e) Judicial Review Commissions shall be governed by subsections (b), (d), (e), (g), and (i) of Section 12.3 with respect to Judicial Nominating Commissions as well as by this Section.

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

24th Legislative Day

March 3, 1997

(f) A person who has served on a Judicial Review Commission may not serve on a Judicial Review Commission until 8 years have elapsed since the date his or her service on a Judicial Review Commission ended. A person who has served on a Judicial Nominating Commission may not serve on a Judicial Review Commission until 8 years have elapsed since the date his or her service on a Judicial Nominating Commission ended. No person may serve on a Judicial Nominating Commission while serving on a Judicial Review Commission.

(g) In each Judicial District and in Circuits governed by this Section, for each Supreme, Appellate, and Circuit Judge who has timely filed a declaration of candidacy for retention in office under Section 12.4, the Secretary of State shall, within 14 days after receipt of the declaration of candidacy, submit the Judge's name to the administrative director of the Illinois courts. Not more than 6 months nor less than 5 months before the general election next preceding the expiration of the term of office of the Judge, the administrative director of the Illinois courts shall notify the chairperson of the appropriate Judicial Review Commission of the Judge's candidacy. The chairperson shall then promptly convene the Commission.

(h) If, by concurrence of not less than two-thirds of its members, the Commission finds the candidate to be qualified for review by the Commission and qualified to serve another term, the candidate shall be retained in office for a full term commencing on the first Monday in December following the election. Not less than 84 days before the election, the Commission shall prepare and submit to each candidate its finding as to whether the Commission finds or fails to find that candidate qualified for review by the Commission and qualified to serve for another term. Not less than 77 days before the election the Commission shall submit to the Secretary of State a list stating by name:

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

24th Legislative Day

March 3, 1997

(i) which candidates it has found qualified to serve another term;

(ii) which candidates it has failed to find so qualified; and

(iii) which candidates have withdrawn their candidacy by written notification to the Commission.

(i) Failure of a candidate to be found qualified for retention by a Judicial Review Commission shall be without prejudice to the candidate's right to stand for retention by the electorate at a general election under Section 12.4.

SCHEDULE

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

Clerk Rossi: "Committee Reports. Corrected cumulative Committee Report. Representative Pugh, the Chairman from the Committee on Human Services, to which the following Bill was referred, action take on February 27, 1997, reported the same back with the following recommendations: 'do pass as amended Short Debate'. House Bill 604. Introduction and First Reading of Resolutions. House Resolution 53, offered by Representative Brosnahan, is referred to the Rules Committee. There being no further business, the House Perfunctory Session will stand adjourned. The House will reconvene in regular Session tomorrow at 12:30 p.m."