

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

109th Legislative Day

April 3, 1998

Clerk Bolin: "The House Perfunctory Session will come to order. First Reading of Senate Bills. Senate Bill 1364, offered by Representative Lindner, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 1704, offered by Representative Ryder, a Bill for an Act in relation to State government. Senate Bill 1705, offered by Representative Daniels, a Bill for an Act concerning Environmental Remediation Tax Credits. Senate Bill 1706, offered by Representative Ryder, a Bill for an Act in relation to State government. Senate Bill 1709, offered by Representative Daniels, a Bill for an Act to amend the Illinois Lottery Law. Senate Bill 1750, offered by Representative Silva, a Bill for an Act to create the Accountability and Education and Job Training Act. Senate Bill 1835, offered by Representative Lawfer, a Bill for an Act regarding elder abuse. Senate Bill 1339, offered by Representative Dart, a Bill for an Act regarding children. Senate Bill 1491, offered by Representative Saviano, a Bill for an Act to amend the Medical Practice Act of 1987. Senate Bill 1561, offered by Representative Ryder, a Bill for an Act concerning education. Senate Bill 1585, offered by Representative Ronen, a Bill for an Act concerning medicine. Senate Bill 1610...(Tape malfunction) Senate Bill 1628, offered by Representative Dart, a Bill for an Act to amend the Local Governmental and Governmental Employees Tort Immunity Act. Senate Bill 1702, offered by Representative Cross, a Bill for an Act to amend the Election Code. Senate Bill 1707, offered by Representative Smith, a Bill for an Act in relation to agriculture matters. First Reading of these Senate Bills."

Clerk Bolin: "Third Reading of Senate Joint Resolution Constitutional Amendment #15, as amended."

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"RESOLVED, BY THE SENATE OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES 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 Article V of the Illinois Constitution by changing Sections 1, 3, and 7, by adding Section 16.5, and by repealing Sections 17 and 18 as follows:

(ILCON Art. V, Sec. 1)

SECTION 1. OFFICERS

The Executive Branch shall include a Governor, Lieutenant Governor, Attorney General, Secretary of State, and State Financial Officer ~~Comptroller--and--Treasurer~~ elected by the electors of the State. They shall keep the public records and maintain a residence at the seat of government during their terms of office.

(Source: Illinois Constitution.)

(ILCON Art. V, Sec. 3)

SECTION 3. ELIGIBILITY

To be eligible to hold the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, or State Financial Officer ~~Comptroller-or-Treasurer~~, a person must be a United States citizen, at least 25 years old, and a resident of this State for the three years preceding his or her election.

(Source: Illinois Constitution.)

(ILCON Art. V, Sec. 7)

SECTION 7. VACANCIES IN OTHER ELECTIVE OFFICES

If the Attorney General, Secretary of State, or State Financial Officer ~~Comptroller-or-Treasurer~~ fails to qualify or if

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the his office becomes vacant, the Governor shall fill the office by appointment. The appointee shall hold office until the elected officer qualifies or until a successor is elected and qualified as may be provided by law and shall not be subject to removal by the Governor. If the Lieutenant Governor fails to qualify or if the his office becomes vacant, it shall remain vacant until the end of the term.

(Source: Illinois Constitution.)

(ILCON Art. V, Sec. 16.5 new)

SECTION 16.5. STATE FINANCIAL OFFICER - DUTIES

The State Financial Officer, in accordance with law, shall (i) maintain the State's central fiscal accounts, and order payments into and out of the accounts and (ii) shall be responsible for the safekeeping and investment of monies and securities deposited with him or her, and for their disbursement.

(ILCON Art. V, Sec. 17)

SECTION 17. COMPTROLLER - DUTIES (REPEALED)

~~The Comptroller, in accordance with law, shall maintain the State's central fiscal accounts, and order payments into and out of the funds held by the Treasurer.~~

(Source: Illinois Constitution.)

(ILCON Art. V, Sec. 18)

SECTION 18. TREASURER - DUTIES (REPEALED)

~~The Treasurer, in accordance with law, shall be responsible for the safekeeping and investment of monies and securities deposited with him, and for their disbursement upon order of the Comptroller.~~

(Source: Illinois Constitution.)

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SCHEDULE

This Constitutional Amendment takes effect as follows:

(1) those portions creating the office of State Financial Officer take effect upon approval of this Constitutional Amendment by the electors of this State;

(2) those portions providing for the election of a State Financial Officer take effect beginning with the election in 2002; and

(3) those portions eliminating the offices of the Treasurer and the Comptroller take effect upon the conclusion of the terms of the Treasurer and Comptroller elected in 1988 (sic-1998)."

Clerk Bolin: "Third Reading of this Constitutional Amendment as amended. First Reading of Senate Joint Resolution Constitutional Amendment #52."

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

(ILCON Art. VI, Sec. 15)

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 or her consent, may be assigned by the Supreme Court to judicial service for which he or

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she shall receive the applicable compensation in lieu of 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 with 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 subpoena 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) An independent A Courts Commission is created consisting

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of one Supreme Court Judge selected by that Court as a member and one as an alternate, who 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 four three members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.

(g) The Commission shall adopt comprehensive rules to ensure that governing its procedures are fair and appropriate. These rules and any amendments shall be public and filed with the Secretary of State at least 30 days before becoming effective.

(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

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or refusal would be required of a Judge under rules of the Supreme 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 a 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.)

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SCHEDULE

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

Clerk Bolin: "Having no further business, the House Perfunctory Session will stand adjourned. The House will reconvene in Perfunctory Session on Tuesday, April 7th, at 12:00 noon."