

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

70th Legislative Day

May 28, 1997

Speaker Brunsvold: "The House will come to order. All unauthorized personnel please retire to the balcony. We will be led in prayer today by Vicar Craig Dono Frio with the Trinity Luthern Church of New Lenox. Vicar Dono Frio is the guest of Representative Renee Kosel. Guest in the Gallery may wish to rise on the invocation. Vicar."

Vicar Craig Dono Frio: "We pray. All mighty God, You've given us this good land as our heritage. Grant that we remember Your generosity and that we desire to constantly do Your will. Bless our land with honest industry, truthful education, and an honorable way of life. Save us from violence, discord and confusion, from pride and arrogance, and from every evil course of action. Make us, who came from many nations with many different languages, a united people. Defend our liberties and give those, whom we have entrusted with the authority of government, Your spirit of wisdom, that there may be justice and peace in our land. When times are prosperous, let our hearts be thankful and in times of trouble do not let our trust in You falter. We pray this in Your Holy Name, one God world without end. Amen."

Speaker Brunsvold: "We will be led in the Pledge today by Representative O'Brien."

O'Brien - 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 Brunsvold: "Mr. Clerk, Roll Call for Attendance. Mr. Cross, for the Republican absentees."

Cross: "Well, Mr. Speaker, it's Wednesday and we're here again, all of us just waiting for that Bill and all the Republicans are here ready to go."

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Speaker Brunsvold: "Well, Mr. Cross, I can tell you it's on the way."

Cross: "Oh, is it. You've seen it."

Speaker Brunsvold: "Absolutely."

Cross: "Well you're awfully lucky cause we haven't seen it, Mr. Speaker."

Speaker Brunsvold: "Mr. Turner, Democrat absentees."

Turner, A.: "Thank you, Mr. Speaker. We have Representative Charles Moore, who has an excused absence today. Other than that, all Members are present."

Speaker Brunsvold: "Thank you, Mr. Turner. Mr. Clerk, take the record. There are 117 answering the Roll Call. We do have a quorum. The Gentleman from Sangamon, Representative Poe."

Poe: "I rise on a Point of Personal Privilege."

Speaker Brunsvold: "Proceed."

Poe: "Yeah, today, since we're celebrating seeing that Bill, we also want to celebrate some birthdays in the House chambers today. My colleague from Springfield, Representative Klingler's 29th Birthday."

Speaker Brunsvold: "Happy 29th."

Poe: "And her two assistants, Nicole and Sue is providing cake for us today so everybody come down and enjoy your dessert. Thank you."

Speaker Brunsvold: "Happy Birthday, Representative Klingler. Representative Andrea Moore."

Moore, A.: "Well, I don't know how it happens but I think all the women in this House are aged 29, and that includes Corinne Wood, who is also having a birthday today, and has cake for us and so, let us give her a round of applause on her 29th birthday."

Speaker Brunsvold: "Happy Birthday, Representative Wood."

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Committee Reports, Mr. Clerk."

Clerk Rossi: "Representative Eugene Moore, Chairman from the Committee on Revenue to which the following Amendment was referred, action taken on May 28, 1997. Reported the same back recommend: 'be adopted' Floor Amendment 1, to Senate Bill 645."

Speaker Brunsvold: "Mr. Clerk, House Bill 1327, Representative Clayton. Representative Clayton. Out of the record. The Gentleman from Cook, Mr. Capparelli, for what reason do you rise?"

Capparelli: "I rise to tell you that we have two birthdays also on this side. Miguel Santiago, who I don't know where he's at. And Rich Bradley was last week and we have two cakes. Wish them both a Happy Birthday."

Speaker Brunsvold: "Thank you, Mr. Capparelli and Happy Birthday to the two Democrats. There appears to be enough cake on the Floor to feed everyone. Clerk, Senate Bill 773. Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move that a Motion to... not to recede from House Amendment #1, to Senate Bill 773."

Speaker Brunsvold: "The Lady has moved not to recede from House Amendment #1. All in favor say 'aye'; all opposed 'nay'. The 'ayes' have it and the House does refuse to recede from House Amendment #1, to Senate Bill 773, and the Lady has asked that a Conference Committee be appointed."

Clerk Rossi: "The House Rules Committee will meet at 1:30 in the Speaker's Conference Room. The Rules Committee will meet at 1:30 in the Speaker's Conference Room."

Speaker Brunsvold: "Rules Committee is meeting immediately in the Speaker's Conference Room. Rules Committee immediately. Mr. Clerk, Committee Reports."

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Clerk Rossi: "Representative Currie, Chairman from the Committee on Rules, to which the following measures were referred, action taken on May 28, 1997, reported the same back. 'Be adopted' Floor Amendment 1, to House Resolution 77. Floor Amendment 2, to Senate Bill 645. Referred to the Order of Resolutions, House Joint Resolution 30. Motions to concur and nonconcur Senate Amendment 2, to House Bill 729 and House Amendment 3, to Senate Bill 348."

Speaker Brunsvold: "Senate Bill 348, Mr. Clerk. Mr. Novak, the Gentleman from Kankakee."

Novak: "Yes, Mr. Speaker, thank you. I move to recede from the House Amendments, House Amendment #3, to Senate Bill 348."

Speaker Brunsvold: "The Gentleman has moved to recede from House Amendment #3. Is there any discussion? Seeing none, the question is, 'Shall the House recede from Amendment #3, to Senate Bill 348?' This is final action. All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record and on this question, there's 114 voting 'yes', 2 voting 'no', 2 voting 'present', and the House does recede from House Amendment #3, to Senate Bill 348, and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrence is House Bill 729, Mr. Clerk. Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. I rise to concur with Senate Amendment #2. What's included in this actually is something that we've already considered either in committee or on the Floor. One of these things is the elimination of the D-3, and the other is the expansion of filing on the World Wide Web for both state and local committees and I

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encourage you all to support this measure. It will move Illinois into the next century, possibly making it the first state to go on the Web. So, let's vote 'aye'."

Speaker Brunsvold: "The Lady has moved for... to concur in Senate Amendment #2. Is there any discussion? The Gentlemen from Cook, Mr. Kubik."

Kubik: "Thank you, Mr. Speaker. Would the Lady yield?"

Speaker Brunsvold: "The Lady yields."

Kubik: "Representative."

Feigenholtz: "Go ahead, I'm sorry."

Kubik: "Representative, you mentioned that this Amendment... does this Amendment become the Bill?"

Feigenholtz: "It does."

Kubik: "Okay, so the only thing in the Bill..."

Feigenholtz: "No, no, no. I'm sorry, it doesn't. It does not become the Bill. The original part of this Bill in House Bill 729 was a lot cleanup language that passed out of the House with unanimous support. There was not one 'no' vote. It was an initiative of Ron Michealson and other people who are working at the Board of Elections, having to do with when committees can be established, issues about dissolution and reporting of assets that remain in a committee and those kinds of things."

Kubik: "Okay, and then..."

Feigenholtz: "It went over to the Senate and it actually passed the Senate unanimously and common cause and Senator Butler called it back, actually, to attach language for the Worldwide Web and D-3. Elimination of D-3."

Kubik: "Okay. Okay. So, it's Worldwide Web and the elimination of D-3 in this Amendment."

Feigenholtz: "Right."

Kubik: "Which adds to the Bill."

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Feigenholtz: "Correct."

Kubik: "Okay. Thank you."

Speaker Brunsvold: "The Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, the language in Senate Amendment #2, eliminating the D-3 requirement, I remember, we've discussed that before. Was that Representative Cross's Bill?"

Feigenholtz: "I really don't remember, Mr. Black. It sounds like it could have been."

Black: "Representative, have you misappropriated Representative Cross's Bill? Are you in cahoots with the Senate?"

Feigenholtz: "No, actually I have not. I would have if I could have, but I didn't."

Black: "This was a good idea when Representative Cross had the original concept and I think it passed overwhelmingly, as I recall. But, where has this Amendment been?"

Feigenholtz: "It's been to the Senate. It's come from the Senate."

Black: "Well, when I had my dog..."

Feigenholtz: "Marty Butler. Senator Butler."

Black: "When I had my dog down here last Friday, we couldn't find this Amendment and all of a sudden it shows up. But, since Representative Cross is largely responsible for this fine Amendment, I don't think I'll pursue that, because it appears this is going to be the only Campaign Finance Reform Bill we're going to get a chance to vote on. Right?"

Feigenholtz: "That is actually the truth."

Black: "One moment, let me check with my staff. Representative

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Cross says that it is the best we can do at this moment in time so, I will join with my colleague and suggest that we vote 'aye'."

Feigenholtz: "Thank you, very much."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Turner. Art Turner."

Turner, A.: "Thank you, Mr. Speaker. Will the Lady yield for a question?"

Speaker Brunsvold: "The Lady yields."

Turner, A.: "I just have one point that needs to be clarified. Now, this new Amendment, it now includes local elected officials so much..."

Feigenholtz: "That is true."

Turner, A.: "So, does that mean that the aldermen and the ward committeemen..."

Feigenholtz: "Whoever has to file a report."

Turner: "Regardless of what..."

Feigenholtz: "With a local committee and a state committee are going to be included in this, yes."

Turner, A.: "So, if you have to do local and not state would you be included in this also? Like, there's some elected officials who have to do, say county, they don't have to file with the state. If you have to file, say for county and not for state..."

Feigenholtz: "They have to file locally, they will be on the World Wide Web."

Turner, A.: "They file locally, they're on the Web?"

Feigenholtz: "That's correct."

Turner, A.: "Thank you."

Speaker Brunsvold: "And on the question, is there any further discussion? Seeing none, the Lady from Cook, Representative Feigenholtz to close."

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Feigenholtz: "Ladies and Gentlemen, these are issues that we have debated in various other pieces of legislation. This is perhaps going to be the biggest Campaign Reform Bill that we've seen this year. It's going to be exciting to see... to be able to get local reports and state reports on the Web and I encourage all of you to vote 'yes'. Thank you."

Speaker Brunsvold: "The question is, 'Shall the House concur in Senate Amendment #2, to House Bill 729.' This is final action. All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 114 voting 'yes', 2 voting 'no', 1 voting 'present'. This Bill, having received... and the Senate, excuse me, the House does concur in Senate Amendment #2, to House Bill 729. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Gentleman from Effingham, Mr. Hartke, with a request."

Hartke: "Mr. Speaker, the Democrats would request an immediate caucus in Room-114."

Speaker Brunsvold: "The Democrats have requested a conference in Room-114. Mr. Tenhouse."

Tenhouse: "The Republican's would also request a conference in Room-118, a short conference. Short, if the people get there quickly, we will be in and out."

Speaker Brunsvold: "The Republican's will conference in 118, the Democrats will conference in 114. Mr. Clerk, with an announcement before we adjourn."

Clerk Rossi: "The House Human Services Committee will meet at 4:00 p.m. The House Human Services Committee will meet at 4:00 p.m."

Speaker Brunsvold: "Mr. Hannig, now moves that the House stand

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adjourned until 10:00 a.m. on Thursday, May 29. Mr. Hannig, now moves that the House stand adjourned until Thursday, May 29, at the hour of 10:00 a.m. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the House stands adjourned. Allowing time, Perfunctory time, for the Clerk."

Clerk Rossi: "The House Perfunctory Session will come to order. Introduction of Resolutions. House Joint Resolution... Senate Joint Resolution 31, offered by Representative Novak. House Resolution 185, offered by Representative Morrow. House Resolution 187, offered by Representative Younge. House Resolution 188, offered by Representative Art Turner. House Resolution 189, offered by Representative Judy Erwin. House Resolution 190, offered by Representative Giles. House Resolution 191, offered by Representative Mautino. House Resolution 192, offered by Representative McKeon. These Resolutions are assigned to the Rules Committee. Introduction and First Reading of Constitutional Amendments."

Clerk Bolin: "House Joint Resolution Constitutional Amendment #15, offered by Representative McCarthy."

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 add Section 12.5 to Article VI of the Illinois Constitution as follows:

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ARTICLE VI
THE JUDICIARY

(ILCON Art. VI, Sec. 12.5 new)

SECTION 12.5. RECALL

(a) An elected Supreme, Appellate, or Circuit Judge may be recalled from office by the electors of the Judicial District or Judicial Circuit from which the Judge was elected. A recall demand shall be initiated by filing with the State Board of Elections a petition signed by electors equalling at least 15% of the number of votes cast in the Judicial District or Judicial Circuit for all candidates for Governor at the most recent gubernatorial election. A recall petition shall state the grounds for the recall demand in no more than 200 words.

(b) If a Judge resigns within 5 days after a recall petition is filed against him or her, that Judge's office becomes vacant and shall be filled as provided in subsection (c) of Section 12 of this Article. If a Judge does not resign within 5 days after a recall petition is filed against him or her, the State Board of Elections shall certify the question of the recall to the appropriate election authority or authorities for placement upon the ballot at an election designated by law and occurring within a reasonable time after the filing of the recall petition.

(c) The recall ballot shall include the statement of the grounds for recall that appeared on the recall petition and, in no more than 200 words, the Judge's justification of his or her course in office.

(d) A Judge against whom a recall petition is filed and who has not resigned or whose office has not otherwise become vacant shall continue to perform the duties of office until the result of the vote upon the recall question is officially declared.

(e) If a majority of the votes are cast against recall, the

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Judge shall be declared elected for the remainder of his or her term. If a majority of the votes are cast in favor of recall, the Judge shall be declared recalled and that office becomes vacant and shall be filled as provided in subsection (c) of Section 12 of this Article.

(f) A recall petition may not be circulated against a Judge until that Judge has served at least 6 months of his or her current term of office. A subsequent recall petition against a Judge who has with stood a recall demand may not be filed during the same term of office until the subsequent petitioners pay a portion provided by law of the expense of the unsuccessful recall vote to the election authority or authorities who bore that expense. If a recall question appears on the ballot at an election at which the Judge seeks retention in office, the result of the vote upon the recall question takes precedence over the result of the vote upon his or her retention in office.

SCHEDULE

This Constitutional Amendment takes effect upon approval by the electors of this State. Having no further business, the House Perfunctory Session will stand adjourned. The House will reconvene in Regular Session at 10:00 a.m., Thursday, May 29."