

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

4th Legislative Day

1/26/2005

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off their laptop computers, cell phones and pagers. And we ask the guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Father Joe Ring. Father Ring is with the St. Charles Catholic Church in Charleston, Illinois. He is the guest of Representative Rose."

Father Ring: "Let us pray. Blessed are You, holy God, source of life and goodness. You have created all things. You formed us in Your own likeness and set us over the whole world to serve You, our creator, and to rule over all creatures. You have entrusted to the Members of this chamber the responsibility of serving and representing the people of Illinois. From You, the divine lawmaker, we learn to govern all things and people wisely. We are privileged to share in Your governing power. Help us to enact laws that reflect Your goodwill and justice. Give us Your vision for a better world. Guide us with Your light in the shadows of doubt. When there are divisions in this House, unite us in Your peace. Give us Your spirit of compassion and understanding. Bless us with Your zeal for all that is good. Strengthen our resolve to work for the dignity of life in all of its aspects: support for families, end of economic exploitation, health care for everyone and affordable housing. Make us humble servants of Your people and bearers of Your truth in this work. Sustain us always in Your love, God, forever and ever. Amen."

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Speaker Madigan: "We shall led in the Pledge of Allegiance by Representative Scully."

Scully: "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. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that Representative Delgado is excused today."

Speaker Madigan: "Representative Currie. Mr. Bost."

Bost: "Thank you, Mr. Speaker. Please let the record reflect that Representative Tenhouse and Representative Osmond are excused today."

Speaker Madigan: "The Clerk shall take the record. There being 115 Members responding to the Attendance Roll Call, there is a quorum is present. Mr. Clerk."

Clerk Mahoney: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on January 26, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' as amended House Resolution 22. Referred to the House Committee on Rules is House Resolution 5, offered by Representative Pritchard. House Resolution 12, offered by Representative Watson. House Resolution 15, offered by Representative Bassi. House Resolution 16, offered by Representative Flowers. House Resolution 23, offered by Representative Tryon. House Joint Resolution 1, offered by Representative Washington. House Joint Resolution 2, offered by Representative Bellock.

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House Joint Resolution 3, offered by Representative Bellock.
House Joint Resolution 4, offered by Representative Watson.
House Joint Resolution 5, offered by Representative Bellock.
House Joint Resolution 6, offered by Representative Eileen
Lyons and House Joint Resolution 7, offered by
Representative Watson."

Speaker Madigan: "The Chair recognizes Mr. Black."

Black: "Mr. Speaker, a point of personal privilege."

Speaker Madigan: "State your point."

Black: "Thank you very much, Mr. Speaker. It's so noisy in here, I'm sorry I couldn't hear you. Mr. Speaker, I think that those of us who attended and graduated from the University of Illinois would find it agreeable today to congratulate Coach Weber and the fantastic, fabulous Fighting Illini on their victory last night. And Mr. Speaker, that does not mean that I hold Notre Dame any less dear in my heart. The second point, Mr. Speaker and all the Members of the House, I hope you will join me in this point. Of all of the titles Speaker Madigan has been accorded and earned in his illustrious career and some of the titles that perhaps we've called him on occasion that he didn't like, the one that he can now answer to, and I think he should be very proud of and I congratulate Speaker Madigan and his wife. Now, Mr. Speaker, can I address you as 'grandfather'? Congratulations."

Speaker Madigan: "On the Order of House Calendar... Supplemental Calendar #1. Mr. Bost. Mr. Bost."

Bost: "Yes... yes, Mr. Speaker. I was just... a point... a point of personal privilege myself, if I could."

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Speaker Madigan: "State... state your point."

Bost: "Yeah... Mr. Speaker, just to the Members of the House. I do need to let everyone know, we do want to congratulate U of I on having Rich Weber. We know what a quality coach he is and we wanna just say from southern Illinois, we're glad we could send him to ya because he was great for us and he's doing a wonderful job for everybody at U of I, as well."

Speaker Madigan: "On Supplemental Calendar #1... Mr. Cultra."

Cultra: "A point of personal privilege."

Speaker Madigan: "State your point."

Cultra: "I would just like to thank the Black Caucus on these pins that they've handed out. The one that I got 2 years ago I wore every day while I was on the House Floor and... I just wanna thank you very much. I appreciate this."

Speaker Madigan: "Supplemental Calendar #1 there appears House Resolution 22. Representative Currie."

Currie: "Thank you, Speaker and Members of the House. These are the proposed rules for the operation of this chamber during the next biennium. They are very much the same as the rules we operated under during the last 2 years. Most of the changes are technical. Two substantive one... ones, one on page 13, you will notice that there are some additional and some deleted committees. And in addition, we have removed reference to a House Ethics Committee because where that has been superseded by the Ethics Commission that we created in the last term. Third... the third substantive change would be to establish as part of the har... House Rules the procedures under which communities that want quick-take authority would have to follow in their home communities before action by

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the General Assembly. There was an Amendment in the Rules Committee this morning. Some further changes in the names of a couple of the new committees and some clarifications that were recommended by our Republican colleagues. One was to clarify that there would no... be no per diem after May 31. And another was to clarify that changes in the names of principal Sponsors of a measure do not require informing and getting permission from all of the cosponsors. As I say, these are the Rules that served us well over the last biennium and the one before. I think under these Rules we have proven to be a fair, effective, responsive and responsible Body. I hope I will have your support to reinstall these as the framework for the operations of the House of Representatives in the 94th General Assembly."

Speaker Madigan: "Mr. Meyer."

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

Speaker Madigan: "The Sponsor yields."

Meyer: "Representative... Representative... I'm over here. In committee, I had... if... if you'd just indulge me. In committee I'd presented an Amendment which unfortunately was voted down. That Amendment amended the House Resolution... House Resolution 22 to allow for the suspension of debate limitations by a majority of those voting... who are present and voting. And my concern was that it really limited debate. It really limited debate and since we were not abusing this system, my request through this Amendment was to do away with that and allow for the ma... for the majority of those voting 'present' to be able to suspend the limitations as opposed that the Speaker... Chair only being

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allowed to do it or the Rules Committee allowed to do it. My main concern is that we from time to time deal with issues of conscience here. And my concern is that on those issues of conscience when we are expressing a lot of the desires of our individual districts here on the House Floor, that those... that those communications to the rest of the House Members would be impeded if this limitation were in place. And I believe that you commented in committee on those issues of conscience. Could... could you again reassure me that we would not be limited on those issues?"

Currie: "I would offer that reassurance, Representative. Yes."

Meyer: "Okay. And so, on those we could communicate with each other and... get the Chair to open those up for unlimited debate with no problem."

Currie: "And in fact, I think, if you look at the record of the last several Generals Assembly, you will find that is the way we operated on this floor. And I have every reason to expect that that will continue."

Meyer: "Thank you very much for your comments."

Speaker Madigan: "Mr. Rose. Mr. Rose."

Rose: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Madigan: "Sponsor yields."

Rose: "Good afternoon, Madam Majority Leader. In committee we discussed a proposed Amendment to Rule 56. And I... at the time, remember talking with you and how happy I was to see the change you made and we offered our own change. And I think you had indicated a possibly willingness to work with us on that. And if you could just reiterate that."

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Currie: "Yeah. First of all, Representative, I think we will... we will... I will be happy to work with you to see if we can find language to make sure there are no loopholes in the procedures by which we verify votes in this chamber. But second, I would also tell you and the other Members here that I have been assured that the Chair would recognize additional requests for a verification in the event that the first requestor was using that request as a smoke screen."

Rose: "Madam Majority Leader, I... in my short time here I know that you are a woman of your word and the Speaker is a man of his word. And I appreciate those comments. Thank you."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Yeah, Representative, I... I want to commend the other side of the aisle on their willingness to... to listen to us in good faith to try and make some form of agreement when the Rules were appropriate to what you thought was fair. I'm referring to Floor Amendment #8 which is the one-hour posting rule. Would it... what we think is important is to give us one hour for our staffs to review the legislation, to be able to make sure that there are no mistakes in that legislation and that way both sides of staff can do that. Now, in the Rules Committee I brought up that... that we were concern that something might move too quickly, that an hour to do that is not a bad idea. You showed... you expect a concern on that legislation... and that Amendment and let me just say in the practical way what you force us to do, Representative, is simply to delay that Amendment or that

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Bill or whatever it is on the debate on the floor so that our staffs can review it. Wouldn't it be easier and... and fairer to simply apply the one-hour rule an... and if it's something on a major Bill like a pension Bill or on a Bill that's very technical in nature, which you brought up, to just simply both sides would say, okay, we... we will waive that requirement and we move it to the floor because we all understand what's there and we understand that we have to move it forward. What would be wrong with the one-hour rule as you see it?"

Currie: "Well, Representative, as I said in committee, I think this would be an unprecedented limitation on the work of the Rules Committee. And I would remind you, as well as the other Members here, that if there's a technical Amendment for example, if we're rushing up against a deadline, I don't know that anyone is well served by adding an additional hour before the Rules Committee can meet. Now, if there is something substantive, something contentious, the Rules Committee likely would send that proposal to a standing committee which means that there would be more than an hour for perusal of the proposal. In my experience, I think the staffs have worked well together and I am not aware of times when your staff has not had an adequate opportunity to analyze and explain to the Members the purpose of anything that may come out of the Rules Committee."

Parke: "Thank you. Ladies and Gentlemen, to my Amendment 8. The Lady has made my case. If it's anything that's really controversial or it's a big item, we would agree that she probably will refer it to a committee where it'll be

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discussed. But at the end of Session sometimes things get moved through very quickly because it's simply political and we don't think that that's fair. We don't think that that's right and we would ask all the Members of the General Assembly to join with us and this one-hour rule. We think it's effective and a fair and.. for all of the Members. So, thank you for giving me the opportunity to express my concern on the House Amendment for our House of Rules."

Speaker Madigan: "Mr. Churchill."

Churchill: "Thank you, Mr. Speaker. I wish to rise to support Representative Parke's attempt to change the one-hour rule. I think the one thing around here that we have most to fear is when we act in a fashion that we think is something that is positive for the people of Illinois only to find out that buried in a Bill someplace is language that comes back to haunt all of us. Or where we've made a commitment to some group that we're gonna support a certain concept and a Bill goes through that looks like it does but then in the end analysis it doesn't. We call these unintended consequences, unanticipated things that would be able to be seen if we had time to look at 'em. When you... when you don't allow for people to rise up and ask for larger amounts of time for debate, when you take things out of the Rules Committee where you're doing it without anybody's ability to look at it, you're just setting up this Body for unintended consequences. And I think that what Representative Meyer, Representative Parke are trying to do is to give us an opportunity to shed some light on what's going through the process, take a look at it and make sure that when we vote

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on a Bill we know what we're voting on and that it does do what it's... what we're told it does do. And therefore, I would rise and support their attempts to try and amend the Rules at this time and provide for that kind of security for all of us on this House Floor."

Speaker Madigan: "Mr. Winters."

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

Speaker Madigan: "Sponsor yields."

Winters: "Majority Leader, I'm... I guess I'm most concerned about Rule 18(g) which is the discharge from the Rules Committee. The provision that many of us have called the rule of one, where it requires unanimous consent to discharge Motions from the Rules Committee. I guess the question I have is I... I'd always thought the State of Illinois was a democracy and that in a democracy usually the rule of the majority is allowed to prevail. Can you give us some reason why we have the need for unanimous consent? What's the parliamentary reason that we would override the will of the majority and require unanimity, which as you know is relatively difficult to get in this Body?"

Currie: "Well, first of all, I would point out that the rules already provide for the progression of measures from the Rules Committee to substantive committees. In the first year of the biennium under the existing House Rules, the ones that I'm proposing today for this biennium, Bills must be referred to a sub... substantive committee within three days of introduction."

Winters: "Does that include Amendments?"

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Currie: "So, the idea... the idea that there is some great... ya know, 'hold' in the Rules Committee is not borne out by other portions of these very rules. In the second year of the term when legislative measures are restricted to budget and emergency issues, yes, the Rules Committee has some control. I would tell you, Representative, that I went back as far as 1993 and the unanimous consent rule applied then. And I suspect if you looked at '91, at '89, at '87, at those terms, you would find that there was a unanimous consent rule then as well. If you don't have some opportunity for the Rules Committee to con... to control to a degree the flow of business, you might as well not have a Rules Committee and you might find yourself operating in a floor of chaos rather than being able to move forward responsibly and responsibly in terms of doing the business of the people of the State of Illinois. I think this is traditional parliamentary democracy. I think the unanimous consent rule has been with us and I think it works."

Winters: "Well, I... I would ask you to do a little research and find out if there are any other parliamentary bodies that actually use the unanimous consent. Because it's been a tradition in this House for the last 20 years, doesn't mean that it necessarily is the right way to do things. Again, I would submit that a majority of this, in fact a 60 percent majority or 71 votes should slow down the process so we don't have a number of spurious Amendments or ones that don't have support being forced out of the Rules Committee. I think you would only find serious legislative matters that would be discharged from Rules if we have the 60 percent

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rule rather than the 100 percent rule. And I would ask that you... over the next 2 years before you impose the rules again in this light, if you can find examples of any other parliamentary body that has the unanimous consent, I would appreciate it. I don't think it's a good provision. I would like to see us update it in these Rules. Thank you."

Speaker Madigan: "Representative Currie to close."

Currie: "Thank you, Speaker. These are fair rules. It's not just the rules that are fair but it is the operation of those rules that has made us..."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. I have a question and then I would like to address two... two Motions that I have filed. One question is dealing with the House Resolution 22, if I could ask the Sponsor?"

Speaker Madigan: "Sponsor yields."

Black: "Thank you. Majority Leader Currie, on your proposed Rules in House Resolution 22. We'd like some clarification on the record of Rule 10(c), powers of Committee Chair. It's... the way I read that, if the Committee Chair does not like your Bill, the Committee Chair can refuse to call your Bill for the entire Session. Now, our staff says that this is consistent with practice, but I'm not aware of this practice. Generally speaking, if the Committee Chair is in abject opposition to your Bill, it's probably not going to get the requisite number of votes to get out of committee. But this rule seems to expand that to say that the Committee Chair unilaterally will say, 'I'm not calling your Bill. I don't care what you do or what the Bill is or how many

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people you have here to testify, I'm not going to call it.' Now, we're just confused as to why the Committee Chair should be granted such sweeping power?"

Currie: "Well, Representative, it is not our intent with this change to make any substantive change in the way Committee Chairs operate. We're only trying to clarify that Committee Chairs have and will continue to have the authority to set the order of hearing to establish when Bills are called. If Committee Chairs already have the opportunity to refuse to call a Bill, they'll still have that opportunity in this coming term. But nothing in this language is changing what is current practice and current responsibility for Committee Chairs."

Black: "Well, Madam Majority Leader, regardless of what past practice has been, as I understand the clarification of Rule 10(c), you are now empowering the chairperson of a committee with the absolute authority to tell a Sponsor, a Member of this Body, 'I don't like you or I don't like the Bill or I don't like the idea of the Bill and I am absolutely not going to call this Bill for a hearing.' And you can say, in all due respect, Mr. Chairperson, Madam Chairperson, I have six people from my district who want to testify on House Bill 20 or whatever the number would be and the Committee Chair then would have the... the way we're interpreting this and if we're wrong I hope you can, on the record, correct our perception. The Committee Chair would say, 'I don't care if you have 600 people here, I'm not calling the Bill.' Then what... what due process rights not only do the minority

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have but even somebody in your own party, what's our due process to get a hearing on our Bill?"

Currie: "Representative, look at the language change that is proposed. All we're doing is cleaning up the language under which Committee Chairs today have the authority to schedule the hearings of Bills and the order in which they will be heard. I can't see how you can read anything different into that."

Black: "I... I'm reading... I'm reading from language given to my staff. The... the final two sentences read, this is your language as I understand it, 'this is consistent with practice in that Committee Chairs have always had the power to hold Bills in committee without permitting them to be called for a vote.'"

Currie: "Representative, let me just read to you what this change says. Old rule, 'the chairperson of the committee has the authority to call the committee to order, designate the order in which Bills and Resolutions posted for hearings shall be taken up and up... order a record vote' and so forth. The change says, 'designate which Bills and Resolutions posted for hearing shall be taken up and in what order.' It says exactly the same thing as the old rule but it says it with greater clarity."

Black: "Well... I'll defer to your expertise. I won't belabor the point. But for the record, language given to us by your staff, is it your intent to say that a Committee Chair has the power to hold a Bill in committee and never allow the Bill to be called for a vote? Is... is that your intent with this cha... with this rule?"

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Currie: "Rep... Rep... no, this is not what this rule says. My understanding is that Committee Chairs traditionally have had that authority. Nothing in these rules speaks to that question. And certainly nothing in the change in this rule has anything to do with the question whether or not chairs have that authority."

Black: "If... if you'll look... again, it'll be the last question I ask you on this. On page 10 of your Resolution, line 35, you're deleting..."

Currie: "That's what I just read."

Black: "... the order in... designate the order in which Bills... You're deleting the order."

Currie: "Not if you look at the top of the next page."

Black: "Okay."

Currie: "It comes right back in."

Black: "Shall be taken up and in what order."

Currie: "Right."

Black: "Correct?"

Currie: "Yes."

Black: "All right. Jus... just... just so that we have on the record, it is not the intent of the Majority Party to empower a Committee Chair to refuse to call your Bill for a vote?"

Currie: "This rule change has nothing to do with that issue."

Black: "All right. Tha... that's... I... I appreciate that, now that we have that on the record. Thank you very much. Mr. Speaker. Yes, Mr. Speaker, I would... I would like to discuss an Amendment that I had filed to House Resolution 22. Very briefly, Amendment #10, I would like to increase the vote

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requirement to end debate by moving the previous question. Under the current House Rules, it only takes 60 votes to move the... a Motion, to move the previous question which cuts off debate. And I've always thought in the past, while your side of the aisle had some designated people who would move the previous question and in fairness, our side had a designated person to move the previous question, I... I think shutting off debate is an issue that should receive more than a Majority vote. Amendment #10 to House Resolution 22 simply says, 'to move the previous question which has the effect of stopping debate should require 71 votes rather than 60.' And I would ask that Amendment #10 to House Resolution 22 be added to the Resolution."

Speaker Madigan: "Mr. Black."

Black: "Yes, Sir."

Speaker Madigan: "On your request, that matter is not before the Body at this time."

Black: "Have we not filed that Amendment, Floor amendment #10 to HR 22?"

Speaker Madigan: "It was filed but it was... it was filed but it's assigned to the Rules Committee."

Black: "Oh. Okay. Can I go on to one last Amendment, then? I won't... I won't move to discharge the Rules Committee on Amendment #10 if you'll give me the option... the... the alternative of discussing my Amendment #11."

Speaker Madigan: "Please proceed."

Black: "Thank you. Mr. Speaker and Ladies and Gentlemen of the House, I have filed Amendment #11 to House Resolution 22. I've done this for a number of years. And today in Rules

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Committee, the Majority Leader indicated that this rule had been around a long time. It's time for this rule to be changed. I'm talking about the unanimous consent to discharge a Bill from the Rules Committee. I refer to that as the rule of one. The rule of one person. And it's going to impact and has impacted people on your side of the aisle and people on our side of the aisle. If you have a Bill, a measure, a... an idea brought to you by your constituents and the Rules Committee refused to discharge the Bill for a hearing and you moved to discharge the Rules Committee, you must receive unanimous consent to get your Bill out of the intensive care unit where all good Bills go off and to die. It then cannot be brought to the House, assigned a committee and have any public hearing or debate. Now, in the Rules Committee today it was said, 'well, all Bills in the first year of the biennium will be reported out.' Well, let... let me just give you one example. Senate Bill 193 was sent over here in March of 2003, it's the early retirement option for teachers. That was the first year of the biennium. It passed the Senate unanimously. It was never released from the Rules Committee to have a hearing. Regardless of your feelings about that Bill, it never got a chance to go to a substantive committee and be fully debated. The rule of one is wrong. It is inherently wrong in a representative democracy. If you'd stop and think for just a minute, you're giving one person the power to take an idea brought to you by your constituents who sent you down here, you're giving under... under Rule 18(g), you're saying that that... you can move to discharge but nobody can get a Bill out of the

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Rules Committee if one person objects to that discharge Motion. I think that is inherently disingenuous in a representative democracy. That's the rule of one. Someone once told me, the best government is the least government and the least government is one person rule. Now, I'm not equating the way you work that to the person who said that but the person who said it was Joseph Stalin. He made all the ultimate decisions. He decided what would be debated. He decided what would be voted on. He decided if... not only your idea would live or die but he often decided whether you would live or die. The rule of one is wrong in a representative democracy. Mr. Speaker, I have filed a discharge Motion on Amendment #11 to House Resolution 22 under the current Rule 18... excuse me, 18(g) and House Rule 58. I move that my Amendment #10 or excuse me, my Amendment #11 to House Resolution 22 be discharged from the Rules Committee and be placed on the Order of Second Reading."

Speaker Madigan: "On the Gentleman's Motion, the Chair recognizes Representative Currie."

Currie: "Thank you, Mr. Speaker. That Amendment was heard and defeated in the House Rules Committee. I object to the Motion."

Speaker Madigan: "Mr. Black."

Black: "Mr. Speaker, I can't say that I'm surprised but I remain disappointed by the rule of one. Since our reasonable request has been denied, pursuant to House Rule 57, I move that the ruling of the Chair to deny our discharge Motion be appealed and that the Chair be overruled. And I'm joined by a requisite number of people on my side of the aisle to ask

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for a record vote on our Motion to Discharge. I now... and our Motion, excuse me, our Motion to overrule the Chair."

Speaker Madigan: "Mr. Black, to restate your Motion. To restate your Motion so that all of our Members, especially those on your side of the aisle, understand the Motion."

Black: "Thank you very much, Mr. Speaker."

Speaker Madigan: "The... the Motion will be, 'Shall the Chair be sustained?'"

Black: "That is correct. I'm asking Members on our side of the aisle to vote to over... to sus... to overrule not to sustain the Chair."

Speaker Madigan: "Right. And so, Mr. Black, the question to the Members will be, 'Shall the Chair be sustained?' If you wish to support the Chair, you vote 'yes'. If you wish to be recorded against the Chair, ya vote 'no'. The Clerk shall take the record. Have all voted who wish? The Clerk shall take the record. On this question, there are 64 'ayes' and 51 'noes'. And the Chair has been sustained. Representative Currie on House Resolution 22."

Currie: "Thank you, Mr. Speaker. I urge your support for these Rules. They have insured fairplay, bipartisan cooperation, effective, responsive and responsible debate within the halls of this House of Representatives. They are a framework and under this framework I think we've all had an opportunity to speak to the needs and interests of our constituents. I urge your 'aye' vote."

Speaker Madigan: "The Lady moves to adopt House Resola... Resolution 22. On that question, the Chair recognizes Mr. Black."

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Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I do want to thank the Majority Party for giving us the list of your proposed rule changes. We did get them late yesterday afternoon. And for the most part I think your rule changes are reasonable and rational and technical in nature. But I simply rise in opposition to voting for these Rules, because once again I think we have proposed reasonable Rules that strengthen the rights of the Minority Party and empower each individual Legislator. And I realize that we have had this debate and we don't... and we haven't prevailed, but I think these ideas are not going to go away in any subsequent... any future General Assembly. And since we cannot convince some of your Members to join with us to protect not only the rights of the Minority but to empower the rights of individual Legislators, I intend to vote 'no' on the House Resolution and I would urge Members on my side of the aisle to join with us and vote 'no'. The House Rules are only as good as what is written and who intends to enforce them. And while Mr. Speaker, I'll say on the record, you have been extremely fair in the 93rd General Assembly, depending on who's in the Chair these Rules can be used to thwart the rights and the participation of the Minority and to disenfranchise, if that's not too strong a word, the rights of individual Legislators. I intend to vote 'no'."

Speaker Madigan: "The question is, 'Shall the House adopt House Resolution 22?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 64

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people voting 'yes', 51 people voting 'no'. The House does adopt House Resolution 22. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "The Order of Agreed Resolutions. House Resolution 4, offered by Representative Brosnahan. House Resolution 6, offered by Representative Madigan. House Resolution 7, offered by Representative Brosnahan. House Resolution 8, offered by Representative Churchill. House Resolution 9, offered by Representative Pritchard. House Resolution 10, offered by Representative Brosnahan. House Resolution 11, offered by Representative Howard. House Resolution 13, offered by Representative Miller. House Resolution 14, offered by Representative Eddy. House Resolution 17, offered by Representative Currie. House Resolution 18, offered by Representative Hoffman. House Resolution 19, offered by Representative Kelly. House Resolution 20, offered by Representative Howard. House Resolution 21, offered by Representative Chapa LaVia. House Resolution 24, offered by Representative Davis. House Resolution 25, offered by Representative Biggins. House Resolution 26, offered by Representative Washington. House Resolution 27, offered by Representative Molaro. House Resolution 28, offered by Representative Granberg. House Resolution 29, offered by Representative Granberg. House Resolution 30, offered by Representative Rose. House Resolution 31, offered by Representative Rose. House Resolution 32, offered by Representative Colvin. House Resolution 33, offered by Representative Howard. House Resolution 34, offered by Representative Howard. And House Resolution 35, offered by Representative Howard."

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Speaker Madigan: "The Clerk has read the Agreed Resolutions. Representative Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted."

Speaker Hannig: "The Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker and Ladies of the House... Ladies and Gentlemen of the House. I believe the Clerk has a Resolution. If the Reso... if the Clerk could read the Resolution."

Speaker Hannig: "Mr. Clerk, would you read the Resolution please."

Clerk Mahoney: "House Resolution 6, offered by Representative Madigan.

WHEREAS, Samuel A. Patch, a longtime aide and strategist to former Chicago Mayor Harold Washington, died January 5, 2005; he was 71; and

WHEREAS, He was born in Chicago, the second youngest of nine children; a graduate of Englewood High School and Kentucky State University, he served in the Army and was a delegate to the 1970 Illinois Constitutional Convention and chairman of the Illinois Black Caucus in 1974; he established a friendship with Harold Washington as the two were coming up in 3rd Ward politics in the late 1950s, and later became his closest confidant; and

WHEREAS, He lived in Chicago's 3rd Ward for most of his life, and made a tremendous imprint there; he helped to develop many of the innovative, creative programs of then-Alderman

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Ralph Metcalfe that sought to improve the quality of life for young people; and

WHEREAS, Although he never fully retired from politics, he established Balton Corporation, a successful national wholesale distribution business that specializes in paper and janitorial products and restaurant supplies; despite his full schedule, family was his top priority; and

WHEREAS, He was an avid Bears fan; described as a serious, quiet man, he showed a different side in the football stadium; it is his quiet behind-the-scenes actions that will be missed most, especially by the city's African-American community, which has lost a political giant; he was involved in most, if not all, of the political movements of the South Side for the past 50 years; and

WHEREAS, The passing of Samuel A. Patch will be felt by all who knew and loved him, especially his daughter, Shari Wilson; his sisters, Vern Blackburn and Guiletta Hudson, his brothers, Eugene and Milton; and his grandchildren; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Samuel A. Patch and we extend our sincerest condolences to his family, friends, and community; and be it further

RESOLVED, That a suitable copy of this resolution be presented to his family as an expression of our deepest sympathy."

Speaker Hannig: "Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, I rise in support of this Resolution. I first met Sam Patch

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when we both served together as delegates to the Illinois Constitutional Convention in 1969 and 1970. After the convention, as recited in the Resolution, he became intimately involved with the political and governmental activities of former Mayor Harold Washington of the City of Chicago. And in that capacity of working with Mayor Washington, Sam Patch was a very busy person. Harold Washington had a very active mind. And he gave most of his ideas to Sam and told Sam now go out and get these ideas implemented. I had several experiences and encounters with Sam and with Harold and they were all very pleasant, although at times contentious. But... Sam was really a very good person, very kind, very humble, very loyal and very dedicated. And he will be missed by all of those who knew him very, very well. And I would ask that every Member of the House be added as a Sponsor to this Resolution."

Speaker Hannig: "So, Mr. Clerk, would we ask that... we would ask that all Members be added to the Resolution. So, I've been advised, Mr. Speaker, that this has been adopted, this Resolution."

Speaker Madigan: "Mr. Black."

Black: "Excuse me. Thank you very much, Mr. Speaker. I have an inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "On page 2 on the Calendar under special notice, the heading is Session Video Recording. And let me say for the record, I... I very much... I very much appreciate the fact that your staff contacted me yesterday about this issue. Some of us on... on both sides of the aisle had raised this very issue

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when we first put cameras in the General Assembly. And that issue was would there be a tape? And since it's under the control of the Majority Party, would that tape be available for political commercials? And at that time I think the intent of the Chair was that no they would not. And in fact as I recall, we were assured that there would be no tape kept of the procedures. Now if I understand this special notice, now when we're in Session there will be a video recording put on a DVD and the DVD will be available to purchase. I... I... the only thing that bothers me, I mean this stream's live, I have no question with that. But through the use of careful editing if these Session videos can be used to chop up and through careful video editing make a political commercial to be used against a Member, then I think that's wrong. I think... I think that flies in the face of... of what we discussed when we first went to video recordings. I... I'd like some direction from the Chair. It appears that anybody will be able to buy a copy and once they own the copy even though it says, 'unauthorized duplication of these recordings is prohibited.' In light of technology today you wouldn't have to duplicate anything, you could just download certain parts of that DVD, put it into a 30-second video clip and use it as a political commercial. And that... that to me, my perception is that flies in the face of what we discussed 4 or 5 years ago when we went to a video recording. And I'd like some clarification from the Chair as to how these DVD, digital video discs, will be... will be used."

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Speaker Madigan: "Mr. Black, I'm not prepared to respond to your question right now. If you would give us some time to sit with you and to give you an explanation as to how we see this."

Black: "I... I appreciate that..."

Speaker Madigan: "Okay. All right."

Black: "...and I will gladly participate in any such meeting."

Speaker Madigan: "Right."

Black: "And I think that all Members of the... the Body should have a clear understanding of how that digital video disc might be used. Because through technology today and you'll recall, Mr. Speaker, there was some scurrilous campaign pieces years ago where photographs had been digitally altered. And it might show... it might show Speaker Madigan shaking my hand, congratulating me on my hard work when, in fact, you had never posed. Technology today can be used in... in ways that enhance our entertainment. It can also be used to confuse and distort a public record. I welcome your input and I think all Members of the chamber would also welcome your perception and what the intent might be on the sale of these digital video discs and I thank you for your opportunity."

Speaker Madigan: "The Chair recognizes Mr. Lyons for the purpose of an announcement."

Lyons, J.: "Speak... Speaker, Democratic Members, we will caucus in room 114 immediately after Session."

Speaker Madigan: "For those Democrats that did not hear that announcement. There will be a caucus immediately, this is a very important caucus. We will talk about committee

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assignments. And people are very anxious to know if they will be willing to serve under Chairman Giles. So, that's why we would make sure we go to the caucus. And so, we are prepared to adjourn. The Chair recognizes Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. I'm joined by Representative Chapa LaVia and others in my request that we take a moment of silence in memory of those soldiers, and sailors and Marines who have died since we last met."

Speaker Madigan: "Thank you, Ladies and Gentlemen. Representative Currie moves that the House stand adjourned until 10 a.m. tomorrow morning. Those in favor say 'aye'; those opposed say 'no'. Providing perfunctory time for the Clerk. The 'ayes' have it. The House does stand adjourned until 10 a.m. tomorrow morning, providing perfunctory time for the Clerk. And Democrats, please go to Room 114 immediately."

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction and reading of House Joint Resolution Constitutional Amendment #4, offered by Representative Rose. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH 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 3.1 to Article IX of the Illinois Constitution as follows:

ARTICLE IX
REVENUE

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SECTION 3.1. LIMITATION ON ESTATE TAX AND GENERATION-SKIPPING
TRANSFER TAX

- (a) No estate tax or generation-skipping transfer tax shall be imposed by the State in excess of the aggregate amounts that may be allowed to be credited upon or deducted from any similar tax imposed by the United States.
- (b) The General Assembly may impose an estate tax or a generation-skipping transfer tax only so long as and during the time that an estate tax or generation-skipping transfer tax is imposed by the United States against Illinois citizens.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. House Joint Resolution Constitutional Amendment #5, offered by Representative Cross.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH 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 8.1 to Article IV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

SECTION 8.1. PASSAGE OF REVENUE BILLS

A bill that would result in the increase of revenue to the State by an increase of a tax on or measured by income or by

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an increase of a tax on or measured by the selling price of any item of tangible personal property may become law only with the concurrence of three-fifths of the members elected to each house of the General Assembly.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. Introduction and reading of House Bills-First Reading. The following Bills were introduced and read for a first time, referred to the Committee on Rules. House Bill 312, offered by Representative Fritchey, a Bill for an Act concerning schools. House Bill 313, offered by Representative Sacia, a Bill for an Act concerning revenue. House Bill 314, offered by Representative Schmitz, a Bill for an Act concerning land. House Bill 315, offered by Representative Burke, a Bill for an Act concerning animals. House Bill 316, offered by Representative Osmond, a Bill for an Act in relation to insurance. House Bill 317, offered by Representative Mitchell, Bill, a Bill for an Act concerning public employee benefits. House Bill 318, offered by Representative Watson, a Bill for an Act concerning education. House Bill 319, offered by Representative Watson, a Bill for an Act concerning local government. House Bill 320, offered by Representative Dunn, a Bill for an Act concerning revenue. House Bill 321, offered by Representative Hoffman, a Bill for an Act concerning public aid. House Bill 322, offered by Representative Hoffman, a Bill for an Act concerning public aid. House Bill 323, offered by Representative

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Black, a Bill for an Act concerning state motor vehicles. House Bill 324, offered by Representative Rita, a Bill for an Act concerning employment. House Bill 325, offered by Representative Black, a Bill for an Act concerning real property. House Bill 326, offered by Representative Burke, a Bill for an Act concerning liquor. House Bill 327, offered by Representative Davis, Monique, a Bill for an Act concerning schools. House Bill 328, offered by Representative Madigan, a Bill for an Act concerning property. House Bill 329, offered by Representative Osmond, a Bill for an Act in relation to transportation. House Bill 330, offered by Representative Verschoore, a Bill for an Act concerning local government. House Bill 331, offered by Representative Verschoore, a Bill for an Act concerning local government. House Bill 332, offered by Representative Mendoza, a Bill for an Act concerning regulation. House Bill 333, offered by Representative Madigan, a Bill for an Act concerning ethics. House Bill 334, offered by Representative Black, a Bill for an Act concerning civil law. House Bill 335, offered by Representative Madigan, a Bill for an Act concerning State Government. House Bill 336, offered by Representative Saviano, a Bill for an Act concerning liquor. House Bill 337, offered by Representative Madigan, a Bill for an Act concerning courts. House Bill 338, offered by Representative Madigan, a Bill for an Act making appropriations. House Bill 339, offered by Representative Madigan, a Bill for an Act concerning jurors. House Bill 340, offered by Representative Reis, a Bill for an Act concerning criminal law. House Bill 341,

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offered by Representative Reis, a Bill for an Act concerning firearms. House Bill 342, offered by Representative Reis, a Bill for an Act concerning firearms. House Bill 343, offered by Representative Davis, Monique, a Bill for an Act concerning education. House Bill 344, offered by Representative Lang, a Bill for an Act concerning schools. House Bill 345, offered by Representative Acevedo, a Bill for an Act concerning criminal law. House Bill 346, offered by Representative Mathias, a Bill for an Act in relation to the operation of motor vehicles. House Bill 347, offered by Representative Mathias, a Bill for an Act concerning elections. House Bill 348, offered by Representative Mathias, a Bill for an Act in relation to firearms. House Bill 349, offered by Representative Mathias, a Bill for an Act concerning criminal law. House Bill 350, offered by Representative Joyce, a Bill for an Act concerning criminal law. House Bill 351, offered by Representative Mathias, a Bill for an Act in relation to criminal law. House Bill 352, offered by Representative Mathias, a Bill for an Act concerning transportation. House Bill 353, offered by Representative Mathias, a Bill for an Act concerning revenue. House Bill 354, offered by Representative Mathias, a Bill for an Act concerning senior citizens and disabled persons. House Bill 355, offered by Representative Mathias, a Bill for an Act concerning health care. House Bill 356, offered by Representative Mathias, a Bill for an Act in relation to criminal law. House Bill 357, offered by Representative Mathias, a Bill for an Act in relation to taxes. House Bill 358, offered by Representative Watson, a

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Bill for an Act concerning environmental protection. House Bill 359, offered by Representative Rose, a Bill for an Act concerning courts. House Bill 360, offered by Representative Rose, a Bill for an Act concerning families. House Bill 361, offered by Representative Rose, a Bill for an Act concerning economic development. House Bill 362, offered by Representative Rose, a Bill for an Act concerning mass transit. House Bill 363, offered by Representative Rose, a Bill for an Act concerning schools. House Bill 364, offered by Representative Rose, a Bill for an Act concerning criminal law. House Bill 365, offered by Representative Rose, a Bill for an Act concerning expert witnesses. House Bill 366, offered by Representative Rose, a Bill for an Act concerning verdicts. House Bill 367, offered by Representative Rose, a Bill for an Act concerning landlords. House Bill 368, offered by Representative Rose, a Bill for an Act concerning vehicles. House Bill 369, offered by Representative Rose, a Bill for an Act concerning transportation. House Bill 370, offered by Representative Rose, a Bill for an Act concerning civil procedures. House Bill 371, offered by Representative Rose, a Bill for an Act concerning juvenile delinquents. House Bill 372, offered by Representative Rose, a Bill for an Act concerning arbitration. House Bill 373, offered by Representative Rose, a Bill for an Act concerning public employee benefits. House Bill 374, offered by Representative Osmond, a Bill for an Act concerning education. House Bill 375, offered by Representative Kosel, a Bill for an Act concerning education. House Bill 376, offered by Representative Kosel,

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a Bill for an Act concerning education. House Bill 377, offered by Representative Kosel, a Bill for an Act concerning education. House Bill 378, offered by Representative Boland, a Bill for an Act concerning aging. House Bill 379, offered by Representative Fritchey, a Bill for an Act concerning revenue. House Bill 380, offered by Representative Fritchey, a Bill for an Act concerning business. House Bill 381, offered by Representative Colvin, a Bill for an Act concerning criminal law. House Bill 382, offered by Representative Soto, a Bill for an Act concerning public aid. House Bill 383, offered by Representative Davis, Monique, a Bill for an Act establishing the Amistad Commission. House Bill 384, offered by Representative Davis, Monique, a Bill for an Act concerning education. House Bill 385, offered by Representative Black, a Bill for an Act concerning utilities. House Bill 386, offered by Representative Hoffman, a Bill for an Act concerning transportation. House Bill 387, offered by Representative Black, a Bill for an Act concerning revenue. House Bill 388, offered by Representative Hoffman, a Bill for an Act concerning transportation. House Bill 389, offered by Representative Rita, a Bill for an Act concerning transportation. House Bill 390, offered by Representative McKeon, a Bill for an Act in relation to public aid. House Bill 391, offered by Representative McKeon, a Bill for an Act concerning government. House Bill 392, offered by Representative McKeon, a Bill for an Act concerning education. House Bill 393, offered by Representative Coulson, a Bill for an Act concerning education. House Bill

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394, offered by Representative Lindner, a Bill for an Act concerning visitation. House Bill 395, offered by Representative Hoffman, a Bill for an Act concerning public health. House Bill 396, offered by Representative Lindner, a Bill for an Act concerning transportation. House Bill 397, offered by Representative Lang, a Bill for an Act concerning elections. House Bill 398, offered by Representative Lang, a Bill for an Act concerning finance. House Bill 399, offered by Representative Lang, a Bill for an Act concerning employment. House Bill 400, offered by Representative Rose, a Bill for an Act concerning elections. House Bill 401, offered by Representative Rose, a Bill for an Act concerning municipalities. House Bill 402, offered by Representative Eddy, a Bill for an Act concerning education. House Bill 403, offered by Representative Eddy, a Bill for an Act concerning education. House Bill 404, offered by Representative Eddy, a Bill for an Act concerning schools. House Bill 405, offered by Representative Eddy, a Bill for an Act concerning taxation. House Bill 406, offered by Representative Rita, a Bill for an Act concerning safety. House Bill 407, offered by Representative McKeon, a Bill for an Act concerning medical cannabis. House Bill 408, offered by Representative Mautino, a Bill for an Act concerning liquor. House Bill 409, offered by Representative Mautino, a Bill for an Act concerning liquor. House Bill 410, offered by Representative Giles, a Bill for an Act concerning public employee benefits. House Bill 411, offered by Representative Berrios, a Bill for an Act concerning employment. House Bill 412, offered by

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Representative Black, a Bill for an Act concerning education. House Bill 413, offered by Representative Ryg, a Bill for an Act concerning local government. House Bill 414, offered by Representative Ryg, a Bill for an Act concerning pollution control. House Bill 415, offered by Representative Holbrook, a Bill for an Act concerning the military. House Bill 416, offered by Representative Holbrook, a Bill for an Act concerning insurance. House Bill 417, offered by Representative Holbrook, a Bill for an Act concerning State Government. House Bill 418, offered by Representative Holbrook, a Bill for an Act concerning revenue. House Bill 419, offered by Representative Holbrook, a Bill for an Act concerning revenue. House Bill 420, offered by Representative Holbrook, a Bill for an Act concerning business. House Bill 421, offered by Representative Holbrook, a Bill for an Act concerning tourism. House Bill 422, offered by Representative Holbrook, a Bill for an Act concerning tourism. House Bill 423, offered by Representative Cultra, a Bill for an Act concerning education. House Bill 424, offered by Representative Mitchell, Jerry, a Bill for an Act concerning education. House Bill 425, offered by Representative Holbrook, a Bill for an Act concerning State Government. House Bill 426, offered by Representative Holbrook, a Bill for an Act concerning civil procedures. House Bill 427, offered by Representative Holbrook, a Bill for an Act concerning financial regulation. House Bill 428, offered by Representative Holbrook, a Bill for an Act concerning regulation. House Bill 429, offered by Representative

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Holbrook, a Bill for an Act concerning insurance. House Bill 430, offered by Representative Holbrook, a Bill for an Act concerning local government. House Bill 431, offered by Representative Holbrook, a Bill for an Act concerning State Government. House Bill 432, offered by Representative Holbrook, a Bill for an Act concerning State Government. House Bill 433, offered by Representative Scully, a Bill for an Act concerning safety. House Bill 434, offered by Representative Holbrook, a Bill for an Act concerning State Government. House Bill 435, offered by Representative Holbrook, a Bill for an Act concerning State Government. House Bill 436, offered by Representative Holbrook, a Bill for an Act concerning State Government. House Bill 437, offered by Representative Eddy, a Bill for an Act concerning schools. House Bill 438, offered by Representative Holbrook, a Bill for an Act in relation to disabled persons. House Bill 439, offered by Representative Holbrook, a Bill for an Act concerning property. House Bill 440, offered by Representative Holbrook, a Bill for an Act concerning taxation. House Bill 441, offered by Representative Holbrook, a Bill for an Act concerning local government. House Bill 442, offered by Representative Rose, a Bill for an Act concerning transportation. House Bill 443, offered by Representative Rose, a Bill for an Act concerning elections. House Bill 444, offered by Representative D'Amico, a Bill for an Act concerning criminal law. House Bill 445, offered by Representative Beiser, a Bill for an Act concerning transportation. House Bill 446, offered by Representative Kosel, a Bill for an Act concerning

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regulation. House Bill 447, offered by Representative Kosel, a Bill for an Act concerning regulation. House Bill 448, offered by Representative Hoffman, a Bill for an Act concerning gaming. House Bill 449, offered by Representative Joyce, a Bill for an Act concerning aging. House Bill 450, offered by Representative Joyce, a Bill for an Act concerning safety. House Bill 451, offered by Representative Joyce, a Bill for an Act concerning business. House Bill 452, offered by Representative Joyce, a Bill for an Act concerning regulation. House Bill 453, offered by Representative Joyce, a Bill for an Act concerning aging. House Bill 454, offered by Representative Burke, a Bill for an Act concerning the Metropolitan Water Reclamation District."

Clerk Bolin: "First Reading of House Joint Resolution Constitutional Amendent #6, offered Representative Coulson.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH 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 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

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- (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 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

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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

- (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 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 primary and at general 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, upon the conclusion of a term without retention in office, or 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 appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Circuit Judges shall

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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.

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- (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 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.
- (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

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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

- (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

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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.

(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

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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 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

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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 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

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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

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manner 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

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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.
- (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.

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- (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:
- (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. This has been a First-Reading of House Joint Resolution Constitutional Amendment #6, offered by Representative Coulson. There being no further business, the House Perfunctory Session will stand adjourned."