

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

113th Legislative Day

April 21, 1998

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield. The guests in the gallery may wish to rise to join us in the invocation."

Pastor Crawford: "May we elevate our hearts as well as our minds. Most gracious and almighty God, our heavenly creator, who has dominion over life and death, grant to us the grace to remember with love and reverence that it is Your divine will that we go forth in peace with courage. Holding fast to that which is good, rendering to no one evil for evil but strengthening the fainthearted, supporting the weak, helping the afflicted and honoring all people and loving and serving them as well as You, most gracious heavenly Father. This we do pray. Amen."

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

Hartke et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Madigan: "Roll Call for Attendance. Mr. Cross."

Cross: "Thank you, Mr. Speaker. All the Republicans are here today."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that Representative Ronen is delayed by virtue of official business, and Representative Morrow is excused because of the flu."

Speaker Madigan: "Let the record reflect those excused absences. The Clerk shall take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum

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present. Mr. Clerk."

Clerk Rossi: "Introduction and First Reading of Senate Bills. Senate Bill 1904, offered by Representative Flowers, a Bill for an Act concerning financial management of insurers. First Reading of this Senate Bill."

Speaker Madigan: "On page 4 of the Calendar, on the Order of Constitutional Amendments - Third Reading, there appears HJRCA 20, Mr. Lang. Mr. Clerk, has this been read in full a third time?"

Clerk Rossi: "This Resolution has been read in full a third time."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. HJRCA 20 is language that will amend the Constitution to amend the section regarding the Courts Commission. There have been several ideas advanced in this area. The language I have adopted is exactly the same language as proposed by the Governor. Mr. Brady, my Cosponsor on this Resolution, had a separate Amendment on the Courts Commission, but he has signed onto this one because, he, as I agree, the Governor had the best plan from the beginning. The reason we need this is because in the wake of the Justice Heiple matter, the general public has had a concern about the courts, the integrity of the process for disciplining judges, and accordingly, the thrust here is to put more public notice into the Constitution. Accordingly, this Amendment would add two public members to the Courts Commission, would create a mechanism for conflicts so that a Supreme Court Justice, for instance, would not be reviewing the conduct of a Supreme Court Justice and an Appellate Court Justice would not be reviewing the conduct of an Appellate Court Justice. It discusses the terms of

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the Members, appointment of the Chair and all of the other issues. It would retain in the House of Representatives the power to impeach judges and would not give that to the Courts Commission. Many have talked about other ideas for amending the Constitution in this area, but I think you'll agree with me that whenever we amend the Constitution of the State of Illinois, it's a very serious matter, and we should do the least we need to do when we make these changes. Accordingly, the changes proposed here will do the job. It will restore to the general public the feeling that the judiciary is accountable for its actions and be properly disciplined when necessary. It's a small and simple change in our Constitution, and I would ask your support."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, as usual you did an excellent job of explaining this proposed Amendment, but unfortunately, the noise level in the House is such I didn't... I didn't hear everything I think I needed to hear. Could you... could you illuminate one... one question that has come up? Will this commission be the advisory or disciplinary body for any complaints about judges, say from the circuit level up, or does it only impact the Illinois Supreme Court?"

Lang: "Well, this doesn't change the current Constitution on that, Mr. Black. This is for all judges, and so our concern was that there not be public members on this commission, so that the public would have input into the process. And under the current... The current Constitutional provision does not have anything relative to

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conflict situations. So that... those two provisions have been added to this. It does not change the current status of the Courts Commission, relative to what judges are reviewed."

Black: "Okay. And does it allow for non... someone who does not have a law degree or is not a member of the bench to serve on said commission?"

Lang: "The public members need not be lawyers."

Black: "Fine. And this allows what? For two non-judicial or non-lawyer members?"

Lang: "Well, they could be lawyers. These people would be appointed by the Governor."

Black: "Okay."

Lang: "And if he chose or she chose to appoint a lawyer, that would be fine under this provision."

Black: "Okay."

Lang: "But we've left it open as to whether it needs to be a lawyer."

Black: "Fine. Thank you very much. I appreciate your answers."

Speaker Madigan: "There being no further discussion, Mr. Lang to close."

Lang: "This will restore public confidence in the judiciary. I would ask your 'aye' votes."

Speaker Madigan: "The question is, 'Shall this Constitutional Amendment pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? This is a Constitutional Amendment. The Clerk shall take the record. On this... For what purpose does Mr. Ryder seek recognition?"

Ryder: "Thank you, Mr. Speaker. I would like to note for the record that I might have a conflict on the issue, and that

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is the reason I voted 'present' on this legislation."

Speaker Madigan: "Thank you. The Clerk shall take the record. On this question, there are 110 'ayes', 1 person voting 'no'. This Constitutional Amendment, having received a Super Majority Vote, is hereby declared passed. On the Order of Constitutional Amendments - Third Reading, page 4 of the Calendar, there appears SJRCA15. At this time, the Chair recognizes Mr. Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's my honor and privilege to introduce a delegation from Austria that is here on a mission that I'll let the appropriate person explain, but we're honored to be... to have them here. We want to show them our hospitality. I want to introduce Curt Wagner, who is the advisor of the City of Villach, Austria for the purposes of explaining their visit to Illinois. Mr. Wagner."

Wagner: "Mr. Speaker, Members of the House. On behalf of the City of Villach, I'd like to thank you for welcoming us. The City of Villach is located in the southern part of Austria on the Italian border, and we're in Springfield today to launch a twin city relationship with Springfield, Illinois. We have meetings later with Mayor Karen Hasara, and we very much appreciate your hospitality. Thank you."

Phelps: "Thank you, Mr. Wagner. We want this, mainly the delegation, especially from southern Illinois, to be down in front here with pictures with the folks here that's visiting us. But also I wanted to at least recognize Perry Kenop, who is the son-in-law of former U.S Senator Paul Simon. He does have on a bow tie, in case you just didn't know exactly who he was. So thank you for the opportunity, Mr. Speaker."

Speaker Madigan: "For the purpose of an announcement, the Chair

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recognizes Representative Erwin."

Erwin: "Thank you, Speaker. I rise on a point of personal privilege. I would like my colleagues to help me welcome to Springfield today a distinguished and delightful group of girl scouts from Lincoln Park. Please help me in welcoming Troop 717."

Speaker Madigan: "On the order of Constitutional Amendments - Third Reading, there appears HJRCA 15 (sic - SJRCA 15). Mr. Capparelli. Mr. Clerk, has this been read in full a third time?"

Clerk Rossi: "This Resolution has been read in full a third time, as amended."

Speaker Madigan: "Mr. Capparelli."

Capparelli: "Thank you, Mr. Speaker. SJR 15, as we had called last week, and we had some problems. This week, I understand everything's under control. Judy Baar, our Treasurer, is here and she would like to see this pass. What it does, it calls for a State Constitutional Amendment to repeal the Office of Comptroller and combine them. I understand at this time there are no complaints and that we can pass this. I would ask for a favorable Roll Call."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair. The board says SJR 15, and for somebody looking at the board and think this is a Senate Joint Resolution, they may not pay any attention. In fact, it's a Senate Joint Resolution Constitutional Amendment, is it not? Can't we put CA on the board, or is that not possible?"

Speaker Madigan: "The Clerk advises me that he is unable to do that, and I noticed, Mr. Black, on the Calendar that the CA is missing..."

Black: "Right."

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Speaker Madigan: "... on the Calendar, but I read it into the record. So, the Members should be advised this is a Constitutional Amendment, and you should give Mr. Black your full attention, at least at this time."

Black: "Well, thank you very much, Mr. Speaker. I appreciate that. Another inquiry of the Chair. Has Amendment #1 been adopted to the Constitutional Amendment?"

Speaker Madigan: "The question of the Chair, is Amendment #1 adopted to the Constitutional Amendment?"

Clerk Rossi: "Amendment #1 has been adopted to the Constitutional Amendment."

Black: "And a further inquiry, Amendment #2 was withdrawn?"

Clerk Rossi: "Amendment #2 has been withdrawn."

Black: "Were there any further Amendments to the Constitutional Amendment?"

Clerk Rossi: "Floor Amendment #3 was referred to the Rules Committee and remains in the Rules Committee."

Black: "Okay. Would the... Thank you very much, Mr. Speaker. Would the Sponsor yield just for one quick question?"

Speaker Madigan: "Sponsor yields."

Black: "All right. Representative, the language, as amended, the State Treasurer's Office is in full agreement with that. We don't need to get hung up on what we're going to call it. There are no problems with the Amendment, with the House Amendment #1 adopted, is that your understanding?"

Capparelli: "That's exactly what I understand, yes."

Black: "Thank you very much. So, it's your intention then that we send this back to the Senate for action?"

Capparelli: "Right."

Black: "Thank you, it's a very good Constitutional Amendment. I think you have, by far, the majority of the House are already signed on as Cosponsors. I commend you for your

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work as always, Dean. Thank you."

Speaker Madigan: "Mr. Holbrook."

Holbrook: "Thank you, Mr. Speaker. Mr. Speaker, on House Joint Resolution Constitutional Amendment #20, my switch wasn't operating. It's been fixed now. I would like the record to show that I would have voted 'aye'. Thank you."

Speaker Madigan: "There being no further discussion, Mr. Capparelli to close."

Capparelli: "Would ask for a favorable Roll Call. Thank you."

Speaker Madigan: "The Gentleman requests an 'aye' vote. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The... For what purpose does Mr. Hartke seek recognition?"

Hartke: "A point of personal privilege, Mr. Speaker."

Speaker Madigan: "Is it for the purpose of an announcement? If it is, let's take the Roll Call."

Hartke: "Okay."

Speaker Madigan: "The Clerk shall take the record. On this question, there are 115 'ayes', 1 person voting 'no'. This Constitutional Amendment, having received a Super Majority Vote, is hereby declared passed. Mr. Hartke, for the purpose of an announcement."

Hartke: "Yes, today as we walked in the chambers, we were greeted by Wal-Mart greeters. I'd like to welcome the Wal-Mart greeters today to Springfield. They represent 28 thousand Illinois citizens employed by Wal-Mart throughout the state, and the company purchases about \$11 billion worth of Illinois... from Illinois businesses last year. They're here today on behalf of the state's fifth largest employer to join us in celebrating Business Day in Illinois. Wal-Mart greeters, we want to thank you, and

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welcome to Springfield."

Speaker Madigan: "Mr. Clerk, anything further?"

Clerk Rossi: "No further business, Mr. Speaker."

Speaker Madigan: "There being no further business before the House, Representative Currie moves that the House does stand adjourned until tomorrow at 12:00 noon, providing Perfunctory time for the Clerk. For what purpose does Mr. Woolard seek recognition?"

Woolard: "Thank you, Mr. Speaker. For all the Members of the House Agriculture Committee, there is no business to come before us today, so we shall cancel at the call of the Chair, the Agriculture Committee Meeting."

Speaker Madigan: "So the Motion is that the House stand adjourned until 12:00 noon tomorrow, providing Perfunctory time. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Motion is adopted. The House does stand adjourned until tomorrow at 12:00 noon."

Clerk Rossi: "The House Perfunctory Session will come to order. Introduction - First Reading of Senate Bills. Senate Bill 1612, offered by Representative Scully, a Bill for an Act in relation to the Metropolitan Water Reclamation District. First Reading of this Senate Bill. Introduction - First Reading of House Bills. House Bill 3881, offered by Representative Winters, a Bill for an Act to amend the State Employees Group Insurance Act. First Reading of this House Bill. There being no further business, the House Perfunctory Session will stand adjourned."