

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

14th Legislative Day

April 18, 1989

PRESIDENT ROCK:

The hour of twelve having arrived, the Senate will come to order. The Chair has been informed that the Committee on Public Health, which has been meeting all morning, has just broken up, so...that's why we were...late in beginning. If the members will please be at their desks, and will our guests in the gallery please rise. Our prayer this afternoon by the Reverend George Russell, Laurel United Methodist Church, Springfield, Illinois. Reverend.

REVEREND RUSSELL:

(Prayer given by the Reverend Russell)

PRESIDENT ROCK:

Thank you, Reverend. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

...Mr. President and Ladies and Gentlemen of the Senate, a point of personal privilege.

PRESIDENT ROCK:

State your point.

SENATOR GEO-KARIS:

I would like to introduce to this...auspicious group of Senators...one of my young constituents, Patricia Kallusch...Kallusch...K-A-L-L-U-S-C-H..., a senior student at Zion-Benton High School from Winthrop Harbor, Illinois, who is an intern with the Illinois Information Service, and she is in the President's Gallery. And I'd like to ask you to help me welcome her here today.

PRESIDENT ROCK:

Will our guest please rise and be recognized. Welcome to Springfield. Senator DeAngelis, for what purpose do you arise, Sir?

SENATOR DEANGELIS:

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Thank you, Mr. President. On a point of personal privilege.

PRESIDENT ROCK:

State your point.

SENATOR DEANGELIS:

Seated behind the...Republican side of the gallery is the Sauk Village Baptist School with Dr. Hanks, Pastor, and I would like for them to stand and be recognized.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. ...(machine cutoff)...Senator Philip, as we discussed, Senator Vadalabene is en route but...in order to save us all some time...there has been a request for a Democratic caucus immediately in Room 212. We will require roughly, I suppose, about an hour. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, there will be a Republican caucus in...Senator Philip's office immediately after we recess...this morning.

PRESIDENT ROCK:

All right. That...that request is in order. Democratic caucus immediately in Room 212. Republican caucus immediately in Senator Philip's office, and the Senate will stand in recess for roughly one hour. One-thirty.

SENATE IN RECESS

AFTER RECESS

PRESIDENT ROCK:

The Senate will please come to order. Ladies and Gentlemen, WCIS-TV, WBBM-TV, WMAQ-TV and WCIA-TV have requested permission to videotape. Without objection, leave is granted. Senator Philip, when we left last Thursday it was indicated that...as the first order, we would move to what is now Page 4 of the Calendar, to the order of Motions in Writing. ...Senator Philip indicates, Madam

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Secretary, he is ready to proceed. Will you read the first motion.

SECRETARY HAWKER:

We move to suspend all relevant and applicable Temporary Senate Rules for the purpose of the immediate consideration and adoption of...of the following amendments to the Temporary Senate Rules. The amended rules to read as follows, with the underscored language being added and the overstruck language being deleted: Rules 4, 6, 7, 9, 30, 43 and 45. Filed by Senators Philip et al.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the...of the Senate. As you're probably aware, we have filed in writing three motions. As you're probably also aware, ...they are signed, in writing. There is a constitutional majority, in my judgment, to change the rule of the Senate. What we're simply asking, is for a roll call on the adoption of those three motions.

PRESIDENT ROCK:

All right. Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Mr. President, I would like a ruling from the Chair as to whether or not this motion is in order.

PRESIDENT ROCK:

All right. That...that question is in order. ...Further discussion? If not, the Chair is prepared, Senator Philip, as I indicated, to rule...that these motions, this motion and the other two, are improper, and are therefore out of order, and I am prepared to state the reasons therefore, and they are as follows: First, the rules under which this Senate operates were adopted on the 1st Legislative Day, January 11th, 1989, pursuant to a 59 to nothing vote on Senate Resolution No. 2. We subsequently were compelled to make two changes to the rules that were not Rules of

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Order. One change pertained to the schedule, so that we would avoid the preposterous situation of operating under obsolete deadlines, and the other split an existing committee, and was not, in my judgment, a material rule change. And these changes, too, were adopted without objection. Secondly, the motion is improper pursuant to Section 38 of Robert's Rules of Order, because it presents practically the same question as Resolution...Senate Resolution No. 2, that was previous...previously decided at this same Session of the 86th Assembly. In addition, the substance of the motion before us conflicts fundamentally with the substance of Senate Resolution No. 2, which again, in the judgment of the Chair, is still in effect. Thirdly, the motion is so expansive in its effect, that it is no less than a motion to reconsider the adoption of Senate Rules. And the opportunity to reconsider the adoption of Senate Resolution 2 has expired, pursuant to Rule 40. Rule 40 provides that a motion to reconsider must be filed within one legislative day of the action to be reconsidered, and no motion has ever been filed. Fourthly, it is not timely to consider a substantial revision of our rules of parliamentary procedure. The Senate is far along in the Legislative Session, ten weeks; we have gone past the deadline for introduction of bills; the Senate has successfully been functioning with committees; thirty-five bills are now on the Order of 2nd Reading; we have passed Senate Bills 651 and 652, which are now before the House for its consideration; and numerous resolutions have been acted upon favorably by the Senate. In short, we are in the fourth month, and it is untimely and improper for us to consider substantial rule revisions at this time. Fifth, the Senate is precluded from fundamentally amending the rules governing the passage of public laws after having adopted and published such rules. The public has a right to rely on the rules so published, as the basis for orderly public debate and input. A change at this time would

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result in some legislation having been considered under one set of rules, and future legislation under another set of rules. This will result, on the judgment of the Chair, in disorder, confusion, and yes, discrimination. Sixth, all members signing the motion have adhered to and have availed themselves of the rules and procedures established pursuant to Senate Resolution 2 and having benefitted from them, it's inconsistent, in the judgment of the Chair, and improper, to make significant revisions in our rules of parliamentary procedure. Seventh, the motions are dilatory. On March 15th, I invoked the provisions of Senate Rule 9, in order for this Body to meet with its constitutional responsibilities. On April the 5th, which under Rule 9 was the next Session day, any Senator had the opportunity to file a motion amending or modifying the actions that were taken; indeed, pursuant to Rule 9, this would have been the only appropriate time for the Senate to amend or modify that action. No such motion was filed on April 5th, 6th, 7th, 11th, 12th, and therefore any motion filed under...after April 5th for the purported purpose of accomplishing this, would unduly delay the business of the Senate, and again, in the opinion of the Chair, is therefore dilatory. Finally, the motion, in the judgment of the Chair, is technically defective...because it only moves to suspend the rules for the consideration of the adoption of the proposed amendments, but does not move the adoption of the amendments themselves. The other motions are out of order because if the motions were adopted, it would be inconsistent with Rule 7b, and in addition to the six reasons just given in Motion A, the motion is simply intended to circumvent the procedures for selecting members to serve on standing committees of the Senate. And finally, on Motion C, that motion also in the opinion of the Chair is dilatory, because it is, in light of the rulings on the prior two motions, virtually absurd. It would take bills out of functioning committees and put them into a Committee on Assignment

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of Bills, which, if enacted, has no members. The effect of such blanket reassignment simply would be to delay and obstruct the business of the Senate, and in the opinion of the Chair therefore, these motions are out of order, and the Chair would so rule. Senator Philip.

SENATOR PHILIP:

...Thank you, Mr. President and Ladies and Gentlemen of the Senate. And quite frankly, you went to great extremes to find a weak excuse to prevent the majority elected by the citizens of the State of Illinois to have a vote on rule change. Now you know, Mr. President, your opinion is great, but this place, I think, is run by thoroughly...thirty duly elected people, no matter what their makeup. As you know, we filed this motion last week. We have been trying to work out some changes that we, quite frank...quite frankly, think is fair. If you'll look at the last election results, there were some forty-nine percent of the People of the State of Illinois voted for Republicans. Forty-seven percent of this Body are made up by Republicans. If you will look at the committee makeup, you may notice that some committees have less than thirty-six percent Republicans on those committees. We want some fairness in regards to conference committees. As you're probably aware, the last hours in this General Assembly, funny things happen in conference committee report. A totally different subject ends up in that conference committee report. Nobody really knows what goes on, and all of a sudden, wham bam, it's out of here. Mr. President, we don't happen to think that's fair. We think that the Chairman and the Minority Spokesman ought to serve on those conference committee reports. We think those reports ought to stay one day on our desks, so that our staff and our members have an opportunity to analyze exactly what we're doing in those last hours. And Mr. President, we are not asking for...we're asking for cosmetic changes, quite frankly. You still end up with

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the majority of every committee in the Senate. There may be a few more people on your side of the aisle that are a little more conservative than you'd like to see, but what we're asking for is fairness. You promised a vote this this...excuse that you have not to call it, Mr. President, quite frankly you have gone to extreme. We are asking you to give us our vote. Give us our day in court. There are, in my judgment, thirty members that want to change the rules. For you arbitrarily to say there will be no vote and no...change in the rule, quite frankly is in very poor judgment. ...We don't accept the Temporary Committees, at all. We're going to ask you for a roll call on everything that you want to do here, and if I remember correctly, it takes 30 votes. You know you realize I know what you want us to do, you want us to appeal the Chair, the ruling of the Chair, and I suppose we're going to have to do that. Do you realize in the United States Congress, in the Senate and the House, it only takes a simple majority to overrule the Chair? Do you realize in every General Assembly in the United States out of fifty states, it only takes a simple majority to overrule the Chair? You know what it takes here? Thirty-six. So consequently, the minority would like us to get in that position and ask for a roll call...in regards to overruling the Chair, which takes thirty-six votes, and obviously, they're going to prevail. But in my judgment, we're simply asking for fairness. We're asking for fairness in the rules. We're asking for fairness in the committees. We're asking for fairness in assignment of bills. There are thirty people in my judgment, who are sitting in this Chamber today, that will vote to do that. Now you're going to find some lamebrained excuse to get out of it. Well, it's unfair. It's unjust. And this side of the aisle is not going to participate in this farce. We're not going to go to your committees, which in our judgment is illegal. We're not going to participate until you give us a vote, rightly or wrongly, in

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regards to our cosmetic change in the rules.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I frankly had not anticipated speaking, but I think I must respond, because I don't want anybody to have the impression that this is merely a cosmetic change in the rules. It is much more than that, and I have indicated that to Senator Philip on a couple of occasions. We...we have a two party system to protect, it seems to me. And, we have the institution itself to protect, it seems to me. I don't attempt to tell, nor have I ever...in my period of tenure down here, attempt to tell the minority side or the Minority Leader whom they shall and shall not appoint to committees that are set up as standing committees. And as a matter of fact, you will recall, I hope, Senator Philip, that the...the makeup and the composition of the committees that has existed in the 84th General Assembly and the 85th General Assembly and the...now in the 86th, is exactly that which we've operated under for the last four or five times, and came about as a direct result of the 78th General Assembly, which was under Republican Party control. The composition and the makeup of the committees has not been substantially altered. And so to say that...that this is merely cosmetic, that we want to be treated with fairness, I think literally begs the question to a certain extent. ...There...there has been no allegation, nor can there be, I suggest, that in last Session or the Session before...that there was not anything but evenhandedness and fairness with respect to the issues that came before us, and I suggest that what these motions are aimed at is truly a dramatic overhaul of the procedure and the substance of the operation of the Senate. You are looking for an equality on the Assignment of Bills Committee and on the Committee on



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Committees. You are looking for effective control of the Rules Committee and of the Appropriations Committee, and it simply ought not...we simply as a group, as an institution, ought not do that, for the simple reason that it will lead ultimately to some serious instability. We have shifting alliances around here, as you well know and we all well know, with respect to public policy. We don't always agree on issues, and so there will be lines crossed, that some will be in favor of some public policy proposal and others will not. That is not divided on party lines. But it seems to me that the institution itself, it was set up to reflect majority and minority control, and I dare say as I indicated to you earlier, you certainly can't even run, wouldn't want to run, your Republican county organization back in DuPage under these proposed rules. They're simply unworkable. And so to say they're cosmetic I think...is...is not quite the fact and...and furthermore to...to kind of premise or base all of this on...on a...on a more representative...makeup simply again begs the question, because the proposed changes don't...don't reflect that. ...The committees for the...in the main, aside from those three or four I mentioned, are left with the same break out, the same numbers in terms of majority/minority membership, as currently exists. So I would hope that you would seriously reconsider...and allow the committees that are sitting this afternoon and tomorrow, where bills and proposals have been posted, and allow those committees that have already met and considered some bills to endure and to get on with the business of the Senate. We simply can not, four months into the Session, looking forward to...a very extreme workload in the next couple of weeks, we simply can not allow ourselves to get bogged down. We can settle this, and we will settle it again, in November of nineteen hundred and ninety, and that's really where it ought to be settled.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. There are a number of... Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. ...Senator Rock, ...we have been here since January. We have been ready to go to work this side of the aisle since January. And in my judgment and in any casual observer, it's cosmetic changes. Two committees, regular committees. And three housekeeping committees. It is no rip-roaring change that...and quite frankly, the Democrats are entitled to the majority. They are the majority party. We have changed no majorities. You still are the majority party on all of those committees. So I respectfully don't agree. We run everything in DuPage County...by majority votes. Rightly or wrongly, whether you agree with it or not, there seems to be thirty people here who want to change the rules. Three rules, and that's all. Five committees, and that's all. It is no rip-roaring change. We were here in January ready to go to work. If I remember correctly, we put everything off...for the...until the mayoral election was over in the City of Chicago at your request, not at ours. Plus, we knew about this. You have tried to work it out over this weekend on your side of the aisle and it hasn't worked. How can you, elected by the majority of this Body, deny the majority any rule change at any time? I don't understand that. And I respectfully ask for a roll call on our three motions. If not, you are forcing us into not participating in your Temporary Committees. There has...was one vote taken on...on your...suggestion of the committee setup, and it didn't pass. It didn't have thirty votes. We've never had a vote on it. I'm asking for a vote on it. It's fair. We think it's equitable. And if not, we're going to, unfortunately, ask for a roll call on every motion before this Senate. And we will not participate in your so-called Temporary Committees.

PRESIDENT ROCK:

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Further discussion? Senator DeAngelis.

SENATOR DEANGELIS:

Thank you, Mr. President. I have a couple of questions and then a comment. ...Did I hear you correctly in your opening comments indicate that the rules on committees were adopted some time previous to today?

PRESIDENT ROCK:

I think what I said I...I was referring to Senate Resolution 2, which...which established the rules. All the rules. The Senate rules. The rules under which we are operating.

SENATOR DEANGELIS:

And by that action, we in fact adopted the rules on committees?

PRESIDENT ROCK:

No. I didn't say that.

SENATOR DEANGELIS:

Well, all...

PRESIDENT ROCK:

The rules that pertain to committees. But, are you talking about the makeup or...

SENATOR DEANGELIS:

Correct.

PRESIDENT ROCK:

No.

SENATOR DEANGELIS:

Well I, I thought that's what you said in that, that we had already adopted the rules on those committees. Well let's assume for a minute that...that you're correct and I don't have a strong argument. Where do we, in fact, accredit or recognize or legitimize or activate the committees that are currently functioning? Only beside the fact that under Rule 7, you have the temporary right to do that?

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PRESIDENT ROCK:

Rule 9.

SENATOR DEANGELIS:

Okay. All right. Why can we not then...in fact, further try to correct that situation by appointing permanent rules, because you consider that action to be dilatory. Why do you not want to, in fact, legitimatize or journalize permanent standing committees? Because I do believe that the intent of temporary committees were to be temporary. Not permanent. I'm asking the question.

PRESIDENT ROCK:

Well again, if...if my reading of Rule 9 says Special Temporary Committees may be appointed by the President. The action of the President and the Committee shall stand as the action of the Senate unless the action shall be amended or modified on roll call vote by a majority elected at the next Session of the Senate. Senator DeAngelis.

SENATOR DEANGELIS:

Well, I...I know that your items are well researched and you've got them written down and they were thought out, but I think the very things that you've indicated with your ruling, or to support your ruling, very much supports...substantiate the reason for the action that we're taking. Because here we have, for the first time since I have ever been in this Body, thirty people, the constitutional majority of this Body, wishing to have something done, and I heard a thousand times from the day I walked into the Senate, that with thirty votes you can get anything done. And by George, with thirty votes we can't even get a roll call on an issue. And if that in itself does not cry for rectifying the process which allows the President of the Senate to move forward whenever there is an obstacle presented to him or her, cause someday I think we will have one, ...that they could go ahead and impose upon the rest of the Body their wishes, I think is an

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injustice to this institution. I also find dichotomous the statement that this is making significant changes, and at the same time calling the action dilatory. Because dilatory means delaying or causing to delay. And if your going to make a big change from what exists already, there is in fact no delay in that, because you're changing the route of what's going on. And I would probably agree with you, that it's a little stronger than cosmetic, but the part that I think makes...cosmetic a more proper term is that it enhances and beautifies the process. And frankly, if you can go ahead and support your ruling with thirty people who sign on line, and by the way, people, and I have to tell you that action was taken...rather reluctantly by everybody. It was not an action that was taken in a mischievous or malicious way. It was taken because at some point perhaps, maybe not today, at some other point in the future, there might be that collision on this floor that needed clarification. That perhaps by our action we might have created a new path by...by which the process would work better. There was no attempt on the part of this side of the Body to take control of the Senate. There was no part on this part of the aisle to take control of the committees. What it did is it made the workings of that system a little better. It made the process a little more responsible, and it made the system a little more equitable. And by damn, if you can't get a roll call on that, what the hell are we doing down here in the first place?

PRESIDENT ROCK:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

...Mr. President, a question on your ruling of not being in order. One of the points you made, and I've forgotten which point, you were saying that the motion to adopt the rules wasn't there. As I recall, and I don't have it in front of me, but particularly on the first motion, if I recall on that very last page was

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a...was to move the adoption of this amendment to the rules. Is that correct or incorrect?

PRESIDENT ROCK:

Well I...I can only refer you to Page 14 of...of...of the motion...labeled A.

SENATOR DAVIDSON:

Okay. I don't have it with me, but my understanding as I recall, that there was a move to adopt the motion to adopt that...this change in rules. Is that correct or incorrect?

PRESIDENT ROCK:

I think the ruling of the Chair was correct.

SENATOR DAVIDSON:

Well I'd respectfully disagree. Now one other question. The part as I read on Page 14 that the foregoing amendments to the Temporary Senate Rules shall be effective immediately upon adoption by the majority of those...those Senators elected, and that, in my interpretation, that's a move to adopt. But we can respectfully disagree. ...If you go by your interpretation, so be it, but I want for the record to show that it is a motion to adopt, in my opinion. Other one is, I don't have the article in front of me, but I believe in one of the papers or one of the media quoting you right after the appointment of the Temporary Committee under Rule 9...I believe you were quoted, and you can correct me if I...memory is failing, that you said, "Thirty votes could change this temporary committee structure." The motions before you, signed by thirty elected members of this Body, which is a constitutional majority, are asking...doing that. Now were you misquoted or were you quoted correctly when you said thirty votes could change this? And if that's the case, then let's have the vote.

PRESIDENT ROCK:

No, what I was doing was referring to Rule 9, which

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specifically says the action of the President shall stand as the action of the Senate unless that action shall be amended or modified on roll call vote by a majority of the Senators elected. That's what I said. Senator Davidson.

SENATOR DAVIDSON:

Well, maybe I'm...I'm a little dense, but I thought this three motions before us is exactly what we're doing, is just what you were quoted, was that thirty votes could overturn it. There's motions before you, with thirty members who were elected, signed for action on this motion. And lets get it...get it on the way. We either decide one way or the other, today. And the motions are there, signed in writing. You were given four days or five days to try to put your house in order...doesn't seem to be that way, and to say that the motion is not in order, I think is not fairness and not germane, because the motions were signed by thirty members who were elected to this Body, which is a constitutional majority.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I would echo Senator Davidson's comments about the motion on Page 14. I think that's clear and irreputable. I would also question the validity of the Temporary Committees. Rule 9 couldn't be a whole lot clearer. It says, "When the Senate is in recess, Special Temporary Committees may be appointed by the President." We don't look like we're in recess today. We are obviously in Session. Rule 9 was obviously put in there to provide for special committees while the General Assembly was in recess. We are not in recess. Those committees have no validity. I've been here, not as long as you have Mr. President, but a considerable number of years, and if I had a dollar for every time I've heard you say that anybody with thirty votes can do whatever they want in this Chamber, I suspect I could buy at least

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a....constitutional majority lunch. We need to get on with the people's business. I admit that, but I would submit to you that this is not a dilatory tactic. When we adopted the rules...on Resolution 2 the day the Senate was organized, we followed a tradition in this Senate. We generally do adopt the previous General Assembly's rules in order to get started, with the clear understanding that at some point those rules will be reconsidered for amendment, changes big or small. I can remember sitting on the floor of this Senate months after the temporary or the rules were adopted after the Senate was organized, and debating rules changes, normally introduced by Senator Netsch, I might add...and, I might add, normally rejected. ...But clearly there is a tradition, clearly there is a tradition of introducing the rules on the day we organize, with the understanding that the members of this Body, and a constitutional majority of this Body, can amend those rules at a later date. Now I grant you that a number of months have passed since this Body was organized, but I would again echo the sentiments of my Minority Leader, that we were ready to be down here in January and February and March. Now I understand why we weren't here, and I understand that the selection of the new mayor of the City of Chicago is an important decision, but that is no reason to rule that motion dilatory. If there was anything dilatory, it was us not being here in January, February and March. The time is now. We need this roll call. We need to move forward. We should not move off the floor of this Senate until we have a permanent and legitimate committee structure, and until these...motions are given a fair and reasonable roll call, because this country is founded on the concept of a majority rule. Even the much-maligned boss of the Illinois House, Speaker Michael Madigan, only requires a simple majority to overrule the...Chair. And yet here in the Senate, where freeness and openness is supposed to be so good, we take



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three-fifths. That's a change long overdue.

PRESIDENT ROCK:

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. And I will appeal your ruling Mr. President. I don't think I've ever done that in my twenty-two years in this Body, or ever supported it. There are thirty elected members of this Body who want to change the rule, constitutionally elected by the citizens of the State of Illinois. This fight is not going to go away. We're elected. We're going to be here. We're going to persist. We're going to ask for a roll call on everything that takes thirty votes, and I would suggest that we do the right, the fair, the just thing. Then give us our vote on those three changes in the rules. They're reasonable, they're in order, in my judgment, and you should not deny the majority of the elected Senators a vote on anything. Once again, I appeal the ruling of the Chair and ask for a roll call.

PRESIDENT ROCK:

All right. The question is, shall the ruling of the Chair be sustained? Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

The point of parliamentary inquiry.

PRESIDENT ROCK:

Yes.

SENATOR GEO-KARIS:

You are stating shall the ruling of the Chair be sustained. So if there is an Aye vote, we sustain your ruling, and if it's a No vote, we do not sustain your ruling. Is that correct?

PRESIDENT ROCK:

That is correct. ...Under Rule 45, "In any appeal taken from the ruling of the Presiding Officer, the Presiding Officer shall

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be sustained unless three-fifths of the Senators elected vote to overrule him." Question is, shall the ruling of the Chair be sustained? Those in favor of sustaining the ruling will vote Aye, of those opposed to sustaining the ruling will vote Nay. The voting is open. ...All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 27 Ayes, 29 Nays, none voting Present. Having failed to receive the necessary three-fifths negative vote, the appeal fails, and the ruling of the Chair is sustained. ...sorry. Senator Dunn, for what purpose do you arise?

SENATOR R. DUNN:

Mr. President, I pushed my red button. My switch was locked and I wasn't recorded so... I want to appeal the... I'd like to ask for...

PRESIDENT ROCK:

Let the record

SENATOR R. DUNN:

...a roll call.

PRESIDENT ROCK:

reflect that...Senator Dunn...should be recorded in the negative. Senator Schaffer. I'm sorry. Senator Newhouse. ...All right. The...the...the Journal will reflect that Senator Newhouse wishes to be recorded in the affirmative. Senator Philip.

SENATOR PHILIP:

...Thank you, Mr. President. Seems to me there is some confusion on...on how to vote on this. And I would ask for another...roll call. For courtesy to some of the members that perhaps did not understand it.

PRESIDENT ROCK:

I, I don't think...I don't think that's... The two members who were not recorded...indicated that they...had not...properly keyed in their switch, and the Journal now reflects their wishes.

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Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, ...we would like to know...have a ruling from the Chair regarding the deadline for the reporting by the Special Temporary Committees. Is it the same deadline that...this Body has already approved this Session?

PRESIDENT ROCK:

In the...opinion of the Chair, the answer is yes. Resolutions, Madam Secretary. I'm sorry. Senator Joyce.

SENATOR J.E. JOYCE:

Would you announce the roll call on that ruling of the Chair.

PRESIDENT ROCK:

All right. The roll...the motion...the question was, shall the ruling of the Chair be sustained. Those voting in the affirmative were 27, those voting in the negative were 29, and the...and so, with the addition of Senators Newhouse who is voting Aye, and Senator Dunn who is voting Nay, it would then be 28-30. (machine cutoff) I understand that. The question was asked, would you repeat the...the...the announcement of the roll call. The announcement of the roll call... the question was, shall the ruling of the Chair be sustained. Those in favor were 27, those opposed were 29, and having failed to receive the necessary three-fifths negative vote, the appeal fails, and the ruling of the Chair is sustained. And then two...two gentlemen indicated that their switch was not... and they wished to be journalized as recording one in the negative and one in the affirmative. Okay? Senator Joyce.

SENATOR J.E. JOYCE:

So the roll call, the official roll call on this motion is 30-28. Is that what you are saying, Sir?

PRESIDENT ROCK:

No. What I am saying is the official roll call is 27 in favor

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and 29 against the Chair.

SENATOR J.E. JOYCE:

So that Senator Newhouse's vote and Senator Dunn's vote are deemed nullities, with respect to an official roll call?

PRESIDENT ROCK:

With respect to the roll call as recorded. They indicated subsequently they would ask leave of the Body to, as we have always done, to reflect the fact that their switch wasn't on and had they been in a position to vote, they would have voted one in the negative and one in the affirmative, yes. And we have of course one person absent, because of... for those of you who don't know, Senator Ethel Alexander's brother died suddenly, and she is, for that reason, not with us today. Senator Joyce.

SENATOR J.E. JOYCE:

The...would you...would you... Is it correct to say that the roll call is 28-30, or is it correct to say the roll call is 27-29? Is it..are we...are you asking leave of the Body to have the roll call recorded as 28-30?

PRESIDENT ROCK:

No. The roll call is 27-29. Leave of the Body has already been granted to afford Senator Dunn and Senator Newhouse the opportunity to have the Journal reflect what their wishes were.

SENATOR J.E. JOYCE:

And so, so with leave of the Body, the roll call is now 30 members voting in the negative?

PRESIDENT ROCK:

No. This is the roll call.

SENATOR J.E. JOYCE:

Then what does that mean? That means nothing? That's a...

PRESIDENT ROCK:

It means...it means that the Journal will reflect the wishes of those two members who sought to be journalized in that respect.

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SENATOR J.E. JOYCE:

So my original statement is that Senator Dunn and Senator Newhouse are nullities with respect to the official roll call.

PRESIDENT ROCK:

They are listed as not voting.

SENATOR J.E. JOYCE:

Thank you.

PRESIDENT ROCK:

Okay. Senator Philip.

SENATOR PHILIP:

It would just seem to me there's more than a little confusion. It would seem to me we have a new mechanism that we haven't used too often. It would seem to me, in courtesy to the members, we ought to have another roll call. I mean...I don't know why you object to that, Mr. President. Somebody was confused.

PRESIDENT ROCK:

It's a permanent condition around here. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 201 offered by Senator Hawkinson.

Senate Resolution 202 offered by Senator Demuzio, President Rock, and all Members.

Senate Resolution 203 offered by Senator J.E. Joyce.

Senate Resolution 204 offered by Senator J.E. Joyce.

Senate Resolution 205 offered by Senator J.E. Joyce.

Senate Resolution 206 offered by Senator Topinka.

They're all congratulatory.

Senate Resolution 207 offered by Senators Dudycz and Ralph Dunn.

It's a death resolution.

PRESIDENT ROCK:

Consent Calendar, Madam Secretary. Any further business to

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come before the Senate on this day? Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. The Judiciary Committee will meet immediately following adjournment in Room 212 to take up the very important subject matter of Assault Weapons in the State of Illinois, and I would urge all members to attend that committee meeting in Room 212.

PRESIDENT ROCK:

Senator Netsch. Senator Netsch. Netsch. Netsch. Netsch. Netsch. Netsch. Senator Netsch.

SENATOR NETSCH:

Thank you. The Revenue Committee will meet at 5:00 o'clock in Room 212 with a very heavy agenda, and Senator Rigney and friends, I do hope you will be there and I urge you to attend.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Yes. Just the announcement on Senator Alexander's brother, and I would just like to give you the dates and times of the funeral arrangements. The wake will be at the Carter Funeral Chapel, and that's 21 East 75th Street in Chicago...which...tomorrow at 7:00 p.m. And the funeral will be at... a Memorial Service will be at Lutheran Church of the Holy Spirit, and that's 1334 West 115th Street, and that's going to be on Thursday the 20th at 7:00 p.m., and you may send cards or flowers to the Carter Funeral Chapel.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Point of personal privilege.

PRESIDENT ROCK:

State your point, Sir.

SENATOR DAVIDSON:

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I think they had a real lesson in government, but I'd like to present to the members of the Senate the Model Illinois Government Class from Lincoln Land Community College, who is seated in the gallery.

PRESIDENT ROCK:

Welcome. Nice day you picked. Welcome to Springfield. Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President. The Agriculture and Conservation Special Temporary Committee will meet as soon as possible after we adjourn, in Room 400.

SENATOR GEO-KARIS:

I would like to yield the floor to my Minority Leader, who's been trying to get your attention, Senator Rock.

PRESIDENT ROCK:

Senator Philip has had my undivided attention for weeks. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. If we are in the adjourning mood, I would ask a roll call on the adjournment.

PRESIDENT ROCK:

All right. There has been a motion to adjourn until noon tomorrow, and... been a roll call requested. Those in favor of adjourning until noon tomorrow, that's what...what day..... noon tomorrow, because committees are scheduled for tomorrow morning. Those in favor of the motion to adjourn until noon tomorrow will vote Aye and opposed will vote Nay, and the voting is open. All right, on that question there are 27 Ayes and 30 Nays. The motion to adjourn fails. Senator Philip.

SENATOR PHILIP:

I..I'm...Thank you very... You know, it's kind of strange, I don't know what is going on over here, Mr. President, and I'm

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guessing there's something mechanically wrong with some people's switches. Because the way I count it, there should be 30 red lights up there, and some of these lights mechanically are not...are not working.

PRESIDENT ROCK:

That's...that's what...that's what was announced.

SENATOR PHILIP:

Well, may I say this? There are some of my members' lights are not working over here. They have pushed red, but it doesn't show red, and I don't know, you know we have a new system here that obviously is not working very well.

PRESIDENT ROCK:

I...I couldn't agree more, but the roll call was announced as 27 Ayes and 30 Nays, and the motion fails. Committee Reports.

SECRETARY HAWKER:

Senator Welch, Chairman of the Special Temporary Committee on Energy and Environment, reports Senate Bills numbered 83, 369, 590, 591, 631, 633, 635 and 636 Do Pass, and Senate Bills numbered 55 and 498 Do Pass as Amended.

PRESIDENT ROCK:

Yes, Senator Philip.

SENATOR PHILIP:

Yeah, I have filed a Motion to Table that, and ask for a roll call.

PRESIDENT ROCK:

Yes. Senator Philip, I am aware of the motion, and we're just trying to find out what...what the effect of it is. Find out whose bills we're tabling. Yes. Senator Philip.

SENATOR PHILIP:

Thank you. I will help your Parliamentarian. Page 7, Rule 8, first paragraph, and you know, it's pretty clear. I don't think there is any way of getting around it.



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PRESIDENT ROCK:

Madam Secretary, I'm informed that a motion has been filed. Read the motion, please.

SECRETARY HAWKER:

I move, pursuant to Senate Rule 8, that the Committee Report from the Special Temporary Committee on Energy and Environment, established pursuant to Senate Rule 9, be rejected, and that the following Senate bills reported on April 18, 1989, lie on the Secretary's Desk: Senate Bills numbered 83, 369, 590, 591, 631, 633, 635 and 636, and Senate Bills 55 and 498, as Amended. Filed by Senator Philip on 4/18/89.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. I move...the adoption, and ask for a roll call.

PRESIDENT ROCK:

All right. The Chair will just reflect the reason for the delay was that there isn't any provision in the rules. The motion is in order, under Rule 8. But the ...the question about rejection or approval of the Committee Report is not dealt with in the rule. The rule says all Senate bills favorably reported from committee, which these are, shall stand on the Order of 2nd Reading unless otherwise ordered by the Senate. This asks that they be otherwise ordered, which I understand, and so the motion is in order. The motion is that those ten bills would lie on the Secretary's Desk, and those in favor of that...I'm sorry. Senator Schuneman.

SENATOR SCHUNEMAN:

Is...is this on, Mr. President? Mr. President, my speaker light would not work, and on the previous vote, I pushed my button. You know, we haven't used this equipment very often, and I've voted in this Chamber many years, and I voted as I always do,

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pushed the button. Somebody came along later and said, "Cal, you're not voted up on the board," and I would simply warn the members to check the board to see if you're recorded as you vote, because something is not working right with our equipment. Thank you.

PRESIDENT ROCK:

That is a good suggestion. All right. Senator Philip has moved that those ten bills reported from the Committee on Energy and Environment shall lie upon the Secretary's Desk. Those in favor will vote Aye, opposed will vote Nay, and the voting is open.

SENATOR SCHUNEMAN:

Mr. President...Mr. President.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

It's on now. It comes on late.

PRESIDENT ROCK:

It does come on late. As a matter of fact, the President's comes on late, too. We'll have to have the electricians check this.

SENATOR SCHUNEMAN:

That's okay.

PRESIDENT ROCK:

Yeah, that's okay. Nice way to know, Frank. All right, have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 28 Nays, none voting Present, and the motion prevails, and those bills will lie on the Secretary's Desk.

SENATOR SCHAFFER:

Mr. President.

PRESIDENT ROCK:

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Yes, Senator Schaffer.

SENATOR SCHAFFER:

I was just going to request a roll call on any subsequent motion to adjourn or recess.

PRESIDENT ROCK:

That request is certainly in order.

...(Long pause)...

Messages from the House.

SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 34.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 56, 68, 72, 108, 111, 166, 213, 307, 364, 369, 390, 468, 512, 627, 676, 718. Passed the House April 17, 1989. John F. O'Brien, Clerk of the House.

...(Long pause)...

PRESIDENT ROCK:

Senator Luft, for what purpose do you arise?

SENATOR LUFT:

Thank you, Mr. President. I would ask leave to table Senate

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Bill 1-6-0.

PRESIDENT ROCK:

Top of Page 4. Now is that the one? No...1-6-0?. All right. Senator Luft seeks leave of the Body to table his bill, Senate Bill 160. That motion is always in order. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. I'd ask for a roll call on that. I'd like to know where the bill it is...where the bill is...whose bill it is, and what it does.

PRESIDENT ROCK:

I indicated it was the sponsor's bill.

SENATOR PHILIP:

Is...is that Senator Luft is the sponsor?

PRESIDENT ROCK:

That is correct.

SENATOR PHILIP:

What does it do?

PRESIDENT ROCK:

I can't answer that. Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. In reply to Senator Philip's request, Senate Bill 160 creates the Clean Air...Indoor Clean Air Act.

PRESIDENT ROCK:

No it doesn't.

SENATOR LUFT:

I'm sorry, Mr. President. The bill number is...527. I would ask leave at this time to table...

PRESIDENT ROCK:

Top of Page 4 on the Calendar. Top of Page 4 on the Calendar. Senator Luft seeks to table Senate Bill 527. All in favor of the motion to table indicate by saying Aye, all opposed... the

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Ayes.....I'm sorry, Senator Philip, I thought you said...I'm sorry. Senator Philip...Senator Philip. Well, this Body is always...

SENATOR PHILIP:

Thank you, Mr. President. I just would request a roll call.

PRESIDENT ROCK:

All right, Senator Philip. Senator Luft has moved to table his Senate Bill 527. Senator Philip has requested a roll call. Those is favor of the motion to table will vote Aye, opposed vote Nay. The voting is open.... Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 27 Ayes, 29 Nays, and the motion to table fails....Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

Thank you, Mr. President. I think we fold....filed another motion in regards to Motions in Writing.

END OF TAPE

TAPE 2

PRESIDENT ROCK:

Madam Secretary. Read the motion, please.

SECRETARY HAWKER:

...I move that pursuant to Senate Rule 8, all bills currently on the Senate Calendar, on the Order of 2nd Reading, lie upon the Secretary's Desk. Filed by Senator Philip.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. As you know what the motion does,

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it takes everything on 2nd Reading and puts it on the Secretary's Desk, and I'd ask for a roll call.

PRESIDENT ROCK:

All right. Senator Philip has moved to remove the bills from the Order of Senate Bills 2nd Reading and he asks that they be placed on the Secretary's Desk. Senator Berman.

SENATOR BERMAN:

(Machine cutoff)...Mr. President,...question of the sponsor.

PRESIDENT ROCK:

He indicates he will yield. Senator Berman.

SENATOR BERMAN:

What does this do?

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Yeah...very simply stated, it takes it off of 2nd Reading and leaves it on the Secretary's Desk.

PRESIDENT ROCK:

Senator Berman.

SENATOR PHILIP:

All the bills that have been reported out of committee.

SENATOR BERMAN:

Now, those bills...looking at the Calendar are...maybe...thirty or sixty in number, about thirty on each page. That's sixty bills that have gone through a committee hearing and have been voted out by the committees, including the participation of your members, and would you explain in detail so that the...media and the public understands what your motion does. What happens, what's the status of those bills if your motion prevails?

PRESIDENT ROCK:

Senator Philip.

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SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentleman of the Senate. First place, there were thirty-three bills. In the second place, they were Temporary Committees. We are in Regular Session. In our judgment, Temporary Committees are not legal. This is not a Temporary Session we're in. This is the Regular Session. The only thing you can legally consider is something in it that the majority of this Body have adopted those committees. We have not done that, and I'd would ask for a roll call.

PRESIDENT ROCK:

All right. Senator Berman.

SENATOR BERMAN:

I...I'm...not sure I heard the answer, but maybe I can ask the Chair through the...the Parliamentarian through the Chair, what is the effect on these thirty-three bills of this motion?

PRESIDENT ROCK:

Well...our reading of Rule 8 indicates that bills that have been favorably reported from committee shall stand on the Order of 2nd Reading unless otherwise ordered by the Senate, and apparently that is the purpose of the motion, to order those bills to lie on the Secretary's Desk...where they in fact...will remain until removed from the Secretary's Desk to be again placed on 2nd Reading or back in committee. Senator Berman.

SENATOR BERMAN:

I would ask for a division of the question, Mr....President, so that we can address each bill and its importance to the people of the State of Illinois, and determine whether it ought to be removed and...and held up, or whether we ought to move forward with the people's business.

PRESIDENT ROCK:

That request is in order. Senator Philip.

SENATOR PHILIP:

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I move we Table Senator...Berman's motion. Is it in writing?

PRESIDENT ROCK:

The Motion for Division is in order. On the...motion is then that Senate Bill 13 would be removed from the Order of Senate Bills 2nd Reading and placed on the Secretary's Desk, and on that motion, Senator Berman. I'm sorry. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, there is a motion to Table Senator Berman's motion, and that's in order. You know that as well as I do, under Parliamentary procedure.

PRESIDENT ROCK:

A request for Division of a Motion...the main motion is always in order. All right. There has been a motion by Senator...no you've got...there has been a motion by Senator Philip to remove Senate Bills 13 and all the subsequent bills from the Order of 2nd Reading, and ask that they lie on the Secretary's Desk. Senator Berman has requested, as is his right, a division of that question...we...and so the first motion will be to remove Senate Bill 13 from the Order of 2nd Reading and ask that it be placed on the Secretary's Desk. Senator Philip.

SENATOR PHILIP:

Point of Personal.

PRESIDENT ROCK:

Yes...certainly.

SENATOR PHILIP:

The Motion to Table prevails, by our rules and by Robert's Rules of Order.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Mr. President, I withdraw my request to divide the question.

PRESIDENT ROCK:



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That is in order. Senator Philip has moved to lie on the Secretary's Desk those bills that are on the Calendar on the Order of 2nd Reading, and on that question...those in favor will vote Aye, opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 29 Nays, and the motion fails....Ladies and Gentlemen, the Senate will stand at ease until six o'clock.

SENATE AT EASE

SENATE AFTER EASE

PRESIDENT ROCK:

Ladies and Gentlemen, if I can have your attention. I have just...had a conversation with Senator Philip. There will be a meeting of the Committee on Committees in the President's Office at 6:30, about six minutes from now. That is Senators Philip, Schaffer, DeAngelis, Davidson, Senators Vadalabene, Demuzio, Luft, D'Arco, and Collins. So I would ask the members to...just stand at ease. We will attempt to...conclude our business as quickly as possible, and we will hopefully have some resolution of this...stalemate...shortly. Six-thirty in the...President's Office for the above-named members.

SENATE AT EASE

SENATE AFTER EASE

PRESIDENT ROCK:

(Machine cutoff)...will please be in order...Senator Geo-Karis, we are awaiting your presence. It has been suggested that the Senate stand adjourned until nine o'clock tomorrow morning, in an attempt to resolve this...alleged stalemate...and...the Chair will recognize Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentleman of the Senate, I wish it would've be ten o'clock tomorrow morning, as I had a doctor's

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appointment at nine, but...can you change it to ten?

PRESIDENT ROCK:

No. Senator Philip...suggested nine, and I agreed that that's an appropriate time. Nine o'clock tomorrow.

SENATOR GEO-KARIS:

Well, let it be said that I will not...I will not be...gone. I'll be here. ...Mr. President would like to call a Republican Caucus immediately in Senator Philip's office.

PRESIDENT ROCK:

All right. There's been a request, which is in order, for a Republican Caucus immediately in Senator Philip's office, and unless there is any further business, the Senate will stand adjourned until nine o'clock tomorrow morning. Nine o'clock tomorrow morning, Ladies and Gentlemen.

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