

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

17th Legislative Day

April 26, 1989

PRESIDENT:

The hour of noon having arrived, the Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Prayer this afternoon by Father Charles E. Olshefsky, St. Francis Cabrini Church, Springfield, Illinois. Father.

FATHER CHARLES E. OLSHEFSKY.

(Prayer given by Father Charles E. Olshefsky.)

PRESIDENT:

Thank you, Father. Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

Mr. President, there will be a Democratic Caucus in Room 212 immediately... Democratic Caucus in Room 212 immediately.

PRESIDENT:

And, Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, there will be a Republican Caucus in Senator Pate Philip's Office immediately after the Session.

PRESIDENT:

All right. Those requests are in order. Democratic Caucus immediately in 212 and a Republican Caucus in Senator Philip's office immediately. Senator Smith, for purpose do you seek recognition?

SENATOR SMITH:

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

PRESIDENT:

State your point.

SENATOR SMITH:

We are honored to have in our midst this morning the Reverend

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Herman Martin of Chicago, Illinois, pastor of the Progressive Community...Community Church...I'm a good, old Baptist...and also the former Pastor of our late mayor...Mayor Harold Washington, and we are honored to have him here with us today.

PRESIDENT:

Reverend Martin, welcome to Springfield, sir. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Mr. President, is the time certain on that caucus or are we just...

PRESIDENT:

Yes, Senator Philip...Senator Philip and I have agreed one-thirty; we'll try to get back here by one-thirty.

SENATOR DAVIDSON:

Thank you.

PRESIDENT:

All right, we'll stand in Recess till one-thirty.

**RECESS**

**AFTER RECESS**

PRESIDENT:

The Senate will please come to order. Reading of the Journal, Madam Secretary.

SECRETARY:

Senate Journal of Wednesday, March 1; Thursday, March 2; Tuesday, March 14; Wednesday, March 15; Wednesday, April 5; Thursday, April 6; Friday, April 7; Tuesday, April 11; Wednesday, April 12; Thursday, April 13.

PRESIDENT:

Senator...Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr...and Members of the Senate. I move that

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the Journals just read by the Secretary be approved unless some Senator has additions or corrections to offer.

PRESIDENT:

All right, you have heard the motion as placed by Senator Vadalabene. Discussion? Senator Schaffer. I am sorry, Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. How many votes does that take? And then I move it be deferred and move that we go to motions in writing and ask for a roll call.

PRESIDENT:

Well, the...the approval of the Journal, as the Chair has indicated before, would...will require thirty votes of this Body for approval. All right, the question is Senator Vadalabene's motion to approve the Journals just read by the Secretary. Those in favor of approval will vote Aye. Opposed will 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 28 Ayes, 28 Nays, and the motion fails. Committee reports, Madam Secretary.

SECRETARY:

Senator O'Daniel, Chairman of the Special Temporary Committee on Agriculture and Conservation, reports Senate Bills Numbered 63, 142, 370, 611 and 647 Do Pass.

Senator Newhouse, Chairman of the Special Temporary Committee on Commerce and Economic Development, reports Senate Bills Numbered 768, 870, 937, 963, 1059, 1060, 1095 and 1156 Do Pass.

And Senate Bill 1093 Do Pass as Amended.

Senator Smith, Chairman of the...Special Temporary Committee on Public Health, Welfare and Corrections, reports Senate Bills Numbered 166, 272, 489 and 688 Do Pass.

And Senate Bills Numbered 20, 48 and 354 Do Pass as Amended.

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Senator Netsch, Chairman of the Special Temporary Committee on Revenue, reports Senate Bills Numbered 51, 160, 525, 526, 593, 634 and 740 Do Pass.

Senator J. J. Joyce, Chairman of the Special Temporary Committee on Executive, reports Senate Bills Numbered 751, 1088 and 1316 Do Pass.

Senator O'Daniel, Chairman of the Special Temporary Committee on Agriculture and Conservation, reports Senate Bills Numbered 228, 231, 249, 250, 1069 and 1081 Do Pass.

And Senate Bills... Senate Bill Numbered 650 Do Pass as Amended.

Senator J. E. Joyce, Chairman of the Special Temporary Committee on Higher Education, reports Senate Bill...Senate Bills Numbered 25, 39, 113, 628, 697 and 1165 Do Pass.

And Senate Bill 629 Do Pass as Amended.

Senator Carroll, Chairman of the Special Temporary Committee on Appropriations I, reports Senate Bills Numbered 163 and 1166 Do Pass.

Senator Marovitz, Chairman of the Special Temporary Committee on Judiciary, reports Senate Bills Numbered 46, 505, 506, 507, 508, 665, 667, 668, 670, 886, 1061, 1102, 1104, 1105, 1106, 1107, 1108, 1214 and 1219 Do Pass.

And Senate Bills Numbered 134, 924, 1100, 1101, 1103, 1210,...1212 and 1213 Do Pass as Amended.

PRESIDENT

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. I would move that these reports lie on the Secretary's Desk and I ask for a roll call.

PRESIDENT:

All right, Senator Philip has moved that the committee reports which called for the bill...ordinarily under Rule 8 which called

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the bills...to be placed on the Order of 2nd Reading, instead be placed on the Order of Secretary's Desk and...Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. I would request a division of the question pertaining to each bill.

PRESIDENT:

That...that request is in order. Senator Geo-Karis.

SENATOR GEO-KARIS:

I move to lay that motion on the Table.

PRESIDENT:

Well...Senator Berman.

SENATOR BERMAN:

Point of order, Mr. President.

PRESIDENT:

State your point.

SENATOR BERMAN:

Under Robert's Rules, a request for division is not debatable, it is not tableable. It is a right that belongs to any member of the Body.

PRESIDENT:

I think that is correct. Senator Philip.

SENATOR PHILIP:

Mr. President, we are operating under Senate Rules and Senate Rules are very clear. I move my motion once again and ask for a roll call.

PRESIDENT:

Well, Senator Philip, I just turn your attention to Rule 39. It says, "If the question in debate contains several points," which this obviously does, "any Senator may have the same divided." I mean, I think that's just kind of a right that we have respected lo these many years. Senator Marovitz, is...I'm sorry, Senator Philip...Senator Philip.

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SENATOR PHILIP:

...thank you, Mr. President. My motion is in order and I will persist with my motion and ask for a roll call.

PRESIDENT:

Well,...there is no question your motion is in order. That's what's before us. The question now is, however, the...the right of a member of the Senate to ask that motion and the questions it presents be divided, and the fact is that under Rule 39 it appears to be pretty clear. Senator Philip.

SENATOR PHILIP:

...Rule 37, Mr. President, is very clear. A motion to Table is in order and I am asking for a roll call.

PRESIDENT:

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

SENATOR GEO-KARIS:

I'd like to have a vote on my motion to lay on the Table. It...It's not debatable and...should take a motion...a vote on it. And I move to Table Mr. Marovitz' motion.

PRESIDENT:

Senator....all right, Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President, I believe you ruled according to the Senate Rules and according to all previous...background in reference to the question of division. If the gentleman does not...desire your type of ruling or...he wants to appeal the ruling that's his prerogative; but you are absolutely correct, as far as on this question, it is divisible.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I don't think anybody questions that a member has a right to...to request a division. The roll call we're

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persisting in is Senator Geo-Karis' motion to Table that motion, and we believe we have the right for a roll call on that motion and that...under Rule 37, that is what we are interested in.

PRESIDENT:

Yea...that's what we are checking here...it...we...this has not happened before, we have always honored a...a request for division. But I think you're...frankly, I think you are right. All right, ladies and gentlemen, if I can have your attention. This is, as you recall, this came up a week or ten days or so ago, and we...we did not effect a resolution because the motion...the request was withdrawn. Under Rule 8, "All Senate bills favorably reported from committee," which is the subject matter we are currently dealing with, "shall stand on the Order of 2nd Reading unless otherwise ordered by the Senate." Senator Philip has moved, and properly moved, that those bills lie on the Secretary's Desk as opposed to standing on the Order of 2nd Reading, as I understand your motion. Is that...that's correct, okay. Under Rule 39, it says, it seems to me, that if the question in debate contains several points, any Senator may have the same divided. I read that to vest in each of us a right to request, not to avoid the roll call you seek but to have multiple roll calls because there are multiple subjects, and I do not think that right of an individual member is subject to being laid on the Table. I think it is a right that each of us possess and it is a request that this Chair will...has in the past, and will certainly continue to honor. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, under Rule 37, "A motion to lay any particular proposition on the Table shall apply to that proposition only." The proposition that was given by Senator Marovitz was to divide the question; that's the proposition to which I address my motion. My motion is not debatable, and I submit that under the rules of

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fair play that motion should be taken now.

PRESIDENT:

Well, and I...and I...I recognize that and did...also refer to Rule 37. I...my...my...when...when you have two that appear to be in conflict, my...my rule has always been to come down in favor of the member who is making the request...who has the right to make the request. So, I will rule your motion to Table out of order and ask Senator Marovitz to proceed with his request to divide and indicate how he wishes this question divided so that we can honor Senator Philip's roll call request. Yes, Senator Philip.

SENATOR PHILIP:

I...I would remind you that on January 11th we adopted the temporary rules. I have them in front of me. Rule 35, Motion to adjourn or to lay on the Table shall be decided within debate and not debatable. And...and we have been debating it.

PRESIDENT:

...we have been searching for an answer, I guess is it.

SENATOR PHILIP:

And I certainly...because you're going to look far and wide...to find an answer.

PRESIDENT:

No, I didn't...I have already ruled. I...I will acknowledge the fact that that motion is not debatable, all right? And I have ruled that that motion is out of order. Now we're back to the request of a member, under Rule 39, to divide the question so that we can get to the main roll calls or call. Senator Geo-Karis.

SENATOR GEO-KARIS:

...President, Ladies and Gentlemen of the Senate, how could you rule my motion out of order when you've been doing it time and again for many years? A motion to...to lay on the Table is a nondebatable motion...takes precedence...a main motion and it's on one particular subject and the subject was to divide the question.



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I...I submit, Mr. President, you are stretching the interpretation of Rule 39, and I don't mean to do that to you but, really, you know what Rule 37 means and what it is.

PRESIDENT:

I...I do and I...and I also recognize the fact that...that technically the request to divide is not a motion, it is a member's request, a right that every member in this Body has under Rule 39. It is not an attempt to avoid a roll call on the main question. It is saying that where the main question contains points A, B, C and D, we would like to have a roll call on A, B, C and D or whatever the request is. I am not even sure what the request is except to divide. Senator Philip.

SENATOR PHILIP:

...Mr. President, I respectfully disagree with you. We adopted the temporary rules on the eleventh, we are operating under those. We are not operating under the Robert's Rules of Order, we're running on these rules, and I would respectfully appeal the ruling of the Chair. And...and everybody ought to think about Rule 45... you know, when the majority of the members would like to vote on a motion or a rule change, they ought to have that opportunity. And we're asking for that opportunity, it's not debatable, so I am...forced into over...asking a vote on overriding the President.

PRESIDENT:

That...that request is in order. Is there any discussion? Senator Philip has appealed the ruling of the Chair; that ruling being ruling out of order the motion to Table a member's request to divide. Discussion on...Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senator Geo-Karis,...what we are trying to explain is that this is not part of any games playing that's going on around here. This is an effort to resolve a

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legitimate parliamentary question, and in our rules there are two rules either one of which could seem to apply. The one having to do with the motion to Table doesn't say when you can move to Table, it just says that when that motion is made it comes up right away and...it's to get voted on right away. That's fine, no one is quarreling with that. The other question has to do with...the right to a division. And our rules also say that any member has a right to a division. If you look back at any of the other legislative manuals...and I'm looking...for example, I happen to have Mason's Legislative Manual in my desk; again, it makes the point that any member has a right to request a division on any question that has several parts. There you are not taking about a motion; what you are talking about, really, is just how you count the votes. And when a request for a division is made, that member is saying, "I want the votes counted separately on the separate parts of that question." That really is that all this is about. I happen to believe, and I argued this a couple of weeks ago when this came up, that it is not appropriate to Table a member's request for a division of the question, again, which deals only with how you go about counting the votes on what parts of the issue. So, I...I really...genuinely believe as a parliamentary matter that the ruling is absolutely correct and it is not in any way going to forestall a roll call vote on the...each of these committee reports as they come along. It is just a question of how you divide the question and how you take the vote.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, in response to the Senator, there is no case that you can show me that a motion to lay on the Table does not get...take precedence over a request which we...call it a request

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it is still a motion to divide, and there is no case you can show me, you can quote me Mason's Rules or whoever else's you want to. You know that and I know it. Motion to lay on the Table takes precedence, a main motion, it's not debatable and should be heard. Not with...it should be heard immediately. If you want me to amend and say heard now.

PRESIDENT:

All right, the question is, shall the ruling of the Chair be sustained. Those in favor of sustaining the ruling will vote Aye. Those opposed will 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 28 Ays and 30 Nays. The motion having failed to receive the necessary three-fifths negative vote, the appeal fails and the ruling of the Chair is sustained. Senator Marovitz...Marovitz, please.

SENATOR MAROVITZ:

Thank you very much, Mr. President. My request is that...on the list of bills stemming...being reported out from the Judiciary Committee that we begin with Senate Bill 134 and go through the bills one by one in numerical order, I think that seems to be the fairest, most equitable way to do it, and determine on each bill whether that bill should, in fact, lie on the Secretary's Desk or be on...placed on 2nd reading.

PRESIDENT:

All right. No, it's a request to have the separate roll call on Senator Philip's motion on each of those. Senator Davidson.

SENATOR DAVIDSON:

Point of order.

PRESIDENT:

Yes, sir.

SENATOR DAVIDSON:

In the motion before the House <sic>...reports from the

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committee and it's only one motion, it doesn't have a motion on every one of those bills as he just read off and, therefore, the motion before us if you're going to have a vote on...if you divide the question, we divide the question only on the motion...or the report of the committee and therefore we have only the motions before us dividing the House <sic>...the report of each committee, is that not correct?

PRESIDENT:

Well, I...I...the only thing I can say, Senator Davidson, is...is that, yes, Senator Marovitz has requested that the...the committee report on the Judiciary Committee be dealt with separately and has further requested that the...those items on that report be dealt with separately and in numerical order or sequence.

SENATOR DAVIDSON:

But it is not the report that is from the Judiciary...Committee all inclusive that has all these bill numbers that are reported favorable, it's not a separate motion report...or not a separate report from the committee on each individual bill, is that not correct?

PRESIDENT:

It...it is a single committee report that contains a number of items, and Senator Marovitz' request is that, one, that committee report be dealt with individually from the other committee reports and that's...secondly, it be dealt with seriatim as it were.

SENATOR DAVIDSON:

Well, I'd respectfully ask you that he's trying to divide the committee report and that's not his prerogative. He can ask for a division of the House <sic>, which you have allowed and I gladly concur with, but he cannot individually divide the question of the committee report. The committee report is all inclusive and the only thing before us is to vote the...the motion to... lay on the

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Secretary's table the committees' report, not the individual bills.

PRESIDENT:

All right, Senator DeAngelis. Well...you've restated the proposition three times and I have restated the proposition of Senator Marovitz' motion three times. We...I...I think if...the...the question of division, again, he has asked that that committee report be divided out from the others in terms of Senator Philip's motion and further requested that the individual items on that report be handled individually in response to Senator Philip's motion, so that instead of standing on the Order of 2nd Reading, they would lie on the Table under Senator Philip's motion, and Senator Marovitz has requested that we handle the individual report and individual items on that report separately. And I think that request is in order and the Chair so states. Yes, Senator Davidson.

SENATOR DAVIDSON:

The question I asked was that he as chairman of the committee making the report doesn't have the prerogative to...to divide the report and that's what he is asking for. That only has the prerogative of...of the whole committee and not he as an individual. Is that correct?

PRESIDENT:

You keep asking me if that is correct and I'm trying to say, no. The motion is to have the...the motion is to have the bills on that report...on these reports stand on the Secretary's Desk as opposed to 2nd reading. So the motion is directed at the bills, and rather than take them as...as a composite, Senator Marovitz, under the Chair's ruling and under Rule 39, has a right as a member of this Body to divide that question. Senator Davidson.

SENATOR DAVIDSON:

Again, Mr. President, he has the right to move for the

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division on the motion but he doesn't have the right, in my opinion, as the chairman to divide the motion and...that's what he is doing. He's dividing the motion and that's not what's before the House <sic>. The motion before the House is the adoption of the committee report...whatever report it is do pass or do not pass, and the motion by Senator Philip is to lay that on the Secretary's Desk. In my opinoin, and only my opinion, maybe not your's...

PRESIDENT:

No. The motion as I understood Senator Philip to make it, because it's a motion he has made before, is to have the bills that were reported favorably out of these committees lie on the Secretary's Desk; and his request is to divide the question and deal with the subject matter of that motion, namely the bills, individually. And I think that request is in order. Senator Schaffer.

SENATOR SCHAFFER:

I just wanted to request a roll call on that motion that Senator Marovitz has now made.

PRESIDENT:

Well, it's a request, it is not a motion. The...the motion will be...the motion will be as Senator Philip requested it to be, that...that report...or if indeed there is a request, as there has been, these bills one at a time will be either put on the Secretary's Desk or put on 2nd reading. Right, that's what we're trying to get to. All right. Senator Marovitz, where do we start?

SENATOR MAROVITZ:

Well, I would like to start with Senate Bill 134.

PRESIDENT:

Yes, Senator Joyce.

SENATOR JEREMIAH JOYCE:

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My light has been on, I believe.

PRESIDENT:

I'm sorry, it...it was not reflected here.

SENATOR JEREMIAH JOYCE:

Thank you. Oh...well, maybe you preempted me. The electrician got there...a day early...right. Yes, what we're going to do now is we are going to have a...we will have a debate on each one of these bills one by one, right? So...well, that's...I think that's a fine idea. I don't why...why...in fact, I would have thought that that would have been the request coming from the other side. I think that's an outstanding idea. We'll debate each and every one of these bills and we'll, in fact, be comparable to a...debate on unamended bills reported out of committee as we would have on 3rd reading. I think it's a wonderful idea and let's go with it, we won't be wasting any time that way.

PRESIDENT:

Senator DeAngelis. All right...all right, Senator Philip has moved...the question before the Body is Senator Philip's motion to have Senate Bill 134 lay on the Secretary's Desk as opposed to standing on 2nd reading. Senator Philip.

SENATOR PHILIP:

...thank you, Mr. President. Am I to assume if that motion does not get thirty votes that that bill will end up on the Secretary's Desk?

PRESIDENT:

No...your...it is your motion to...under Rule 8 to have the bill lie on the Secretary's Desk as opposed to standing on the Order of 2nd Reading. So if your motion does not prevail, this bill will then stand on the Order of 2nd Reading, as I understand it. I think under Rule 8 it...it only takes a majority of those voting, I do not think this requires a constitutional majority.

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All right, Senator Philip, it's your...you are the movant.  
Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, we are now going...apparently, going to go through a series of roll calls on a series of bills that are being reported out of committee structure that a majority of us here do not recognize. And I would like to, at least for the record, indicate that my votes, and I suspect the votes of many of us on this Floor, to send these bills to the Secretary's Desk are not, in fact, a comment one way or the other on the status or merit or lack thereof of the individual bills but a reflection of our lack of recognition of the committee structure. And I would urge everyone that is interested in seeing that position to prevail to support Senator Philip's motion. We can get back...these bills and get them amended and get them on 3rd reading and have a debate at that point; but at this point, I think it's appropriate for us to not discuss the merits of the bills but only to vote on the concept of the committee structure which we don't recognize that they have been reported from. So I would urge everyone to support Senator Philip's motion bill by bill and I would move the previous question.

PRESIDENT:

All right, Senator Philip has moved that Senate Bill 134 lie on the Secretary's Desk, and on that question, Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and members of the Senate. Well, I...I am in opposition to this particular motion because I think the subject matter of this bill...and we talking about whether or not to have this bill on 2nd reading...

PRESIDENT:

Senator Philip. Senator Philip.

SENATOR PHILIP:



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Mr. President, we have asked for a roll call that's nondebatable and moved the question.

PRESIDENT:

Well, it's...

SENATOR PHILIP:

It's not debatable.

PRESIDENT:

...the...the motion to...to have the bill lie on the Secretary's Desk in the opinion of the Chair is debatable. Senator Marovitz. Senator Marovitz, do you wish to continue?

SENATOR MAROVITZ:

Yes, I do, Mr. President.

PRESIDENT:

I'm sorry. Senator Philip.

SENATOR PHILIP:

I would ask that you cite the rule. I...I mean, I don't find that rule.

PRESIDENT:

That...that's the point, that under Rule 8 it says, "All Senate bills favorably reported from committee shall stand on the Order of 2nd Reading unless otherwise ordered by the Senate". Your motion would ask the Senate to order that this bill lie on the Secretary's Desk as opposed to stand on 2nd Reading. And I...I can't find any prohibition of debate contained therein. Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. I am in opposition...I stand in opposition to the motion on this particular bill. This is a very important subject matter to a lot of people across the State of Illinois and deals with a situation where the court finds evidence that the emotional, physical or mental condition...mental health of a child is in jeopardy and a grandparent has come in and

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requested the court to have custody or visitation rights of that child where the court has found substantial evidence of mental, physical or emotion...emotional danger to the health of that child and this would give a grandparent in that limited situation an opportunity to come in, present evidence to the court and have visitation rights or custodial rights conferred upon him by the court as a result of that evidence. I think that's an important subject matter. I think it needs to be debated by the full Senate. I think that the health, welfare and safety of a lot of kids may be in question as a result of this. And I think we've all had letters from grandparents who are concerned about the health, welfare and safety, emotional, mental and physical, of their grandchildren and do not have an opportunity. This bill speaks to that issue and is an issue that people across the State of Illinois are concerned about, deserves to be debated by the full Senate; and I request that you oppose this motion, that it be placed on the Order of 2nd Reading so that we can move this bill along in the process.

PRESIDENT:

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

(Machine cutoff)...I can't believe what's going on here, Mr. President. This is...this is incredulous to me...that's a nice word, isn't it? Now... wait a minute. Geo, this is your bill, Geo. You want us to recite rules, this is the grandparents bill of rights, Geo. This is the bill you fought so hard for, Geo. What are you doing to me, Geo? Geo, this is for grandparents that are alienated from their grandchildren. We've got to help these grandparents, Geo, that's what you've told me. You want to help our grandparents in Illinois. Don't do this to us, Geo.

PRESIDENT:

Senator Hawkinson, for what purpose do you arise, sir?

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SENATOR HAWKINSON:

Mr. President, I rise on a point of inquiry and a point of order.

PRESIDENT:

Yes, sir.

SENATOR HAWKINSON:

I was participating in the Judiciary Committee that heard this bill and...and several others, and I would question whether a quorum was...is indicated by the report of the committee on the roll call on this vote. The Senate had gone into Session before this and several other bills were considered, and I announced to the committee that the Republicans were in caucus that had been called. I participated in earlier votes but I think that this and a good number of other bills in this report are not properly included in the report, there was no quorum present and it had been formally announced that the Senate was...the Republicans were in caucus.

PRESIDENT:

The...the report does not indicate and...and as a...a matter of custom, that...that decision is...is left to the Chair. Senator Geo-Karis. Chair of the committee. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, my colleague on the other side is going to the merits of the bill and not to the motion. The motion is to lie...to let that bill lay...lie on the Secretary's Desk.

PRESIDENT:

You are correct.

SENATOR GEO-KARIS:

And if you look at the bottom part of Rule 35, it says that...

PRESIDENT:

...I said you were correct and you keep talking. You're right.

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SENATOR GEO-KARIS:

...all right, since I'm correct, then just ignore all this beautiful fanfare that doesn't relate to the motion.

PRESIDENT:

Honest to God, you're correct, you're right...you're right. Senator...Senator DeAngelis.

SENATOR DEANGELIS:

Yes, a question of the Chairman of this committee.

PRESIDENT:

Yes, that's...that is in order. Senator Marovitz...he indicates he will yield, Senator DeAngelis.

SENATOR DEANGELIS:

Senator Marovitz, are you attesting to a quorum being present when this bill was being heard?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Senator DeAngelis, at no time during the committee meeting, yesterday, was there ever a question about a quorum at any point. At no time during the committee meeting, yesterday, was I ever asked to refrain from voting on a bill. As a matter of fact, the week before...the week before, a Republican member of the Senate asked me out of courtesy not to take a roll call on certain bills, and out of courtesy to that member I did not take any roll calls on those bills. Last...yesterday, when we had a committee meeting there was a quorum present, attendance was taken, there was never a question of the quorum, the votes went ahead just as we proceed on...on all Senate bills in committee.

PRESIDENT:

Senator DeAngelis.

SENATOR DEANGELIS:

I...I really...am pleased with the nobility of your purpose

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and your intent, but my question was simply, are you attesting to a quorum being present?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I am attesting to a quorum being present at the Judiciary Committee yesterday.

PRESIDENT:

Senator Hawkinson...oh, I'm sorry, I thought you were finished. Senator DeAngelis.

SENATOR DEANGELIS:

No, my question is when this bill was heard, Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Well, no one questioned a quorum at the time this bill came up. I don't know if members sat there and didn't vote. The fact is, the vote is what it is...the vote is what it is. Members may have decided not to vote on a particular bill because we had debate on the bill and there was...certain questions regarding the specific clauses in the bill.

PRESIDENT:

Senator DeAngelis.

SENATOR DEANGELIS:

I still would like to have an answer and if...if Senator Marovitz attests a quorum being present, I want the...I want the record to reflect that, because I do believe we have certain rules regarding misrepresenting or misstating certain things deliberately. So, are you indicating that a quorum was present when you heard this bill? That's all I want to know.

PRESIDENT:

Senator Marovitz.

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SENATOR MAROVITZ:

Once a quorum is present at a Senate committee, it is deemed to remain present unless a quorum call is requested by any member. That request is always in order. No such request was made. Attendance was taken at the beginning of the meeting and a quorum was present.

PRESIDENT:

Senator Hawkinson...Senator DeAngelis...Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I don't dispute the fact that no quorum call was taken. The point...I made two points in my point of order. One was, I challenge the presence of a quorum. I acknowledge that I did not because I wasn't there, because when I left I advised the committee that the Senate had come in Session and that the Republicans were in caucus and requested that no votes...further votes be taken, as I had done. I did not challenge the presence of a quorum but I made the point that the Senate had come into Session, the Senate had met, the committee had not stopped and that a formal Republican Caucus had been called and that that's why I was leaving.

PRESIDENT:

All right. Senator Philip may close. The motion is...if he wishes...the motion is to have Senate Bill 134 lie on the Secretary's Desk. And those in favor of that motion 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 30 Ayes, 28 Nays and the motion prevails. 134 is ordered to the Secretary's Desk. All right, Senator Philip has moved that...or Senator Marovitz has requested a division and we are awaiting how he wishes the question further divided. Senator Marovitz.

SENATOR MAROVITZ:

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Thank you very much, Mr. President. I would...request that Senate Bill 505, 506, 507 and 508...there also be division on those bills which were heard yesterday in the Senate Judiciary Committee and that a separate roll call be taken on each of those bills.

PRESIDENT:

Four roll calls? Senator Marovitz.

SENATOR MAROVITZ:

I'd be happy to accept one roll call on the four bills. They're a...they're a package of bills.

PRESIDENT:

...one roll call. Okay. It is a package of bills, all right. Senator Philip has moved that Senate Bills 505, 506, 507 and 508 lie on the Secretary's Desk, and on that question, Senator Philip...or Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and members of the...Senate. Senate Bills 505, 506, 507 and 508 are a package of bills which stem from a Judiciary Committee...subcommittee rather on crime against the elderly which heard testimony across the State of Illinois in all parts of the State regarding abuse and neglect, financial exploitation of the elderly, the likes of which hasn't been heard in this state ever before and reminds us of the time that child abuse cases were swept under the rug and only by...

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, point of order. Again, he is doing the very same thing which you've...said earlier go into the bills. He is trying to explain every bill; we're not to explain the bill, he's supposed to speak on the motion to Table...to lay on the Table and

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he's not doing it. I submit that we should have a roll call of the bills.

PRESIDENT:

Well, the Chair...the Chair is prepared to rule Senator Geo-Karis, I think the Senator is attempting to explain why the bills should be on the Order of 2nd Reading as opposed to the Secretary's Desk. Senator Marovitz,...did you...

SENATOR MAROVITZ:

Thank you, Mr. President. Senate Bill 505 is an important bill to senior citizens across the State because it deals with financial exploitation of the elderly and helping with prosecution of those individuals who do financially exploit the elderly and deplete their very limited life savings. Senate Bill 506 deals with abuse and neglect, criminal neglect, if you will, of the elderly,...create felony charges and treble damages, the...the kinds of things that social service agencies and physicians and law enforcement people told us in these hearings they needed to get at those people who perpetrate the crimes against the elderly. They needed these kinds of bills that make these...that make these kinds of crimes felonies, put people behind bars...return the money in triplicate to the senior citizens. This is what they said they needed from us, and that is what Senate Bill 506 is dealing with, criminal neglect and the endangerment of the health and welfare and safety of senior citizens across the state. Senate Bill 507 deals with a hearsay exception. Many social service agencies and law enforcement officials told us that they couldn't get the evidence to get at these people unless there was a hearsay exception, because people weren't around, their memories may have...may have failed them in their...in their senior years. They needed a hearsay exception in this limited set of circumstances, that is what Senate Bill 507 is about. That's what the law enforcement officials and the social service agencies



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charged with this responsibility have asked us to do. And, finally, Senate Bill 507 requests that the judges throughout the State of Illinois take into consideration the advancing age of senior citizen in not allowing continuances to delay the carrying out of justice...on these...these horrendous crimes against senior citizens, and I would ask that we vote No on Senator Philip's motion to lie these on the Table. This is a very important subject matter, deserves to be heard, moved ahead for the benefit for the elderly throughout the State of Illinois.

PRESIDENT:

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank...thank you, Mr. President. While I was also in...in committee when these bills were discussed and I don't question the presence of a quorum but I do think that this points out in classic form why it would be a mistake to move this bills forward and rush ahead without the benefit of a full and complete hearings and amendment. For example, it was acknowledged by the author of the bills that Senate Bill 505 actually reduces the penalty for deceiving a...senior citizen of more than five thousand dollars, that this bill will make it Class 3 felony when current law makes it a Class 2 felony, and that there are needs for...for further work on these bills. The concepts are good, we ought to move forward on them, but this isn't the way to do it and...and I would urge that we lay these on the Secretary's Table until such time as there can be further work.

PRESIDENT:

Further discussion? Senator Dunn.

SENATOR THOMAS DUNN:

Thank you, Mr. President. I would suggest to the last speaker that that might be true, I was the sponsor of the bill, that 505 would reduce the penalty on crimes against the elderly. However,

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I would say that that was the only bill of this package that was acknowledged to have any errors in it.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, Senator...Senator Hawkins <sic> (Hawkinson), I would say the reason we ought to defeat the motion is for exactly what you just said. If we place these bills on the Order of 2nd Reading, yes, and only at that point can we amend them, but they must go on the Order of 2nd Reading and then we can put the amendments on. The...the committee process has been going on and everyone here has been invited to and is assigned to the committees to participate. So the committee process also gives the public that opportunity to participate. But 2nd reading gives this Body the opportunity to further debate and amend this bills. So if you deny these bills the right to go on 2nd reading, then you have also denied the right to advance them through the process. For that reason, I, too, rise in opposition to the motion to Table.

PRESIDENT:

All right, any further discussion? Further discussion? Senator Marovitz, for the second time.

SENATOR MAROVITZ:

I'm sorry to rise for the second time but I just ought to say, this is a package of bills that received bipartisan support yesterday in the Judiciary Committee. There was not one single negative vote. They were passed unanimously with bipartisan support and we agreed that Senate...that one of the bills needed an amendment on 2nd reading. You cannot fix a problem and amend a bill on the Secretary's Desk. The only way that can be done is by placing it on 2nd reading. We all agreed it needed an...a correcting amendment, 2nd reading is the place to do that. It passed by bipartisan unanimous support, it...we ought to correct

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that problem and move it ahead, since this is a problem acknowledged by everybody, by placing it on 2nd reading.

PRESIDENT:

Senator Philip, you wish to close?

SENATOR PHILIP:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. As you know, these bills will still be alive if they are on the Secretary's Desk. We certainly have enough time in this Session, we're only in the sixteenth legislative day; and, quite frankly, I think that there are some problems with them but we can certainly come back later in this Session and do the right thing. So I certainly would ask for an Aye vote.

PRESIDENT:

All right, Senator Philip has moved to place Senate Bills 505, 506, 507 and 508 on the Order of Secretary's Desk. Those in favor of that motion 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, 28 Nays. The motion prevails and the bills will be ordered to the Secretary's Desk. Senator Philip, I can presume now that you wish to proceed with your other motion with respect to the balance of the committee reports. Senator Philip has moved that the committee reports previously read by the Secretary...I'm sorry, Senator Keats.

SENATOR KEATS:

This is not a partisan thing. These switches are a mess. I am hitting these three and four times to vote. Can we ask, once we finish this fighting, that we perhaps ask somebody... I mean, I'm banging away on this thing to get a vote. There is something the matter with these switches. I'm sorry, I just wanted to raise that as nonpartisan, but there is a legitimate problem.

PRESIDENT:

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I understand, I had the same problem up here. Senator Topinka.

SENATOR TOPINKA:

A point of personal privilege on...

PRESIDENT:

State your point.

SENATOR TOPINKA:

...I did hit the Yes button on that and it did not record. If...if you would look at the electrical system, I'd appreciate it.

PRESIDENT:

That will be...that will be done. We are all having the same problem. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As you know, we have continually had a problem with the switches over here. I think we ought to give the...the members a courtesy having another vote on what we have just done. And, quite frankly, there has been a problem, we have mentioned it more than once on the Floor of the Senate...

PRESIDENT:

The motion...the motion prevailed...and we'll have another identical motion in about one minute here. All right, Senator Philip has moved that the committee reports just read in by the Secretary...let me see that motion...the bills reported in those committee reports lie on the Secretary's Desk. Those in favor of that motion will vote Aye. Those 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 30 Ayes, 28 Nays. The motion prevails and the bills reported in those committee reports will be ordered to lie on the Secretary's Desk. Resolutions, Madam Secretary...I'm

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sorry, Senator Philip.

SENATOR PHILIP:

...thank you, Mr. President. There is a motion filed to discharge, could we please go to that motion?

PRESIDENT:

Well, I was just going to go down the regular order...the answer is, with leave of the Body, we can do virtually anything around here.

SENATOR PHILIP:

Well, I'm asking for leave of the Body then, Mr. President.

PRESIDENT:

Okay. I've...we've got more...we've got multiple motions to discharge. All I'm trying to do is sort out who's got what, then we'll go right there. Senator Schaffer.

SENATOR SCHAFFER:

I was just going to respectfully request that...any point the proceedings that there is any motion to adjourn, Recess, stand at ease, parade rest or anything else to request a roll call on that motion.

PRESIDENT:

All right. With leave of the Body, we'll go to the Order of Motions to Discharge. Senator Etheredge, I presume, I think, has filed that motion, Madam Secretary. Read the motion, please.

SECRETARY:

I move to...suspend all appropriate rules and to discharge the Special Temporary Committee on Appropriations I from further consideration of Senate Bill 385, and that Senate Bill 385 be placed on the Senate Calendar on the Order of 2nd Reading. I request a roll call on this motion. Filed by Senator Etheredge.

PRESIDENT:

Senator Etheredge on his...on...recognized for the purpose of a motion to discharge Senate Bill 385. Senator Etheredge.

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SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the supplemental appropriation. It contains a number of items that are essential for the proper operation of State Government through the remainder of this fiscal year. I would point out that it includes among other things a supplemental appropriation to the Department of Public Health for the funding of the Women's, Infant and Children's Program. It includes an appropriation as well to the Department of Revenue to make appropriate disbursements to one hundred thousand people...one hundred thousand of our citizens who are entitled to circuit breaker checks. It also includes an appropriation to the State Lottery which will enable the lottery to make the appropriate prize payments to people. So I would earnestly request your support of this discharge motion in order that we can put this bill on 2nd Reading, that we can...hopefully debate it and pass it out of this Body soon in order that the State Government can continue to function appropriately through the rest of this fiscal year.

PRESIDENT:

All right. Senator Etheredge has moved to discharge the Committee on Appropriations from further consideration of Senate Bill 385 and asked that the bill be placed on the Order of 2nd Reading. Discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Obviously I have questions with this and would...oppose the motion at this time, but let me state why. This bill had been posted by both topic and number yesterday. The Governor and the Republican Party saw fit to deny the public information on the contents of this legislation. We sat there in committee with a quorum present. We acted on budgets that were presented to that

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committee. This bill, because of its subject matter, was to be heard by both the Appropriations I Committee and the Appropriations II Committee. Notice had been properly posted for yesterday's hearing and I believe also properly posted for Senator Hall's Appropriations II Committee. Just as we were going into committee, we were advised by the Office of the Governor that they would not present any testimony in support of this bill, supposedly critical to the operation of government, nor any other bill. We asked why were these needed, and they decided to remain silent. Why, for example, do we need a million two hundred thousand dollars for legal fees in the Department of Children and Family Services for cases they could not tell us were going to court or for law firms they could not identify? Why, for example, do we need money for some communities to get sewer projects outside of the legislation that we provided last year for those communities who need matches to get, in fact, sewer projects? Who's getting favored treatment and why? Why are they afraid to come to a public forum and discuss those issues? Why, for example, in the Department of State Police that has a transfer capability of a million three hundred thousand dollars do they want to give some favored few overtime pay without transferring the funds but asking us to assess the taxpayers of Illinois for those favored few instead of using the transferability they had? Maybe we start to understand why they did not want to come and testify in a public forum as required by our rules and considered by the Constitution of the State of Illinois. Why, for example, do we want in the Department of Public Health to pay for certain items never budgeted, never asked for, never discussed in an open forum before the people of the State of Illinois? The same is true department by department by department. We are seeing agencies of State Government who have violated federal law, and we are told to assess the taxpayers of Illinois for those violations.

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Oh, I could understand why the Office of the Governor does not want a public debate on those type of issues. I could understand why they would want to hide from the taxpayers of Illinois the fact that they are trying to inappropriately spend these kinds of money. Why not appear at a committee and testify when there was notice? Why a demand from the Governor of the State of Illinois to remain silent to the people of this State? Now we know what this is all about. It's to hide the abuses of the budget process from the people of Illinois.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you,...thank you, Senator Rock. Senator Carroll, I have served on the Appropriations Committee for four years. That's the first time I have any idea what in the world we are doing. Thank you.

PRESIDENT:

Further discussion? Senator Luft.

SENATOR LUFT:

Thank...thank you, Mr. President. I'm not so sure that...I know how to spell it but I know it when I see it, and I think the word is hypocrisy. We just sat here and went through one or two roll calls to put bills on the Table...or the Secretary Desk, I'm sorry, because they were not debated properly in committee, because we didn't have proper committee hearings and because the people's business was not allegedly done properly. Now we're sitting here with a motion to discharge Committee on Senate Bill 385 that was never heard in committee, that is millions and millions of dollars of money that absolutely nobody...and, Senator Fawell, it's no surprise over here you don't understand Senator Carroll, but it has been a long time of hypocrisy here for about the last forty-five minutes. Well, let me just tell you one



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thing; this Senator does not choose to participate in hypocrisy. I'll do a little bit of politics, maybe a lot of politics, but I won't do hypocrisy. This bill is important to the people of this State and the people that we represent, and you should have been in the committee meeting to make your case and you should have debated it. But I'll tell you what I'm going to do, I'm going to support you because I care about the people in the State, not about politics; so I'll help put this on 2nd reading for you, and then maybe the people will get a fair hearing in the State.

PRESIDENT:

All right. Further discussion? Senator Etheredge, do you wish to close? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I would ask for a unanimous roll call on this motion to discharge.

PRESIDENT:

The question is, shall the Committee on Appropriations I be discharged from further consideration of Senate Bill 385 and the bill be placed on the Order of 2nd Reading. Those in favor of the motion to discharge will vote Aye. Opposed 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 41 Ayes, 15 Nays, none voting Present. The motion prevails, and the bill will be ordered to...be ordered to the Order of 2nd Reading. Resolutions, Madam Secretary. I'm sorry, Senator Philip.

SENATOR PHILIP:

I...I think properly so, I have filed some more motions, we're still on motions. I would like to proceed.

PRESIDENT:

I was not aware that further motions had been filed...even as we speak. (Machine cutoff)...motions have been filed, which do

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you wish to proceed with? Senator Brookins, for what purpose do you arise?

SENATOR BROOKINS:

Yes, Mr. President...Mr. President, I make a motion that we discharge Senate Bill 67, which is the income tax bill.

PRESIDENT:

Well, we...we have a motion in front of you, Senator Brookins. If you'll submit that in writing, we'll certainly get to that one. Senator Jacobs, for what purpose do you arise?

SENATOR JACOBS:

Just the...proverbial problem, Mr. President. On that last vote I pushed my button, it didn't show. I'd like to be recorded as Aye.

PRESIDENT:

Well...yes, I think that...again,...and I appreciate that...we...we are attempting...the Chair is attempting to keep the voting open so that the members will have time to...to recognize whether or not their switch was effective. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Well, Mr...Mr. President, we have committee hearings that were supposed to start at two o'clock; it is now three-thirty, I move that we adjourn.

PRESIDENT:

Well,...easy...easy now...we...we got to get to the income tax, right. All right, Senator Philip has presented motions and then we will talk about adjournment. Madam Secretary, will you read the first motion.

SECRETARY:

I move to suspend temporary Senate Rule 45 during the consideration and vote upon the motion to amend Senate...temporary Senate Rule 45. I request a roll call vote upon this motion.

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Filed by Senator Philip.

PRESIDENT:

Senator Dudycz, for what purpose do you arise, sir?

SENATOR DUDYCZ:

Mr....Mr. President, Senate Bill 385 is being recorded here with the following Senators not having voted: Senator Degnan, Senator Dudycz, Senator Jacobs. Now, my switch was green and it was showing green upon...on the board. Can you tell me if it has been recorded by the Secretary?

PRESIDENT:

Well, I presume we can run a second roll call. Oh, we've got the same copy. I...I...I cannot explain that, Senator Dudycz, and the record will reflect at least by audio that you were and did intend to vote green.

SENATOR DUDYCZ:

No, I did vote green, Mr. President. It did show green, my...my switch showed green...

PRESIDENT:

But the roll call didn't print out.

SENATOR DUDYCZ:

...but the sheet of paper here that I have in front of me shows no vote. Now somebody is screwing up somewhere.

PRESIDENT:

Well, the only thing I can tell you is...is that our experience is that the...the printout reflects what's on the board...and beyond that, we'll...we'll certainly have it checked, but...yea, Senator Dudycz.

SENATOR DUDYCZ:

I just...I just want the record to reflect, Mr. President, that the board had a green light by my name and the printout did not show that I had voted. So you are incorrect there, sir.

PRESIDENT:

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All right. Senator Philip to explain his motion.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the...Session. What this motion does is...to suspend the motion 45 till we debate on it. As you know, we've always said on this side of the aisle, when you got thirty votes you ought to be able to vote on anything, and we want to get to the point to have a roll call on...on having it a simple majority like it is in the Illinois House of Representatives, like it's in the Federal Congress, the House and the Senate, and like it's in...eighty-five other legislative bodies in the United States; it takes a simple majority, not an extraordinary majority.

PRESIDENT:

All right. Senator Philip has moved to suspend temporary...Senate Rule 45 during the consideration and vote upon the motion to amend temporary Senate Rule 45, and a roll call has been requested. Senator Demuzio.

SENATOR DEMUZIO:

Yes, I'd like to have a ruling from the Chair as to whether or not this motion is, in fact, in order.

PRESIDENT:

Well, the Chair is prepared to rule that, given leave of this Body, it is in order and it's almost inevitable. The Chair is also prepared to rule that it's going to take an extraordinary majority to have this motion prevail. I am prepared to state my reason. Senator Philip.

SENATOR PHILIP:

I...I would bring to the attention of the Chair Rule 30, Suspension of Rules, "Roll call of the majority of the Senators elected".

PRESIDENT:

Senator DeAngelis.

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SENATOR DEANGELIS:

Are we finished with that...

PRESIDENT:

No, I...I'm not...that was a statement. He was calling Senate Rule 30 to my attention and I appreciate that.

SENATOR DEANGELIS:

Well, Senator Rock, I think that the reason for the motion is rather self-evident. However, the evidence to support it is even more self-evident, because on the very motion that we asked you to suspend the rules to discuss the motion that ought to be changed, we are not going to be given that opportunity. And, frankly, I have always felt that this House is operated in a fairly good order; however, I do believe that when something hangs over your head as deliberatious and odious as that rule is, sometimes the compliance comes out of necessity rather than out of sincerity. And I do really believe that we are not going to get about the business of the state till this issue is either given an opportunity to be voted on or dealt...dealt with in a fair manner. And I think the longer we defer the right of a minority...just a minute...the right of a minority when joined by other people to hear something, I think the worse shape we are going to be. We are a representative body and we cannot in all fairness represent who we are sent down here to represent if we are not accorded the opportunity to act in the manner that allows whatever disagreements there are or whatever judgments that have to be made to be made by a constitutional majority. All of us accept the rule of majority, but I really don't believe that as long as there is one opportunity for an extraordinary majority to have to prevail, then I really do believe that...particularly when it's in the control of the Chair, I really do believe you are taking away not only the rights of minorities but the rights of majorities when they act together. And..and frankly, Senator Rock, I think

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you would serve yourself much better if you had not ruled that way and if you would give us the opportunity in this Body. And I concur with you sometimes when you say, well, we can't flip around. Well, we're not asking to flip around because there has been several issues that have never been approved or never been voted on, and I think the time has come that we go about doing that.

PRESIDENT:

All right. Further discussion? If not, the Chair is prepared to rule that the adoption of this motion will require a two-thirds vote predicated upon a strict construction of Senate Rule 30 as it is written and Robert's Rules of Order, because if you have a careful reading of Senate Rule 30 as it is written in the negative, it shows that it is written as a prohibition against altering, suspending or rescinding a rule with fewer than thirty votes. It is not an affirmative statement as to the number of votes required to alter, suspend or rescind a specific rule, it establishes a floor; and in order to determine the vote requirements to alter, suspend or rescind a specific rule, we have to again turn to Robert's Rules of Order. And according to Robert's, Senate Rule 45, which has been a rule of this Senate since 1973, may be fairly regarded as a rule of order or a rule of parliamentary procedure which requires a two-thirds vote, according to Section 25, for its suspension or amendment. Having initially been adopted as this rule was by a unanimous roll call vote pursuant to Senate Resolution 2, on January 11, 1989, it will now take, the Chair rules, forty votes to alter, suspend or rescind Rule 45. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, we still have Rule 30 in operation which says, "Suspension of the Rules." And if you'll read very carefully, as I have tried to read, it

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says, "No rule of the Senate shall be altered, suspended or rescinded except by unanimous consent of the Senators present or...or upon motion supported by affirmative vote on a roll call of a majority of the Senators elected". I think we are in order to have this motion heard, if there's thirty votes passing it...I think that's it. You cannot invoke an extraordinary majority, just to quote from Shakespeare...the devil quotes scripture to his own purpose. That's what you're doing now, you're just quoting it to your own purpose and you know that's not the rule.

END OF TAPE

TAPE 2

PRESIDENT:

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, thirty-six votes is bad enough. I can't believe that we...you have come to the conclusion it takes forty votes to do anything in this legislative Body.

PRESIDENT:

No, I didn't say that.

SENATOR PHILIP:

...you know what? I've only been here a short time, twenty-three years. I can never remember in the history of the House or the Senate that it ever took any more than the majority to do anything. And I...I will tell you one thing, that is so far out of line it is absolutely unbelievable, and I will quote you Senator Rock, "It only takes thirty votes to change the rules". Now, all of a sudden, it's going to take not thirty-six, forty.

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You know, rightly or wrongly...the thirty members have a right to vote on any motion or any bill, and for you to find these wingding reasons to rule us out of order to get to thirty-six is...is unbelievable. Now you've gone to forty. I suppose tomorrow it will be seventy-five. It's unfair, unconstitutional, undignified, un-American. And you know what? All we are demanding is a roll call on motions. It takes thirty votes to pass the bill here. It's always taken thirty votes to do everything in this Body. Now we've gone from thirty votes to thirty-six. Now we are at forty. Unbelievable.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I...I think it's clear that...Roberts or Mason's do not supercede our rules, albeit...only our temporary rules. I think it's also unfair to indicate that a unanimous roll call in the first days of the Session is an indication of anything other than an agreement on all parties to take the temporary rules until that time as they could be debated, amended and perhaps, although it's not traditional around here, to adopt them as permanent rules. That is a real perversion of the system and of any form of legislative logic that I have ever heard of. You know, ten years ago, we had a rather interesting debate around here on February 14th, 1979, on an issue that some of us been around here awhile remember with memories called the Equal Rights Amendment. And one of the most, I think, knowledgeable members of the Senate had a very interesting quote when arguing against the three-fifths requirement for the adoption of Constitutional Amendments, and that member said that a state legislature should not be able...or require a super majority for ratification and thereby frustrate the desire of a majority of its elected members. It was a very eloquent speech. I'll let you guess who gave it,



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Mr. President.

PRESIDENT:

I lost that one.

SENATOR SCHAFFER:

But you were right on the issue...of allowing a majority of the members to be frustrated by rules of these types. Now I realize that consistency is the hobgoblin of little minds, to quote Senator Dirksen, but I don't think that I am out of line to ask for consistency. This is an issue of majority rule. It's what every one of us talks about when we speak to a high school, a grade school class. It's what we tell the people of this State this system is all about. There are thirty members who have clearly, repeatedly, demonstrated a willingness to get on with the business of the Senate, to amend the rules, to reform the rules, and to restructure this Body in a way they feel will make it more responsive to the needs of the people of Illinois. And this last ruling, while highly creative, is totally out of line.

PRESIDENT:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I've rangled over the deliberations in this Chamber for the last two weeks trying to figure out for the most part how you try to explain what's going on here to the folks back home. To date, I haven't been able to sum up for those folks back home just what we're all about because of the...complex issues before us. Senator Rock, your ruling a moment ago makes that job a lot easier for all of us. It's one thing...it is one thing for you to refuse to call some motions which you simply are afraid would change the power base you have here in this Chamber. It's another thing for you to send a message to the people of the State of Illinois who are represented in this General Assembly that we are now moving

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from majority rule to extraordinary rule to extra extraordinary rule, because that is exactly what you've just done by this outrageous ruling. I don't know how any of us can go home and report to our constituents and campaign in the next election and talk about the majority rule that is embedded in our Constitution, our United States Constitution, our State Constitution and all the rules which we abide by, and then make any attempt to defend the kind of ruling before you. This smacks in the face of democratic government, representative government. It frustrates those who we represent because we here in the Senate cannot do what they sent us here to do. This is a decision, Senator Rock, I think you will regret more than any you have ever made.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

(Machine cutoff)...I will do something that I don't do and that is speak to the people in the press on this issue. What we are talking about here, Senator Rock, you know it and every member of this Chamber knows it, is a extreme dissatisfaction with the appropriation process. Now what caused people to be where they are in this issue is a totally different question. But the fact of the matter is...is that there is a significant concern about the way the appropriation process is operated in this Chamber for at least the last decade. If you want to put tapes over all those names up there and flash whether or not people in this Chamber...the members of this Chamber thought that this process is fair, you and I both know that the vote would be overwhelmingly in support of a change in the way that that system is operated. Thirty people say it should be changed. A hundred and ninety thousand people sent me here. I am forty-six years old. I've been teaching law for fifteen years. I am a licensed attorney. You run to the press and tell...tell them I'm a renegade, I'm a

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disgrace, I'm an embarrassment. Thirty people, it's a majority, you've said it time and time again around this place. That's the issue. You can run from it but you're not going to change, because he's going to stay there and I'm going to stay there. So you can send your little lackeys out. They can whisper in the ears of the press. They can buy them a beer. They can give them a free meal. They can hope that they print it the way that they told them, but the fact of the matter is, fifty-nine people in this Chamber know the truth.

PRESIDENT:

Further discussion? Senator DeAngelis. Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. You know, Senator Schaffer, you and I both were here back in 1981 during that rump Session that...which you claim to have elected Mr. Shapiro as the Senate President. And you know what? I have in front of me the same resolutions and the same rules that you adopted during that rump Session that's provided for the three-fifths majority in order to change the rules. In addition to that, I might point out, you fellows went even a little further. When you established the Committee on Committees, you didn't put any Democrats on, and I can point out and point out and point out a number of other...reasons for your hypocrisy here today that...that you are attempting now to...to change these rules, the same rules that never...have been in effect since 1971, probably back to the Arrington days, rules that you, yourself,...adopted during that 1981 rump Session, and it just seems to me that this is the height of hypocrisy today.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Senator Demuzio, I, too, was here in

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1981, and I came over here from the House and watched when we... you attempting to get a...a President elected, and we, in the Senate, on the Republican side decided that perhaps twenty-nine votes, since you couldn't muster up your thirty at the time, would be sufficient. You took that to the courts. The courts ruled majority rules. Majority meant thirty. All we're saying is that's what the rules should be. Thirty votes should rule in this Chamber. We have thirty votes. We have those resolutions signed by thirty members of this Chamber, and just like the Supreme Court ruled, thirty makes it. We've got it. You should allow us to vote for it.

PRESIDENT:

All right. Further discussion? Senator Philip, you wish to close?

SENATOR PHILIP:

I just would appeal the rule of the Chair, Mr. President.

PRESIDENT:

All right. Before the main motion is put, that...that...that is in order. The question is, shall the ruling of the Chair be sustained. Those in favor of sustaining the ruling will vote Aye. Opposed sustaining the ruling will vote Nay, and the voting is open. Senator Dudycz, for what purpose do you arise?

SENATOR DUDYCZ:

Mr. President, as in the last vote, the board shows that I have voted...

PRESIDENT:

...well, we'll see if the print...

SENATOR DUDYCZ:

...and it shows on...on my button. I just don't know how the printout is going to deal with it.

PRESIDENT:

All right. We'll see momentarily here. Have all voted who

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wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Yeas are 28, the Nays are 30. Having failed to receive the necessary three-fifths negative vote, the appeal fails and the ruling of the Chair is sustained. Now, we'll see about the printout. Apparently this printout does have you properly recorded, Senator Dudycz. All right. Senator Philip. Yes, Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I still...still think I have one main motion, and I would like to proceed.

PRESIDENT ROCK:

All right. The motion has...the motion is to suspend Temporary Rule, Senate 45 during the consideration and vote upon the motion to amend Temporary Rule Senate...Temporary Senate Rule 45. Those in favor of the motion to suspend will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 28 Nays and the motion fails. Senator Philip.

SENATOR PHILIP:

I think there's another motion...

PRESIDENT:

Yes.

SENATOR PHILIP:

...filed, Mr. President...

PRESIDENT

There is another one.

SENATOR PHILIP:

...I would request a roll call.

PRESIDENT:

All right. All right, Madam Secretary, will you read the

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motion.

SECRETARY:

We move to suspend all applicable and relevant temporary Senate Rules for the purpose of the immediate consideration and adoption of the following amendment to Senate Temporary Rule 45. The amendment rule to read as follows with the underscored language being added and the overstruck language being deleted. Rule 45 appealing a ruling of the presiding officer. Filed by Senator Philip et al.

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. ...as you know, what this does, it amends Rule 45 to make it a simple majority, thirty. When we filed that motion, I believe we filed with thirty written signatures. I would request a roll call and remind the membership that the United States Congress, House and Senate, has a simple majority. The Illinois House has a simple majority. Eighty-five percent of the Legislatures in the United States have a simple majority...and Robert's Rules of Order.

PRESIDENT:

All right. The Chair will indicate that the same ruling will apply. This is a motion to amend as opposed to suspend, but it's subject to the same provisions in the opinion of the Chair. And on that motion, 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 30 Ayes, 28 Nays, none voting Present, and the motion fails. Yes, Senator D'Arco, for what purpose to you arise, sir?

SENATOR D'ARCO:

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Point of personal privilege, Mr. President.

PRESIDENT:

State your point.

SENATOR D'ARCO:

I just want to indicate for the record that Senator Philip constantly compares this Body with the House and the rules of the House with the rules of the Senate. They've got a rule in the House that allows them to replace people on committees with other people without that person's consent. So they can ram any bill they want through the committee. So, we shouldn't be comparing rules unless you want to compare all rules together equally between both Houses. And if you do that, I think this Body is a much fairer Body than the Body on the other side of the Rotunda, Senator Philip.

PRESIDENT:

All right. Resolutions, Madam Secretary. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, a point of parliamentary inquiry. On February 14, 1979, I was here when the debate took place about super majorities and you were the gentleman that said for a state Legislature to require a super majority would frustrate the desire of a...of a majority of its elected members. Were you wrong then or are you wrong today?

PRESIDENT:

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. Point of personal privilege.

PRESIDENT:

State your point, sir.

SENATOR PHILIP:

And I...I might remind Senator D'Arco that a majority is a

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majority is a majority. I compare it with the United States Congress, House and Senate. Eighty-five percents of the legislators...Legislatures in the United States has a simple majority. Now, take everything in this place, it should take a simple majority. You know we're right. There are thirty votes here. We ought to get on with the business of the State of Illinois, the business of the people and do what's right. Thirty votes are thirty votes are thirty votes are the majority.

PRESIDENT:

Resolutions, Madam Secretary.

SECRETARY:

Senate Resolution 216 offered by Senators Berman, Maitland, Demuzio and Kustra.

Senate Resolution 217 offered by President Rock.

Senate Resolution 218 offered by Senator Macdonald.

Senate Resolution 219 offered by Senator Maitland.

Senate Resolution 220 offered by Senator Geo-Karis.

Senate Resolution 221 offered by Senators Geo-Karis and Barkhausen.

Senate Resolution 222 offered by Senator Zito.

Senate Resolution 223 offered by Senator Zito.

Senate Resolution 224 offered by Senator Topinka.

Senate Resolution 225 offered by Senator Madigan.

And Senate Resolution 226 offered by Senator Dudycz.

Senate Resolution 227 offered by Senator Geo-Karis.

They're all congratulatory.

PRESIDENT:

All right. Consent Calendar, Madam Secretary. Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate that



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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 433, 87, 139, 140, 147, 176, 264, 352, 459, 138, 164, 193, 245, 252, 287, 291, 305, 315, 470, 514, 550, 640, 715, 764, 807, 877, House Bill 77, and 332. Passed the House April 25th, 1989. Filed by John F. O'Brien, Clerk of the House.

PRESIDENT:

Those House bills will be referred to the Committee on Assignment. Messages from the House.

SECRETARY:

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 35. Adopted by the House April 5th,...April 25th, 1989. John F. O'Brien, Clerk of the House.

PRESIDENT:

Consent Calendar. All right, Ladies and Gentlemen, any further business to come before the Senate? Announcements of any kind? Senator Philip and I have agreed that we will adjourn until noon tomorrow. And I have further agreed that the Rules Committee will meet at nine-thirty, in Room 212 to discuss any and all suggested changes as is proper under our procedure. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President. The Judiciary Subcommittee on the Code of Civil Procedure will...will meet in Room A-I at four-thirty today. That is Senators Carroll, Senators Berman, Senator Barkhausen and Senator Hawkinson.

PRESIDENT:

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All right. Senator Macdonald.

SENATOR MACDONALD:

Yes. Mr. President, I would like to Table Senate Bill 54 which is...almost identical and is identical in content to Senator Schuneman's Senate Bill 756.

PRESIDENT:

Senate Bill 54, where is it? Where does it reside, may I ask? That motion is in order, just where is the bill?

SENATOR MACDONALD:

...assigned to committee, I presume. Temporary Insurance Committee.

PRESIDENT:

All right. Senator Macdonald has moved to...to discharge the Committee on Insurance and Pensions from further from further...consideration of Senate Bill 54 for the purpose of Tabling. All in favor of the motion to discharge indicate by saying Aye. All opposed. The Ayes have it. The motion prevails. Senator Macdonald now moves to Table Senate Bill 54 as its Senate sponsor. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. The motion prevails and the bill is Tabled. Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. The Executive Committee will meet right after the close of the Session.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I'd like to merely announce that the Special Temporary Committee on Public Health, Welfare and Corrections will meet tomorrow morning, Thursday, April the 27th, in Room 400. I'm asking all members to please be present and on time. Thank you.

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PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. The Election and Reapportionment Committee, the Special Temporary Committee will meet at 10:00 a.m. tomorrow in Room A-I, and all members are requested to be present.

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. The Special Temporary Labor Committee will meet in Room A-I immediately after Recess, and if everyone gets there on time, we shouldn't be long.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Local Government Special Temporary Committee will meet immediately in Room 400.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President. Appropriations II Special Temporary Committee will meet at 10:00 a.m. in the morning in Room 212.

PRESIDENT:

Any further business? If...if not, Senator Demuzio moves that the Senate stand adjourned until Thursday, April 27th. Tomorrow, Thursday, at the hour of noon, Ladies and Gentlemen. The hour of noon.

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