

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

1st Legislative Day

January 13, 1993

GOVERNOR JIM EDGAR:

Article IV, Section 6 -- please have your attention. Article IV, Section 6 of the Constitution of the State of Illinois reads, in part, as follows: On the first day of the January Session of the General Assembly in odd-numbered years, the Governor shall convene the Senate to elect from the Membership a President of the Senate as Presiding Officer. As Governor of the State of Illinois, I would now like to call the 88th General Assembly - the Senate - into Session. Please be in order. The media is granted permission to record these proceedings. As Governor, I would like to welcome all of you to these proceedings, and particularly as someone who started out his governmental career almost twenty-five years ago as an aide to the Senate President pro tem, Senator Arrington, it's indeed my honor to preside over these proceedings today. And particularly to the Members of -- the new legislators here today, the families -- the members of those families, let me offer my congratulations to the newly elected Senators and the family members, because I'm sure you'll find - as our family found - these to be exciting and challenging times. You might have thought the campaign was challenging and exciting; I think you'll find the actual service for the people of the State of Illinois to be equally as exciting and sometimes challenging. It's now my pleasure to ask Dr. Roger Compton, Senior Pastor of Central Baptist Church here in Springfield, to please come forward and give the Invocation. Dr. Compton.

DR. ROGER E. COMPTON:

(Prayer by Dr. Roger E. Compton)

GOVERNOR JIM EDGAR:

Thank you, Dr. Compton. The following Senators are appointed to the Committee to escort Members of the Judiciary into the Chambers. Senator Hawkinson, Petka, Fitzgerald, Berman, Palmer and Severns. The Chair is pleased to recognize Members of the

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Judicial Branch in attendance, Members of the Supreme Court: Chief Justice Ben Miller, Chief Justice John Nickels, Chief Justice - excuse me; I don't want to elevate you all here - Justice John Nickels, Justice James Heiple, Justice Charles Freeman. Welcome. Also, we have in attendance some of the statewide elected officials: Lieutenant Governor and Mrs. Bob Kustra; Comptroller Dawn Clark Netsch, both former Members of the Senate. Also we have former Governor and First Lady Jim and James -- Jim and Jayne Thompson. Also we have with us Congressman Tom Ewing. And Chairman of the Republican Party in the State of Illinois, Mr. Al Jourdan. Now to lead us in the National Anthem, I would like to ask the Southeast Sensations to please come up. They are students from Southeast High School here in Springfield, and I'd ask everyone to stand.

SOUTHEAST HIGH SCHOOL SENSATIONS:

(National Anthem by the Southeast High School Sensations)

GOVERNOR JIM EDGAR:

Thank you very much, Southeast Sensations. I hereby appoint the following persons as temporary officers of the 88th General Assembly: Jim Harry, Secretary of the Senate; and Tracey Sidles, Sergeant at Arms. The Secretary will now read the Letter of Certification from the State Board of Elections. After each Member's name is read, please indicate your presence for the purpose of an attendance roll call. Mr. Secretary, please read the Letter of Certification.

SECRETARY HARRY:

Communication from Ronald Michaelson, Executive Director, State Board of Elections, Springfield, to Linda Hawker, Secretary of the Senate. Attached is a list of individuals who have been elected to serve as Members of the Illinois State Senate in the 88th General Assembly, and have been certified by the State Board of Elections at their board meeting on November 23, 1992: 1st

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District, Jesus G. Garcia of Chicago, a four-year term; 2nd District, Miguel del Valle, Chicago, two-year term; 3rd District, Margaret Smith, Chicago, four-year term; 4th District, Earlean Collins, Chicago, four-year term; 5th District, Rickey R. Hendon, Chicago, two-year term; 6th District, John J. Cullerton, Chicago, four-year term; 7th District, Walter Dudycz, Chicago, four-year term; 8th District, Howard Carroll, Chicago, two-year term; 9th District, Arthur L. Berman, Chicago, four-year term; 10th District, James A. DeLeo, Chicago, four-year term; 11th District, Gary J. LaPaille, Chicago, two-year term; 12th District, Robert S. Molaro, Chicago, four-year term; 13th District, Alice J. Palmer, Chicago, four-year term; 14th District, Emil Jones, Jr., Chicago, two-year term; 15th District, William "Bill" Shaw, Chicago, four-year term; 16th District, Donne E. Trotter, Chicago, four-year term; 17th District, Bruce A. Farley, Chicago, two-year term; 18th District, Patrick J. O'Malley, Palos Park, four-year term; 19th District, William F. Mahar, Orland Park, four-year term; 20th District, Beverly J. Fawell, Glen Ellyn, two-year term; 21st District, Chris Lauzen, Aurora, four-year term; 22nd District, Judy Baar Topinka, Riverside, four-year term; 23rd District, James "Pate" Philip, Wood Dale, two-year term; 24th District, Robert Raica, Chicago, four-year term; 25th District, Doris C. Karpiel, Carol Stream, four-year term; 26th District, William E. Peterson, Long Grove, two-year term; 27th District, Peter G. Fitzgerald, Inverness, four-year term; 28th District, Marty Butler, Park Ridge, four-year term; 29th District, Grace Mary Stern, Highland Park, two-year term; 30th District, David N. Barkhausen, Lake Bluff, four-year term; 31st District, Adeline Jay Geo-Karis, Zion, four-year term; 32nd District, Dick Klemm, Crystal Lake, two-year term; 33rd District, Steven Rauschenberger, Elgin, four-year term; 34th District, Dave Syverson, Rockford, four-year term; 35th District, J. Bradley Burzynski, Sycamore,

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two-year term; 36th District, Denny Jacobs, East Moline, four-year term; 37th District, Todd Sieben, Geneseo, four-year term; 38th District, Patrick Daniel Welch, Peru, two-year term; 39th District, Dan Cronin, Elmhurst, four-year term; 40th District, Aldo A. DeAngelis, Olympia Fields, four-year term; 41st District, Thomas McCracken, Jr., Downers Grove, two-year term; 42nd District, Edward F. Petka, Plainfield, four-year term; 43rd District, Tom Dunn, Joliet, four-year term; 44th District, John W. Maitland, Jr., Bloomington, two-year term; 45th District, Robert A. Madigan, Lincoln, four-year term; 46th District, Richard N. Luft, Pekin, four-year term; 47th District, Carl E. Hawkinson, Galesburg, two-year term; 48th District, Laura Kent Donahue, Quincy, four-year term; 49th District, Vince Demuzio, Carlinville, four-year term; 50th District, Karen Hasara, Springfield, two-year term; 51st District, Penny Severns, Decatur, four-year term; 52nd District, Stanley B. Weaver, Urbana, four-year term; 53rd District, Harry "Babe" Woodyard, Chrisman, two-year term; 54th District, William L. O'Daniel, Mt. Vernon, four-year term; 55th District, Frank Watson, Greenville, four-year term; 56th District, Sam M. Vadalabene, Edwardsville, two-year term; 57th District, Kenneth Hall, East St. Louis, four-year term; 58th District, Ralph Dunn, DuQuoin, four-year term; and 59th District, James F. "Jim" Rea, Christopher, two-year term. There are fifty-eight Members present, Mr. President.

GOVERNOR JIM EDGAR:

A quorum is present. Like to ask Chief Justice Ben Miller to please come to the rostrum to administer the oath of office to Members of the Senate. Will the Senators-elect please rise to be sworn into office.

CHIEF JUSTICE BEN MILLER:

Raise your right hands, please, and repeat after me: I - and state your names - do solemnly swear that I will support the

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Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the Office of Senator of the State of Illinois to the best of my ability. Congratulations to all of you.

GOVERNOR JIM EDGAR:

Let me join the Chief Justice in congratulating all the new Senators. Now let's just hold it for a little bit longer here. The next order of business is the election of the President of the Senate of the 88th General Assembly. In the opinion of the Chair, thirty affirmative votes will be required to elect the President. Nominations are now open. Senator Weaver is recognized for the purpose of placing a name in nomination.

SENATOR WEAVER:

Governor Edgar, my fellow Senators, it is with great pleasure and honor that I rise to nominate James "Pate" Philip for President of the Illinois Senate for the 88th General Assembly. Pate Philip has served this Body well as Minority Leader, and he is most deserving to be nominated. One of the oldest sayings in this Body is, "Your word is your bond". That perfectly describes the manner in which Senator Philip has served the Senate. Regardless of the issue, regardless of the politics that may be involved, if Pate Philip tells you he's on your side of the issue, he's there. And if he disagrees, well, you'll know that too. I don't believe there's anyone in the General Assembly who has a better reputation for honesty, candor, than Senator Philip. Senator Pate Philip - you always know where he stands. Pate is honest. He's candid, and his approach to State Government is to sit down with all sides and work out the solutions that will best keep this State moving forward. He has done so for the last twelve years as the Republican leader of the Senate. He will make an excellent President, and I'm very proud to nominate him as the Republican candidate for President of the Illinois Senate. Thank

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you.

GOVERNOR JIM EDGAR:

Senator -- Senator Weaver nominates Senator Philip. The Chair recognizes Senator DeAngelis for the purpose of seconding the nomination.

SENATOR DeANGELIS:

Thank you, Governor. Yesterday we saw what was described as the end of an era. But the end of an era, as long as the process continues, signals the beginning of another one. The era that we just ended yesterday was described as an error -- era of fairness. The area -- the era we are going into is the era of doing what is right. If there is one message that has been sent across the State of Illinois and across the country, is the people want the Legislatures to do what is right, and the person that has just been nominated is the person that fits that bill. No person in this Body has waited longer; no person in this Body has worked harder; no person in this Body is more deserving than Pate Philip. I stand proud with you to second the nomination of Pate Philip for the President of the Illinois Senate, and when he is elected and when he has served, the people of Illinois will have been well served.

GOVERNOR JIM EDGAR:

Senator McCracken is recognized for the purpose of seconding the nomination.

SENATOR MCCRACKEN:

Thank you, Governor. I first came to know Pate Philip well about ten years ago, when I first started in the General Assembly. At that time, I was an untried freshman, who was not particularly supported by his party in the primary. I first got to know Pate well coming over here asking for his help in securing passage of legislation, and something that struck me at that time and stays with me today is that Pate Philip didn't want to know anything

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about me other than my political philosophy. When I'd come over and ask, he'd say, "What do you believe in?" Do you believe in this? Do you believe in that? And for a man known as a politician, I thought that was very uncharacteristic. Well, it turns out that that is Pate Philip. That in fact he has always been concerned about one's philosophy - where he stands on the issues. And now we have a chance to put into practice his, and our, system of values and philosophy. You will see, as I have seen, that Pate Philip is a man of vision; a man who will rise to his post as leader of the Illinois State Senate; a man who will do, not only the institution, but the people of Illinois, proud in that role. Therefore, Governor, I respectfully rise in support, and to second the nomination of Senator James "Pate" Philip as Senate President.

GOVERNOR JIM EDGAR:

Are there other nominations? Chair recognizes Senator Collins for the purpose of placing a name in nomination.

SENATOR COLLINS:

To the Governor and Members of the Senate, I rise to place in nomination the name of Emil Jones, Jr., for President of the Illinois Senate. For those of us who had the opportunity to serve under Phil Rock, the selection of a new leader was by no means an easy task, for he served this Body with great distinction. He demonstrated a sense of sincerity of both purpose and character, which carried us through one of the most difficult economic times that we have experienced in this State during the last half of the decade. I am reminded of one of my favorite quotes from the Tales of Two Cities. This was the worst -- best of times and this was the best of times. In spite of the economic difficulties, we were able to craft budgets that was balanced, that met the operational needs of State Government, but most of all, they were tempered with just enough compassion to respond to many of the critical

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needs of the people of this State. The opportunity to elect a new leader provides us a new basis to establish a new benchmark for progress. We can choose to move forward or we can choose to regress. Senator Emil Jones has demonstrated the commitment to progress. While the latest economics indicators of this State gives us some hope that the worst of our fiscal crisis may be behind us, there is still much to be done - some of the most blatant deficiencies that must be addressed if there is any hope of realizing the goals of economic and social stability of this State. Illinois still lags behind forty-three other states in its support for education. It is common knowledge that the current school aid formula does not pass the test of equity and -- adequacy to insure equal -- educational opportunities to all the children of this State. Inequities in the distribution of the tax burden over the income classes must also be addressed. In this area, Illinois ranks among the worst in the Nation. According to recent reports, those who earn less than twenty thousand dollars in this State pays approximately nineteen percent of their income to taxes. Those who earn twenty to fifty thousand dollars pays approximately thirteen percent; fifty to a hundred thousand dollars pays approximately ten percent. But for those who earn over a hundred thousand dollars, pays less than six percent of their income to taxes. This disparity must be addressed. Unemployment is still too high, and in many minority communities it is higher than it is in some third-world countries today. Consequently, the rapid emerging of a permanent, hostile, poor underclass in some of our urban areas has created an environment of entire communities where law and order is a rare phenomenon. Violent crimes, abuse, and the killing of innocent children and adults are frequent occurrences. The sale of illegal drugs and other forms of economic exploitations are the primary means for survival for many of our citizens. The State economic growth is

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highly dependent upon moving people from the state of tax consumers to taxpayers. We cannot accomplish this goal by cutting people off of the welfare rolls without adequate provisions for training and employment. The declining of -- decline of economic democracy of the workplaces must also be addressed. It is grossly unfair for the corporate profits and EEO <sic> salaries to show major increases while employee wages and benefits in this State is on the decline. Our quest for affordable and accessible health care must also be addressed. I believe that Emil Jones has demonstrated the commitment, the will, and the ability to get this job done. Ladies and Gentlemen, I proudly submit to you the name of Emil Jones, and I will say to the other Members of that side of the aisle, and to their nominee, which will probably make a good leader: You have an opportunity to elect a great leader. All you have to do -- vote for Emil Jones, and then lead two of your Members - just two - to follow you, because a vote for Emil is a vote for progress. Thank you.

GOVERNOR JIM EDGAR:

Senator Collins has placed in nomination Senator Jones. Is there a second to that nomination? The Chair recognizes Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Governor and Members of the Court, and guests and family and those joining us in the Chamber. First let me indicate, Governor, if I might, when you called the roll there was a Member absent on our side - Senator Sam Vadalabene - I spoke with on the phone this morning, and he wishes everyone well. As you know, he is at home recuperating from an illness, and I think it's his every intention to come back and join us as soon as he can. So I send to all of you first, greetings from Senator Sam Vadalabene, who is unable to be here for the first time in twenty-seven years. My heart goes out to him. I know it does --

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you do, and all the Members in this Chamber, as well. Let me thank you, Governor, for recognizing me to -- also to second the nomination of Emil Jones to be the Senate President for the 88th General Assembly. I have been proud to know and to work with Senator Jones now for almost two decades. He has, in my judgment, the ability, the knowledge, the creativity, the experience, the pragmatism and the tenacity and most importantly, the fairness, to lead us. I believe that Emil Jones, in the past, has indicated a willingness and ability to compromise - a quality which is essential in leaders. At the same time, Emil Jones is prepared to fight for the same issues which Cecil Partee, which Tom Hynes, and which Phil Rock fought for on behalf of the people of this State as Senate President. Emil Jones stands ready, confident in his ability to lead and to help you, Governor, and to help Pate Philip and the Republicans to continue to make Illinois truly the great State that it is. I know Emil Jones' political career - a career that's been built on sacrifice - and I'm sure that his wife, Pat, and family can tell you of the sacrifices that they have made in those two decades of service to the people of Illinois. I know that his career has been dedicated to fairness, to justice and to equality. Emil Jones always believes in compassion; it's a way of life for him. He will join, Governor, with you and with all the Members of this Chamber to continue to fight for funding for our schools and for social services programs and protecting our environment, for improving our urban areas and bringing prosperity to rural Illinois, and creating jobs and improving our infrastructure and protecting our children and our senior citizens from crime in the streets. Our caucus came together on December the 17th. I have been here eighteen years. For the first time, we Senate Democrats organized early - for the first time in almost two decades - and I think that it is to his credit that we are now together rallying behind Emil Jones as President of the Senate -

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for his ability to bring people together, for his ability and -- and his willingness to compromise, for his thorough understanding of the needs and the concerns of the people of this State, but most importantly, for his pledge to be fair and open and to allow for a open discussion of each and every issue that our Members seek to debate on the Floor of this Body. Governor, I stand here today proud to second the nomination of Emil Jones, Jr., to be the Senate President of the 88th General Assembly. Thank you very much.

GOVERNOR JIM EDGAR:

The Chair recognizes Senator Carroll for a seconding nomination.

SENATOR CARROLL:

Why, thank you, your Excellency, your former Excellency, our distinguished guests and friends, and Ladies and Gentlemen of the Senate. I rise today to second the nomination of Emil Jones, Jr., as Senate President for the 88th General Assembly. As we said yesterday, and Senator DeAngelis, I think, well emphasized, Senator -- Senate President Phil Rock has left us a great fourteen-year legacy. One of the Senate as a Chamber of fairness - a Chamber of fairness for all Members, of openness to the public, of full and fair debate on all issues - in committee - and here, yes, on the Senate Floor. He has left us the type of legislative Chamber that the public demands, and one whose results, through open debate, have made the people of Illinois proud and the people of this Chamber proud. We, of course, as Members, want his successor to have those same attributes. Emil Jones shares those attributes and goals. He has worked long and hard in this type of environment - in his years in the House; in his years in the Senate. And I believe Emil Jones, as the nominee of the party that received fifty-five percent of the vote cast for State Senators in this past general election - the popular vote

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cast - that he should be the Senate President. Of course, my years in working with appropriations has taught me how to count. This Session should be one of bipartisanship; one of agreements; one of compromise; one of working together. And I firmly believe that Senator Emil Jones, with his experience in the Legislature, will make those goals into realities. Those partnerships will be needed as we tackle the great issues facing this State for the next two years and beyond. He knows the tasks that lie before this General Assembly and this Senate, and knows that working together, with good and honest and forthright open debate, those tasks are not insurmountable. We must provide for affordable health care, and in turn pay the providers of those cares in a timely and sensible fashion. We must insure that low-income senior citizens receive the benefits that they need in pharmaceutical assistance and otherwise. Yes, we must provide for a balanced State budget, but a budget that truly meets the needs of all of the people of all of this great State. Senator Jones firmly believes, like I do, that the Constitution of this State is what should dominate that which we do. And it provides that we, the people, are here to provide for the health, safety and welfare of the people of Illinois. Senator Jones has demonstrated time and time again his willingness to compromise for the benefit of the people of this great State, and he has shown that he is not afraid of making and keeping his commitments. He is the kind of leader that we, as Democrats, can be proud of. The kind of leader that our Republican friends can, in fact, work with. And most importantly, he is the kind of leader that the people of Illinois can - and will - be proud of. I proudly second the nomination of Emil Jones, Jr., for President of the Illinois State Senate for the 88th General Assembly.

GOVERNOR JIM EDGAR:

Are there any other nominations for Senate President? If not,

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the Chair would recognize Senator Geo-Karis for the purpose of making a motion. Senator Geo-Karis.

SENATOR GEO-KARIS:

Your Excellency, Governor Edgar, and presiding officer of this astute Body of the Senate, it is my pleasure to move to close the nominations for the Office of President.

GOVERNOR JIM EDGAR:

Thank you. You've heard the motion to close nomination. All those in favor of the motion, please say Aye. Those opposed, so indicate by saying Nay. The motion carries, and the nominations are closed. The Secretary will now call the roll of Senators. Each Senator should answer the roll by stating one of the names nominated or by voting Present. Please call the roll, Mr. Secretary.

SECRETARY HARRY:

Barkhausen. Barkhausen votes Philip. Berman. Berman votes Jones. Burzynski. Burzynski votes Philip. Butler. Butler votes Philip. Carroll. Carroll votes Jones. Collins. Collins votes Jones. Cronin. Cronin votes Philip. Cullerton. Cullerton votes Jones. DeAngelis. DeAngelis votes Philip. DeLeo. DeLeo votes Jones. del Valle. del Valle votes Jones. Demuzio. Demuzio votes Jones. Donahue. Donahue votes Philip. Dudycz. Dudycz votes Philip. Ralph Dunn. Ralph Dunn votes Philip. Tom Dunn. Tom Dunn votes Jones. Farley. Farley votes Jones. Fawell. Fawell votes Philip. Fitzgerald. Fitzgerald votes Philip. Garcia. Garcia votes Jones. Geo-Karis. Geo-Karis votes Philip. Hall. Hall votes Jones. Hasara. Hasara votes Philip. Hawkinson. Hawkinson votes Philip. Hendon. Hendon votes Jones. Jacobs. Jacobs votes Jones. Jones. Jones votes Jones. Karpziel. Karpziel. Karpziel votes Philip. Klemm. Klemm votes Philip. LaPaille. LaPaille votes Jones. Lauzen. Lauzen votes Philip. Luft. Luft votes Jones. Madigan. Madigan votes Philip. Mahar.

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Mahar votes Philip. Maitland. Maitland votes Philip. Molaro.
Molaro votes Jones. McCracken. McCracken votes Philip.
O'Daniel. O'Daniel votes Jones. O'Malley. O'Malley votes
Philip. Palmer. Palmer votes Jones. Peterson. Peterson votes
Philip. Petka. Petka votes Philip. Philip. Philip votes
Philip. Raica. Raica votes Philip. Rauschenberger.
Rauschenberger votes Philip. Rea. Rea votes Jones. Severns.
Severns votes Jones. Shaw. Shaw votes Jones. Sieben. Sieben
votes Philip. Smith. Smith votes Jones. Stern. Stern votes
Jones. Syverson. Syverson votes Philip. Topinka. Topinka votes
Philip. Trotter. Trotter votes Jones. Vadalabene. Watson.
Watson votes Philip. Weaver. Weaver votes Philip. Welch. Welch
votes Jones. And Woodyard. Woodyard votes Philip.

GOVERNOR JIM EDGAR:

Results of the roll call are as follows: Senator Philip, 32
votes. Senator Jones, 26 votes. Senator James "Pate" Philip,
having received the necessary votes, is hereby declared elected as
President of the Senate of the 88th General Assembly. (Applause
by the Illinois Senate) I'd like -- I'd like to ask Senator
Philip if he'd please join us at the rostrum, so he can be sworn
in - make this official. While we're waiting for Senator Philip
and his wife to come to the Podium, let me just say that Pate is
someone I've worked with a long time. He's one of the few people
that have been here longer than I've been here, and I don't know
of anyone better prepared to assume the Presidency of this Body
than Senator Pate Philip. And Pate, we look forward to working
together in the months ahead as we meet the challenges of the
State. Also like to ask that Judge Unverzagt would please come to
the rostrum to administer the Oath of Office.

JUDGE UNVERZAGT:

(Judge Unverzagt administers the Oath of Office to the
President of the Senate)

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(Applause by the Illinois Senate)

PRESIDENT PHILIP:

Thank you very, very much. You know, I've been around a long, long time, and I have never seen so many people at the swearing-in ceremony in my twenty-six years in the legislative process. Or any more enthusiasm. And I certainly appreciate that. Let me now introduce my family, which I am very, very proud of, and I first would like to introduce my wife, Nancy; my mother-in-law, Harriet Britz, better known as "Sidecar". I will let you all figure that out. And then, of course, our two boys, Randy and Kevin; and Sharon, Randy's fiancée; and then, of course, my brother and sister-in-law - who live in my district, incidentally - Joan and Joe Britz; then I have my brother's family here, Arthur and Joan Philip; their three daughters; and the oldest daughter is married, Amy and Jim Raftis, and they have a new little boy in the family - another Republican. We need all the help we can get. And his name is Philip Ryan Raftis. And also, I'd like to introduce my brother's two daughters, Jessica and Elisa. So, I want to thank them for being here - thank them for all their help and support. This is probably one of the most thrilling days in my life. After being in the legislative process for -- twenty-six years is a long time. I served in the House for eight years, in the majority. And very honestly, I never had it so good. I didn't realize how good it was to be in the majority. When I came over here to the Senate - and I have served here for eighteen years - of course I have been in the minority. And believe me, there is a difference. And I -- and Senator Rock and I -- talking last night after we passed the resolution in his honor, I said, "You know, I didn't realize how easy it was to be the Minority Leader." He said, "What do you mean by that?" As the Minority Leader, you don't have very many decisions to make. They make them for you. And of course, now the shoe is on the other foot. So believe me, there

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is a difference. I understand that. I know that. You know, I spend about half my time thanking people. And I would like to thank the Governor, Jim Edgar; the Secretary of State, George Ryan; the Lieutenant Governor, Bob Kustra; who have been extremely helpful to me. And during the campaign I don't think there was a time that I didn't call either of those three and request an appearance in a Senator's district that they did not show up in that district. And I certainly appreciate that and will not forget it. Also, the people who placed me in nomination: Senator Weaver, Senator DeAngelis and Senator McCracken. I thank you for those kind words. I'm not sure they were very accurate, but I appreciate those words anyway. And let me, last of all, thank the thirty-one Republican Senators who voted for me for their leader. I consider that a honor, a responsibility, and I take it very, very seriously. I am very proud of - as you know, we have five brand-new freshman, who have never been elected to any office. And we have eight Members -- House Members coming over to the Senate that just were sworn in today. So we have thirteen brand-new freshmen Senators - and I'm very proud of that class. We have had more talent, I think, in this freshman class than I have ever seen in the history of this Senate, in the history of my twenty-six years in the legislative process. And you will notice that in this coming Session. Now one thing I might say in this election - this election was, of course, a little disappointing to Republicans, to say the least. We did do very well in -- in the Legislature. We increased five in the Illinois House. We did take the majority for the first time in eighteen years in the Illinois Senate. And if I noted one thing while I was campaigning in my district and throughout the State of Illinois, I noticed people wanted a change. I'm not sure that they understand what change they wanted, or what the change should be, but they certainly indicated to me they -- they wanted a change. Well, we

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have changed two things already. The first thing that we have changed is the majority is Republican in the Senate for the first time for eighteen years. The second thing we have changed is the Calendar. As you know, I have been as frustrated as most Members around here. I think we spend too much time here. We waste too much time here. The Speaker, very graciously, and I have agreed to a new Calendar. As you know, we're going to be out, I hope, May 28th. We're not going to go to the July 1 time. We're going to start early, finish early, and do the work of the people in the light of day. And I will say this, that we're going to be changing the rules. And I -- I suppose that, in some cases, they might be considered controversial. And they may be. We want to open up the system. And when I say that -- and I can remember myself being frustrated here occasionally, when at the end of business of the day that somebody would move to suspend the rules for posting of bills, and perhaps later that evening, or the next day, we heard some of those bills. It really doesn't give the opportunity for the public to have their input. I have seen the same thing around this place when we -- we kill the same amendment or the same bill four or five or six times. I think the record, I think, is six times. We're out of that business, as far as I'm concerned. Conference Committee -- the Second Conference Committee, whether it's amended or not - it goes down, it goes down. And I will tell you this, that I'm going to try to be as fair as Senator Rock has been. And I mean that from my heart. You know, he certainly will go down in history as the greatest President of the Senate. Fourteen years, you know, that'll never happen again, in my judgment. But he was always fair and objective. I'm going to continue that way. My door is always open. I have known -- I think I know who your Minority Leader is going to be. He and I have always been friends. We've always gotten along. We will try to work those daily problems, and those

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problems out at the end of the Session together - with his input. I always had input when Senator Rock was President of the Senate. Didn't always agree, but I will tell you, every day before the Session he would call, we would talk over the program, we would work out those problems. I intend to continue that operation, in respect for the minority - you remember, I was there for eighteen years. So I know what it is to be in the minority. You're lucky that Senator Rock was your leader for fourteen years, because I've learned my lesson. I'm going to be as fair as Senator Rock has been, and so you are the -- you will benefit because of that. While we're going to be changing the system, going to be changing the rules, I think everything is a step in the right direction. It's more openness. We're not going to stick around here long. They're going to not be as many committees. Some people may not like that, but there won't be the conflict in the schedule, et cetera. And we're -- this place is going to be run businesslike. It's going to be open. Well, I -- I see that my -- our ex-Governor is here, Governor Thompson and his -- and his lovely wife. And I just wanted to comment that, as you know, he was the longest-serving Governor in the history of Illinois, and I can remember many long evenings at the mansion with a -- maybe a couple of bottles of pop and a pizza and the leadership trying to work out all of those problems. And it was always a pleasure to work with -- with Governor Thompson. And I'll tell you one thing - last night on the way out, Senator Rock said, "You know, do you see Jim Thompson very often?" I said, "Yes, I do see Jim Thompson." He said, "Will you please give him my regards; he was a great Governor, and he's a great friend." So my hat's off to you, Governor Thompson. And thank you for being here. Well, I am certainly looking forward to working with you the next two years. And as I say, I will guarantee you fairness. One of the most difficult things that I have to do today is appoint my assistant

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leaders. And let me tell you that is -- it's always been a problem. It has always been extremely difficult, because I like to think we have a lot of talent on our side of the aisle. And of course, you are limited to the amount of people you can put in leadership. So I would like to announce my Assistant Majority Leaders. I had to think for a minute -- and -- Senator Weaver, Senator DeAngelis, Senator Geo-Karis, Senator Maitland, Senator Watson, Senator Dudycz and Chairman of the Republican Caucus, Senator Donahue. Once again, I would like to thank Governor Edgar for all his help and support. I've enjoyed our relationship. He certainly has done a very, very good job under very unusual circumstances. I certainly look forward to working with him like we have in the past, and I think that he -- he is in a little bit of a hurry today. So I would appoint the Senators to -- to usher out the Governor. Senator DeAngelis, Senator Burzynski, Senator O'Malley, Senator Smith, Senator O'Daniel, Senator Cullerton. If they would please come up here and escort our outstanding Governor out of the Chambers. I'm going to have to learn the mechanics of the Podium here - make sure I have the right switch on. At this point I would like to appoint the Parliamentarian for the rest of the Session, and I would like to appoint Steve Morrill as our Parliamentarian. Well, as Temporary Parliamentarian. Already he's correcting me. Now the next order of business is the election of the Minority Leader. And I would like to recognize Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I would ask leave for unanimous consent on behalf of the Democratic Members of the Senate to declare Senator Emil Jones, Jr., Minority Leader of the 88th General Assembly.

PRESIDENT PHILIP:

Is leave granted? Leave is granted. I declare Senator Emil

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Jones as the Minority Leader of the 88th General Assembly. (Applause by the Illinois Senate) Chair -- the President would like to recognize Senator Jones, if he would like to make a few remarks.

SENATOR JONES:

Thank you, Mr. President, Governor and Mrs. Edgar, Lieutenant and -- Lieutenant Governor and Mrs. Kustra, Comptroller Netsch, Mrs. Ryan, Chief Justice of the Supreme Court, Justice Miller, and all the other Justices of the Supreme Court, a long and valued friend, former Governor and Mrs. Thompson, my wife, Patricia, my sons, Emil and Emil, my daughter, Renee and all my family, and to all my friends and families who are witnessing the beginning of the 88th General Assembly, welcome to the Senate. To my colleagues on the Democratic side of the aisle, thank you for your support and your help over the next two years. We are a diverse group of legislators, reflecting our districts, the people who elected us, and the ever-changing population of the State of Illinois. Let us pray that the 88th General Assembly can distinguish itself in the service of our people. I am very proud to hold the post of Democratic Leader for my Democratic colleagues in this Illinois Senate. And it is with deep commitment that I follow my predecessor, former President Philip Rock. President Rock, if you are listening, it is with high regard for the tradition you forged in this Chamber, that I accept the post of Minority Leader. You have honored us with your legacy of fairness; your deep respect for the office, and opinions and positions, however -- how diverse they may be, of the Members of this Body and the voters who elected them from their respective districts. To my friend across the aisle, now Senate President Philip Rock -- Freudian slip -- Pate Philip. My sincere congratulations to you, Pate, as you begin your term as Senate President. I look forward to working very closely with you as we

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begin the people's work in the 88th General Assembly. It won't be a new endeavor for either of us. We worked together on legislation in the past. We both served in the Illinois House. We both were chosen leaders by our respective caucuses, and we have more that we have in common, than we have to divide us. Senator Philip, you held the post as Minority Leader, and you distinguished yourself in that role, and I commend you for it. We both have strong ties to our respective parties, and even stronger beliefs in those different philosophies, but it is my sincere hope that this transfer of leadership in the Illinois Senate will continue the tradition of searching for the right answers, as John F. Kennedy once said, rather than Republican answers or Democrat answers to the problems of the people of the State of Illinois. As Democrats and Republican party lines have been firmly drawn in the Senate, and we have philosophical differences, and those differences on both sides of the aisle have always been given the opportunity, the right, the ability to be heard in this Chambers. Democrats may not have the numbers to control the gavel during this 88th Session of the General Assembly, but neither did we use the gavel in the past to hammer or -- or a hindrance when a Member of the Republican Caucus rose and spoke on this Floor. It is my hope, and a hope of my Democratic Caucus, that the tradition of free speech, fairness and complete discussion of the issues will be the hallmark of this Body that has been the precedent set by your predecessor. So again, Senator Philip, I want to congratulate you on being Mr. President, and I want to thank my Members on this side of the aisle and all my colleagues for their support. At this time I'd like to announce my leadership team: Senator -- Assistant Majority <sic> Leader Senator Earlean Collins; Senator del Valle, Senator Howie Carroll, Senator Demuzio, Senator Luft, and in his absence, our esteemed Caucus Chair, Senator Sam Vadalabene. But in his absence, when he is not

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here, I'd like to have our distinguished colleague Senator Cullerton serve as Deputy Caucus Chair to handle the problems -- handle the Democratic Caucus when asking for a caucus. So Senator Philip, again, congratulations to you, and we are prepared to cooperate when cooperation is deemed necessary, but we respect you as President, and we are ready to begin the 88th General Assembly.

PRESIDENT PHILIP:

Thank you, Senator Jones, and once again, congratulations. And I commend you on your assistant leadership. You certainly have picked a lot of talent. To conclude this ceremony, I would like to call to the rostrum a employee of the Senate who is an accomplished vocalist, Sue Hilliard, to sing "God Bless America". Sue.

SUE HILLIARD:

(Sue Hilliard sings "God Bless America")

PRESIDENT PHILIP:

We may have to have Sue come back again. Now I'd ask the Reverend John Ossola, Director, Cathedral of the Immaculate Conception, Springfield, to give us the Benediction.

REVEREND JOHN OSSOLA:

(Benediction by the Reverend John Ossola)

PRESIDENT PHILIP:

May I ask the Committee on Escort for the Judiciary: Senator Hawkinson, Senator Petka, Senator Fitzgerald, Senator Berman, Senator Palmer and Senator Severns to please come forward to escort the distinguished members of the Judiciary from the Chamber. I would ask that the Senate would be for ease for a few minutes until our guests and friends have left the Chamber, and I hope that you would come directly back, because we have, I think, four or five resolutions to adopt. So I will give you a few minutes. Please come right back.

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(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDENT PHILIP:

I've got to get used to that switch. I would request that the Members come to the Floor, please. I would ask that the Members would come back to the Floor, so we can -- proceed ahead on the adoption of some resolutions. The next order of business will be the -- to complete our organization resolutions, and Mr. Secretary, would you please read Senate Resolution No. 1.

SECRETARY HARRY:

Senate Resolution No. 1, offered by Senator Weaver.

PRESIDENT PHILIP:

The Chair recognizes Senator Weaver to explain our resolution and to make a motion.

SENATOR WEAVER:

Thank you, Mr. President and Members of the Senate. This is a standard resolution that appoints certain officers of the Senate. Especially, the resolution appoints Jim Harry, Secretary of the Senate; Linda Hawker as Assistant Secretary of the Senate; Tracey Sidles as the Sergeant at Arms; and Judith Ann Johnson as Assistant Sergeant at Arms. And I would move its adoption.

PRESIDENT PHILIP:

The Chair recognizes Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I rise to support the Resolution No. 1. I've known all the nominees of the offices that -- names who appear in the resolution, and Linda Hawker, Mr. Harry, Judith Johnson and the other nominee; they are all very fine people. I think they would do us justice in this Senate, and I rise to

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support Resolution No. 1.

PRESIDENT PHILIP:

The Chair recognizes Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I reluctantly rise in -- in support of Senate Resolution No. 1. The people that have been nominated and are going to be voted on by this Body are all good people, all honorable people, and I have no qualms with those that have been appointed -- or are going to be elected by this Resolution No. 1. However, I do have some mixed feelings, 'cause we are losing a Gentleman evidently that is being replaced that, to me, has been a stalwart of this Body, to me a true friend, and always good for a jovial hello and brightening up one's day, and that be Danny Day. And I wish that this resolution included Danny Day. It does not; therefore, I stand ready to support this resolution, because his replacement, Judith Ann Johnson, is also a very good friend, very well-qualified, will do an excellent job. So it's a passing of the guard, I guess, but it's one that -- I just wanted to let this Body know, and to let Danny Day know, that I feel very, very sad for him, 'cause this is a sad day for me and I know for Danny Day. Thank you.

PRESIDENT PHILIP:

The Chair recognizes Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Well, I want to echo what my colleague, Senator Jacobs, had to say about Danny Day, because I feel exactly the same way he does about Judith, and I feel the same way about Danny. I've found Danny to be a very, very loyal person to this Body, and in his performance of his duties he would never - repeat never - do anything that would embarrass a Member, and if he saw something, he kept his mouth shut. And I'm sure at

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times he kept his eyes closed, as well, on some things that go on in life. But I just want to thank Danny Day for his loyalty to this Body, which I consider to be very important.

PRESIDENT PHILIP:

Further discussion? If not, this takes a -- to adopt this resolution it would require a roll call vote. So the voting switch is open. Please vote accordingly. Have all voted who wish? Now I understand that Senator Sieben's switch is not operating, so I would ask Senator Sieben how he would like to vote on Senate Resolution No. 1. Take the record. Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. This switch is off. I would like to be recorded as voting Aye.

PRESIDENT PHILIP:

How did the Senator wish to vote on Senate Resolution 1?

SENATOR HASARA:

I wish to be recorded as voting Aye.

PRESIDENT PHILIP:

Thank you, Senator. Take the record. On that resolution, there are 57 Ayes, there are no Nays. The resolution is adopted. The next resolution, Mr. Secretary. Will you please read Senate Resolution 2.

SECRETARY HARRY:

Senate Resolution 2, offered by Senators Hawkinson, McCracken, Fitzgerald and Weaver.

PRESIDENT PHILIP:

The Chair recognizes Senator Hawkinson to explain the resolution and to make a motion. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Resolution 2 are the proposed rules for the Senate in the 88th General Assembly. These are not standard rules. These rules make some significant changes

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in the way that the Senate does business. The...

PRESIDENT PHILIP:

Senator Jones, as soon as he explains the adoption of -- the resolution, there'll be plenty of time for questions. Chair recognizes Senator Jones.

SENATOR JONES:

Thank you, Mr. President. The proposed rule <sic> number two that you are presenting to this Body was handed to us at five minutes after twelve. It is a total rewrite of the rules. Common courtesy would dictate that before discussion is made, that we on this side of the aisle be given the opportunity to caucus, and that caucus would take a substantial period of time. I request, Mr. President, at this point, that we be given the opportunity to hold a Democratic Caucus for at least three hours, so we will have time to review these rules before we have a opportunity in this Body to vote on it. I know you, Mr. President, your Members, did have an opportunity to caucus on this. We did not. We only received it during the ceremonial part of the Session, so therefore, Mr. President, I respectfully request a Democratic Caucus immediately. And I request that caucus for at least three hours to give us time, as your caucus has had time, to review the rules.

PRESIDENT PHILIP:

Thank you, Senator Jones. That -- that request is certainly in order. The Senate will stand at ease until quarter to three. Senator Jones.

SENATOR JONES:

I respectfully request a three-hour caucus. These rules are very substantial. They are very -- they have what you call many substantive changes. In the -- if we're talking about openness; we're talking about fairness; we're talking about the tradition of the Senate. Then you, in turn, Mr. President, will give me ample

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time so my Members can discuss these rules to see what changes that are being made. That courtesy has always been given. It would take us at least three hours, Mr. President, and I respectfully request that that caucus be held in Room 327, if it is available, immediately.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Let me -- let me just ask you a question, Mr. President, if I might. Would it not be proper for us to -- allow us the opportunity to -- to take these home this evening and perhaps we can come back and do this tomorrow? What's the rush? I mean, all the way back till Russell Arrington's days, we have always adopted the temporary rules of the Senate on the opening day, or -- or while we were in Session, and then we were afforded the opportunity to debate those rules and add -- ask Members for various amendments when we -- when we had the opportunity over a two-week recess to -- to observe them. Would it not be proper for us to at least have the opportunity to do this tomorrow, rather than today?

PRESIDENT PHILIP:

Well, as you know, Senator Demuzio, fourteen years ago we never saw the rules at all. At least you got them a little ahead of time. The last -- the last time that -- that we had this ceremony, I never saw the program until after the prayer, if you want to know the truth. And I'll tell you, we want to get -- we want to get the committees established. We want to assign some bills to committees, because when we come back here on the 26th, 27th, we want to have some hearings. We want to get moving. That is the reason we were anxious to adopt these rules.

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END OF TAPE

TAPE 2

PRESIDENT PHILIP:

I understand that there have been some amendments filed to these rules already, which is fine. They will be considered. Senator Collins.

SENATOR COLLINS:

Mr. President, that is all the more reason why we should be given the opportunity for a caucus so that we can know what's in this package here. We -- we can't even determine whether or not the amendments are good or bad if we don't know what it is that we're amending. The issue is here. It's time for us to find out what's in it. And I don't know what the rush -- you have thirty votes over there and, to my knowledge, thirty votes gives you the opportunity to do almost what you want. But what is more important here - I don't think that any of us will be served well by you. Your first most official act here is to really renege on your promise of openness and fairness, and I think that probably slaps most of us in the face worse than anything else. Please, give us the chance to have a caucus and find out what's in this thing.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Well, thank you, Mr. President. And I'm sure, as the Chair has indicated, that the President intends to offer a caucus, but I'd also remind the Chair that we have a statutory duty to organize ourselves and that that is our responsibility, and that it would be dilatory to leave these Chambers today without having

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adopted some rules, so that the Senate can complete the process of organization.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

In the spirit of compromise - Senator Jones asked for three hours - how about if we have a caucus until 4 o'clock? That'd be two hours.

PRESIDENT PHILIP:

You know, trying to be able to get along, why don't we have a recess till 4 o'clock, be back at 4 o'clock, on time. All right? The Senate stands at recess until 4 o'clock. Senator Jones.

SENATOR JONES:

Is the -- the esteemed Chambers of the former President available, because we have a room problem, and we...

PRESIDENT PHILIP:

Absolutely, Senator Jones. Be my guest. You can go back in Senator Rock's office. Senator Demuzio.

SENATOR DEMUZIO:

I wanted to suggest to my colleague on the other side of the aisle that -- that we are not trying to be obstinate, because we know you have the votes. We are simply asking for time to be afforded to us to look to -- just a -- all right, wait a minute. The problem is, is that we have always adopted temporary rules. These rules that you are attempting to adopt should go to a -- should go to the Rules Committee, there should be a public hearing on them, and then Members having the opportunity to -- to know precisely what is in this package. You can adopt temporary rules today. They go all the way back to Russell Arrington. You said fourteen years ago you never had a copy of the rules. We didn't change the rules then. We simply adopted the temporary rules of the previous General Assembly. These are a major departure from

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the practices that we have -- and the traditions of this -- of this Senate. We are just simply asking for the adoption of the temporary rules and a hearing on these -- these changes.

PRESIDENT PHILIP:

Well, the request for a Democratic Caucus is in order. We're going to stand in recess until the hour of 4 o'clock.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The hour of 4 having arrived -- before we had the recess, as you know, we were on Senate Resolution No. 2. It had been read into the record, and Senator Hawkinson was up explaining it. So, let's -- we go back to that same position. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President.

PRESIDENT PHILIP:

Senator Hawkinson, one moment. Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. Isn't it the procedure to hear the amendments to any proposed legislation prior to that legislation being debated on the substantive issues?

PRESIDENT PHILIP:

Senator Jones, first we will state the main motion and then your amendments will be heard. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President.

PRESIDENT PHILIP:

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Excuse me -- excuse me, once again, Senator. Senator Jones.

SENATOR JONES:

Point of order, Mr. President. One of my Members did seek recognition. I wish you would give him the courtesy of recognition.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I simply rise to say the fact that since we have three noncontroversial resolutions - Senate Resolution No. 3, Senate Resolution No. 4 and Senate Resolution No. 5 - I would like to appeal to the Chair or make -- put a -- make a motion that we consider the noncontroversial Senate Resolutions 3, 4 and 5 together and vote on them at this time to get them out of the way. I make that in the form of a motion.

PRESIDENT PHILIP:

Thank you for the suggestion, Senator. You -- normally we consider resolutions in the way they have been filed. So this is the second resolution. We should just continue the way we are, and we will recognize once again, for the third time, Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. In moving the adoption of Senate Resolution No. 2, I believe the Senate will be fulfilling its statutory and constitutional duty to organize itself by the adoption of Senate rules. However, I recognize that there have been amendments filed to Senate Resolution No. 2, and therefore, I will reserve my comments on the main motion and the main resolution until after we have heard the amendments.

PRESIDENT PHILIP:

Senator Jacobs, what purpose are you...

SENATOR JACOBS:

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...(inaudible)...if I may.

PRESIDENT PHILIP:

Okay. State your point.

SENATOR JACOBS:

Mr. President, I was trying to get -- while we weren't into a debate here, because it's really not part of the debatable issue, but prior to caucus we did make a big hullabaloo about getting back at 4 o'clock and there was great lengths that we went to to make sure that we did back on time, along with comments by yourself that there's a businesslike manner; that we're going to run it like a businesslike manner. We come back, and I have to give up a half hour of my time, as well as everyone else, with our family and our friends who we have down, and we hope that this is not indicative of the businesslike manner that you had indicated, Mr. President. And we're sure it's not, but we do just want to express that concern. And with that, I would make a motion that we recess until tomorrow morning and discuss this issue.

PRESIDENT PHILIP:

You making a motion to adjourn, Senator Jacobs?

SENATOR JACOBS:

To adjourn until tomorrow morning at 9 o'clock, yes, sir.

PRESIDENT PHILIP:

Thank you, Senator Jacobs. Senator Jacobs has moved that the Senate stand adjourned. That motion, in judgment of the Chair, is in order. It is also not debatable. If you would like a roll call. I would admonish the Members that the Senate has not yet completed its orchestrational <sic> pursuit to the Constitution. Specifically, the Constitution charges us with the duty to establish procedures for the conduct of business in this Senate. It is the hope of the Chair that we will complete our organization today. So if you want a roll call, we will have a roll call. Once again, Senator Jacobs has moved that we stand adjourned. A

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roll call vote will be taken. Those in favor, vote Aye. Those 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 25 Yeses, 32 Nays. The motion is defeated. Senator Hawkinson.

SENATOR HAWKINSON:

Mr. President, before the -- before the motion to adjourn was made and called on, I had indicated that I was -- in making the motion and rising on the motion to adopt Senate Resolution No. 2 so that we could complete our organization, pursuant to Statute, by the adoption of the rules, I recognize that there had been amendments filed to Senate Resolution No. 2, and therefore I would defer my remarks on the main motion until after the consideration of the amendments.

PRESIDENT PHILIP:

Mr. Secretary, have there been any -- any motions filed?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Jones.

PRESIDENT PHILIP:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Amendment No. 1 to Senate Resolution No. 2 requires that we adopt the previous rules as temporary rules of the 87th General Assembly for the 88th General Assembly, and that is what the amendment does. And the reason why I present this amendment, Mr. President and Members of the Senate: we, as well as the other Members on the other side of the aisle, received this massive document, which is a substantial change in the rules. And I believe, Mr. President, your Members - and many of your new Members - do not realize what is in these rules. Senator Hendon attempted to get Senate Resolution No. 4 adopted first. This is your resolution. It says, "It is necessary that

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Senators should be conversant with the business transacted by the Senate each day, in order that they may act understandably on all matters." This is your resolution, Mr. President, and you want us to go into a massive change of rules that totally gag each Member of this Chamber - not just Democrats, but Republicans equally as well. So Amendment No. 1 will allow us to adopt temporary rules of the previous Session to give all Members a time to debate these rules, to have a public hearing. So I move, Mr. President, that we adopt Amendment No. 1 to Senate Resolution No. 2.

PRESIDENT PHILIP:

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you -- thank you, Mr. President. I would rise in opposition to Floor Amendment No. 1 to Senate Resolution 2 for many reasons, but I think it's only important to note one. If we adopt Floor Amendment No. 1 and adopt the former rules, we will be recreating twenty-one committees, instead of the dollar savings to the taxpayers which we propose in Senate Resolution No. 2, and I would urge the defeat of Floor Amendment No. 1.

PRESIDENT PHILIP:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. I think that there is no doubt that what we are about to do here with respect to -- Senator Hawkinson, your resolution is a tremendous departure from the previous practices and traditions of this Body. The temporary rules date all the way back prior to Russell Arrington. People who indicate that they have not seen the previous rules are in error, because we have, at least in my eighteen years, each two years, we have adopted the temporary rules of the previous Legislature. The temporary rules then would be amended, and they would be amended by virtue of

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amendment on the Floor and also by a hearing of the Rules Committee with respect to the new rules that we are going to be adopting. This amendment that you have is a tremendous departure, again, from tradition and previous practices, and it seems to me that we ought to adopt temporary rules today, and then you may do whatever you wish in the future, after there is such time as we have a public hearing, an opportunity for all of us to have input into these rules. And frankly, this sixty-six- or sixty-eight-page document that was plopped on our desks at 12:05 this afternoon is really massive. It is a tremendous departure and -- and -- and -- of the structure of this -- of this Body, and I think that the public ought to be aware of what we are doing. And this stifles debate; it stifles free speech. And it seems to me that, in all fairness to this Body, temporary rules today. You can come back and adopt your permanent rules at a later date, after a hearing, because you have the votes to do so. That's all we are asking. Thank you.

PRESIDENT PHILIP:

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I would suggest to you that the response of the sponsor, Senator Hawkinson, is not responsive to what we are trying to suggest by this amendment to the resolution. The question of how many committees we should have should be something that the public has some input on. Between 12 o'clock today and now - a quarter to six -- quarter to five, the public has not had the opportunity for input. Let me give you an example. And Senator Hawkinson talks about the number of committees. There is nothing special in my mind as to whether fourteen committees are magic or twenty-one, but I do think that there are some people that would like to have the opportunity to suggest to us that, for example, Higher

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Education have its own committee and Elementary and Secondary Education have its own committee, as they have had for many, many years in this Body. Now, we may decide that having one committee for both higher and so-called lower education is a more efficient way and more responsive way to address that, but I think that the university system, our junior college system, community college system, our elementary and secondary schools, ought to know that this is a change that is being suggested, and ought to have the opportunity to let their legislators know that they like it or they don't like it. I noticed also that there is a committee -- we presently have a committee called Labor and Commerce. There is no committee with the title "Labor" in the proposed listing under Resolution 2. That's telling me something; you're right. But that something ought to be something that a few of the working people that you and I represent may have the opportunity to comment on. Shouldn't labor have some title, some recognition that there are laboring people in Illinois? Now, again, Ladies and Gentlemen, this may be a technicality - it may be small, but I don't think it's small to the millions of people that pay dues for labor, that labor in our respective districts; to the millions of dollars - or billions of dollars - that we spend for education. This suggested amendment merely says that today we adopt the temporary rules so that we do have rules, and before the suggested schedule of committee hearings. And that does not have to be postponed. Senator -- President Philip has indicated he likes to -- wants to start early. I'm all in support of that. But there ought to be an opportunity for public input. All that we're doing here is adopt the temporary rules, allow public input, and then we will address permanent rules. And that's why I urge your Aye vote on this amendment.

PRESIDENT PHILIP:

Any further discussion? Senator DeAngelis.

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SENATOR DeANGELIS:

Thank you, Mr. President. I am a little disturbed by some of the insinuations being made. First of all, Senator Berman, I've been here fourteen years. I have yet to have ever been invited to a single hearing on how many committees we're going to have and how they're going to be composed. And to suggest, all of a sudden, that we're being less than fair by coming forward with the suggestion of streamlining -- and I've got to tell you: I also resent the fact that this is being taken out of context. The reason for streamlining the rules -- the committees is to make sure that people can attend those committee meetings, because the method of passing legislation has been altered also in this proposal. And if you had twenty-one or twenty-four committees, it would have been almost physically impossible to be dealing with those bills, because of the number of people that would have to be on those committees, and in many instances, they would have to be on two committees meeting at the same time. So you have to take that within the context of the way it's being proposed. And I've got to tell you something else: I hope we're not going back to 1975. I always thought that labor was part of commerce. I did not realize they lived in a world separate from it. In fact, the things that led to a lot of the problems in Illinois is that so-called separation. You're either pro-labor or anti-labor, pro-business, anti-business. Folks, it's all one thing. It's all jobs. And whether it's labor or commerce, it's together. Labor is, in fact, an integral part of commerce. And to suggest that not having that in the title is dropping labor out of any consideration is absolutely incorrect. And the other thing, and lastly, in every situation -- and I may be wrong on this -- I know the first year I was down here, Senator Netsch tried to change some rules. And you know how she did it? Precisely the way it's being done right now -- with amendments that were submitted on the

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Floor. And I've got to tell you: they were defeated by Members of your own party here. So to turn around and think we're plowing new ground, coming up with something real new, something to hurt the opposition, is absolutely incorrect. The main reason for doing this today - and the only reason - is to go about the business of getting the job done. Now if you don't think you had enough time to consider it -- you called for a caucus to look at this. Now, I don't know - was everybody playing gin rummy during that caucus? This thing is not that complicated that -- you may not like it. But I've got to tell you right now: it isn't that complicated to understand. And it's all in one resolution. You don't like it, vote No. Simple as that. You like it, vote Yes.

PRESIDENT PHILIP:

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

...(machine cutoff)...Mr. President. I rise in support of the amendment. There are a number of freshmen here - people who have never been in the General Assembly - and there are a number of Members who came over from the House, and this is your first day in the Senate. I would just suggest to the freshmen that normally, the way it worked in the House and as well as the Senate, is that we would be spending this time with our families that came down to see us get inaugurated, at various functions that are going on right now; that every time, in both the House and in the Senate, we would adopt the temporary rules and then make subsequent rules changes in the future. That's the normal procedure. So that's why this is unusual. And for those Members who were in the minority in the House, who are now in the majority in the Senate, we all worked under the leadership of Speaker Madigan, and he was very -- his nickname was the "Velvet Hammer". So you -- you lost - you are familiar with that - but it was done in a subtle manner compared to this. And I'll even suggest to you

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- I'll even suggest to you - that you first read these rules today yourself. You first read these rules today yourself. Maybe a few of you might be in on the inner circle, and you might have had a few weeks to look at it; but, when the effect of these rules sinks in, you're going to have second thoughts. I'll make that prediction right now. What we ought to do is adopt the temporary rules, adopt the -- pass rules as our temporary rules, and go join our family.

PRESIDENT PHILIP:

Further discussion? Senator McCracken.

SENATOR MCCRACKEN:

That is true. We did adopt temporary rules in the House; however, that was required by Statute regarding the organization of the General Assembly. That Statute does not govern the organization of the Senate, however - only the House. And it is by that means and for that reason that we acted, enacting temporary rules. The question is the merits of these rules, and we will address those when the main motion is put and considered.

PRESIDENT PHILIP:

Further discussion? If not, the question is, shall the Senate adopt Amendment No. 1 -- there is a roll call vote we'll be taking. The voting -- I'm sorry, Senator. You certainly do have that. You may close on your amendment.

SENATOR JONES:

Taken from your previous remarks, Mr. President, of openness, of fairness, in the tradition of the Senate, I think I deserve that right. These amendments that are proposed to us, and the reason why I proposed this particular amendment, for the same reason you stated in your opening remarks as you accepted the presidency -- presidency of this Body. You indicated you wanted to be open, you wanted to be fair. Each of us were elected from a constituency of approximately 196,000 people - Democrats,

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Republican, suburban, downstate. The proposed rules that are here are designed to gag, to muzzle any idea, any legislator, from being heard, even in committee. Those of you who do not support this amendment, you will be denying the people who voted you into office the right to have that bill heard into whatever committee that -- that it is assigned to. Senator Philip, Mr. President, what we start today will set the course for the entire Session. If you want to muscle this through - and you have thirty-two votes, and I warn my colleagues on the other side of the aisle: tomorrow, next month, you would have surrendered to one person - one person - the right to decide whether that voice will be heard in this Chamber. And I know you respect your Leader, and I know you had your caucus, and some of you didn't receive this document no more than fifteen minutes before I got it. And if you vote in the blind, you're destroying your own constituency. It was once said, Mr. President, "Those who foolishly seek power by riding the back of the tiger, ended up inside." I suggest that you, Mr. President, don't seek power by trying to muzzle and gag the Members, and support this amendment to give not only the Members on this side of the aisle, but even your own freshman Senators, an opportunity to see what they are voting on and not surrendering the rights of the people who elected them to office. I ask for a favorable roll call vote.

PRESIDENT PHILIP:

The question is, shall the Senate adopt Amendment No. 1. A roll call vote will be taken. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On that question, 26 Nays -- 26 Ayes, 32 Nays. The motion has -- the amendment has been defeated. Any further amendments?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Jones.

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PRESIDENT PHILIP:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. On debate on Amendment No. 1, it was stated by the other side that, "I never seen the amendments before, or when we adopted the temporary rules." Here are the Journals. There were no changes in the rules. The temporary rules were adopted, and maybe two or three weeks or months later, if there were changes, we did it then. Everyone had an opportunity to review the rules. So there were no major changes of substance in the previous rules. What Amendment No. 2 does is suggest that we adopt the previous rules of the 87th General Assembly and set up a Rules Committee - Members appointed by the President of the Senate and Members appointed by the Minority Leader - and we will review any rules or amendments to the temporary rules. That is a fair way, Mr. President, of having openness and fairness in government. I'm taking your own words: openness, fairness, in government. And if you are sincere about that, Mr. President, you will vote in favor of Amendment No. 2.

PRESIDENT PHILIP:

Any further discussion? Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Just briefly. Amendment No. 2 is essentially the same as Amendment No. 1 to adopt temporary rules, with an add-on paragraph referring the proposed rules to a new committee to be appointed. For the reasons stated in opposition to Amendment No. 1, I would rise in opposition to Floor Amendment No. 2.

PRESIDENT PHILIP:

Any further discussion? Senator Jones, to close, on Amendment No. 2. Excuse me. Senator McCracken.

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SENATOR McCracken:

Thank you, Mr. Speaker. Oh, I'm sorry. What Chamber am I in? Whenever I'm lost in thought, I think of Mike Madigan. I would like to just respond briefly, and I don't make light of the issues before us here today. But, in effect, this is no different from the prior amendment, and really what it asks is not so different from what we are proposing. At some point, permanent rules have to be adopted. It's either today or it's later. What is the difference if the rules are adopted today and we call them permanent? You are still given an opportunity to respond to those rules, to seek to amend those rules if you wish to do so. That is provided in our rules that we propose to adopt in Senate Resolution No. 2. Let's not get hung up on form over substance. Let us move to the change which the voters have asked for. And you will have your day in court in the permanent Rules Committee.

PRESIDENT PHILIP:

Discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator, you're coming on fast. Let me just give you one reason why I think we should do this, because, you know, all we're doing here is 32-26, 32-26. We're going to end up 32-26, and we're going to do that probably on Amendment No. 2 -- or Resolution No. 2. But let me tell you just one reason why I think we should take another look at this. Let me just read to you one line out of what we will be voting on in Resolution No. 2. "Any Floor amendment, joint action motion for final action or conference committee report that is not approved by the Rules Committee is out of order." That means any conference committee report that we have must go back to be approved by the Rules Committee. That alone, to me, indicates why -- you talk about trying to speed this process up - that doesn't speed it up. That kills the process.

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If you want to speed the process up, you do a lot of the things that are mentioned in this. There's a lot of good things in this. I don't have any qualms with a lot of it, but I do have qualms with the fact that we are giving almost complete dictatorial - sorry, Mr. President - dictatorial powers to one man who can control everything that happens in this Body. Conversation about Mike Madigan, whether we want to be like they do in the House. One side, we hear what Mike Madigan does; the other side, we hear we don't like what Mike Madigan does. But I'm going to tell you one thing: I do not want to see this Senate controlled by one man. If, in fact, that is what is happening in the House, I don't want that to happen in the Senate. And for that reason, I think that we should most definitely vote Yes on this amendment so that we can give it a little time, get some of this Mickey Mouse stuff out of here, because we do most certainly have some Mickey Mouse things in here. And I defy any of you on that side of the aisle to look me in the eye and tell me that this is even a anywhere-near-perfect document. Sure, it can be changed, but you're much better to make the change up front. This thing, really, as we will vote on it on Resolution No. 2, is probably one of the worst things that I've seen in my short time that I've been here. I ask for an Aye vote.

PRESIDENT PHILIP:

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I know that I'm just a freshman here, and perhaps I should sit around and wait till I learn a lot before I speak, but I just wasn't raised that way. And I just thought -- when I came to the Senate, people told me that it would be different than being in the City Council in Chicago. But I see that it's the same. I always protested when something came to me in the City Council and I didn't have the chance to read it, look

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it over, digest it and give an opinion. And it would be wrong for me to sit here and not do the same with these rule changes. There are a lot of things in here, Mr. President, that I could support - a lot of them. There are lot of things in here that I may not support, but I do believe that every Member of this Body should have the right to take a document home overnight, at least twenty-four hours, read it - so you will know what's in it before you vote on it - and -- and you may find some votes on this side of the aisle, if that opportunity is given, and I just hope that -- that this is just a one-time thing, Mr. President, and this will not be the way that the Senate operates, because I didn't leave the Chicago City Council to come and be in the same -- same old bag. So I just hope that we're able to do this in the future in a way that'll afford all the Members - each and every Member, wherever you're from, whichever side of the aisle you're on - the opportunity to read the legislation, to know what's in the legislation, because our constituents did not send us down here to just vote without reading and digesting whatever it is: good, bad, Democrat, Republican, or otherwise.

PRESIDENT PHILIP:

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I guess the framers of our Constitution were pretty wise, both in 1870 and 1970, when they said legislation - things that are important to people - had to be read on three separate legislative days, debated, public hearings - the people's right to know. But they said nothing could be rushed through, nothing could be ramrodded through that would affect the lives of the eleven and a half million people of Illinois. Three separate days, three separate readings, hearings, debate. Maybe these rules, some people think, because it's a resolution, do not affect the lives

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of people. But I believe, as our Leader, Senator Jones, has said, when you stifle the people's voice -- it's not the Member's voice; it's not just me or the hundred and ninety-six thousand people who live in my district. It's the people's right: to come into hearings, to have amendments heard, to have an issue that they want debated. They want to petition their elected Member of the Illinois Senate to bring an issue before the Body. And suddenly they find: no, you can't, not under these rules, not under the Pate Philip rules - those are not allowed. No, no, no, no. That's not what the Constitution of 1870 or 1970 said. And I think it should apply equally to that which we are about to do that will stifle the rights of people. What is wrong with having a full hearing on these significant changes? I happen to be with a lot of the other speakers; some of them I love - I think they're great - the ones that I've been able to read quickly, in a few moments. Huge package here that makes significant changes, not drafted like we do legislation where we take out old language and put in new so people can see quickly what changes have been made, but rather maybe to confuse. Nothing underlined, nothing stricken out, so no one knows what changes are being made till you've had a chance to digest it. These are rules that will govern us all - each and every one of us - and the people who sent us here and the people who want to come here and petition us. I think it is all the more eminently fair - those who say there should be committee hearings on everything absolutely should say there should be something to get us going today - a temporary rule, have these heard in a public forum, let people comment, and then vote on that which is good and, of course, defeat that which is bad. And I would, therefore, urge that Senator Emil Jones' amendment be adopted.

PRESIDENT PHILIP:

Further discussion? Senator Palmer.

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SENATOR PALMER:

Thank you, Mr. President. I rise in support of Floor Amendment 2. I, too, am a fairly new Member of this Body. I came from an organization where we worked very hard to have partnership between the public and private sector. As a part of that partnership, one of the terms that we used over and over again in education and in other areas is "best practice". What that means is, and what partnership means, is that we must reach into the larger body of the community and find out from them what it is we need to know to do our business in the best possible way that we can. We have heard in this Body that we want to be efficient, that we want to be businesslike, and so forth. If we adopt these rules as they are, we have, in effect, cut ourselves off from the kind of information that we need from the larger body to carry out effectively, efficiently and democratically what we should be about in this Body. I urge us not to rush posthaste into adopting rules that will affect the entire eleven million population of the State of Illinois with no discussion beforehand, and that puts us in a terrible position of not even knowing what it is we're voting on. Let us take this brief time to put into practice, put into place, the temporary rules, so that we can be more effective as Legislators on behalf of our constituencies.

PRESIDENT PHILIP:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much, Mr. President. Last night we had a bill presented to us. There was no debate. There was no hearing. There was no time to even read the bill, and yet it was insisted that under the temporary rules that are so fair, that - the other side seems to think, at least, they were fair - we passed a bill that I will lay you odds ninety-five percent of us didn't even know what in the world we were voting on. We spent the people's

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money like it was water. We voted on a pension bill that most of us had no idea exactly what it contained. And why? Because of the fact that we didn't have any hearings. It was three times the size of this particular rule. What we are attempting to do with these rules is to stop that nonsense. How many times have we sat here late into the evening, particularly at the end of the Session, and had reams and reams and reams of paper? And how many trees we managed to kill, Lord only knows. None of us knew what was in there. How many of us went back to our constituents, who then asked us, "Why did you vote on this? How did you pass this?" And we have to sit there and say, "Did we do that?" I think it's about time that kind of legislation was stopped. We have the right to know what we are voting on. We have the right to have hearings. You are -- you are perfectly right. And that's what we're trying to do: set up a system so that when the time comes and we have to cast that vote for the citizens of the State of Illinois, at least we know what in the world we're voting on.

PRESIDENT PHILIP:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much. Mr. President and Members of the Senate, it is interesting to listen to now what I consider to be legislative purists in the debate on this issue. I think we're on the same team then, because the process that you are concerned about we are now attempting to open up. Senator Fawell makes a good point. There were a couple of issues that we voted on last night. Do you remember the low-level nuclear waste siting change? That is one of the most major public policy changes this State has made in years, and that was put on our desk, and we voted on it immediately. This process that we are about today suggests that we change that, and you are making that very same argument about this bill. It does not take a rocket scientist to understand the

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language in these rules changes. We all already know what's there. It opens up the process. We are one team, and it is important that these rules allow us the mechanism to represent those eleven and a half million people, not that those eleven and a half million people in this State pass judgment on these rules. That's the difference. Think about it for a moment. The process is being opened up. We are on the same team. Let's do this together, as well.

PRESIDENT PHILIP:

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I agree with what Senator Fawell said, and I agree with what Senator Maitland said. It seems to me the argument that this comes down to is whether we view Pate Philip as being the "Good Pate Philip" or the "Bad Pate Philip". Is he a benevolent person, or is he going to be a dictatorial person? Obviously, you think he's going to be benevolent. We have our questions. But what it comes down to, in the final analysis, is: are we better off having all of this legislation, including bills that are going to be introduced tomorrow, immediately sent to a Rules Committee, before they're assigned to any substantive committee, and let that Rules Committee decide whether those bills even get a public hearing? Because under the rules that we have here, those bills that we introduce tomorrow may never see the light of day. The Rules Committee - the three Republicans on the Rules Committees - are all appointed by Pate Philip. So the question becomes: how far do we trust Pate Philip? You folks trust him, obviously - you voted for him. I don't question that. We would like to see, in the rules, that those bills come out and do have a public hearing. We're all for public hearings. To use the red herring that somehow these rules are necessary to save the public money - we're going to save them several thousand dollars

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because there are only fourteen committees instead of twenty-one - seems to put a price tag on democracy, because those bills that are going to be killed in the Rules Committee - because we only have fourteen substantive committees - are denying democracy to individuals. And whether the bills that are introduced are good or bad, they're introduced by elected officials, people who are sent here. Whether the people elected dolts or geniuses, they are their representatives, and they are entitled to introduce bills that represent those people. And for that reason, our arguments hinge more upon putting the democratic creed - with a small "d" - into rules, as opposed to relying upon the Leader's benevolence. And I think that it's a mistake to go ahead and adopt rules that put so much reliance upon a small Committee of Rules made up of three people that control absolutely everything. Introduction of bills: instead of going to the Assignment -- Committee on Assignment of Bills - there is no Committee on Assignment of Bills - it's a Rules Committee. And that Committee then can assign bills out, as I read these rules, or they can keep the rules -- they can keep the bill in the Committee. So a lot of you freshmen who have some ideas that you wanted to come down here and introduce, if three people appointed by Pate Philip don't like them, they won't see the light of day. In the past, if you had an idea and you wanted to introduce it, whether it was good or bad, at least it got to a committee. It may not have gotten any votes. That's happened to me. But at least you got to have a hearing. I think that's the difference that we have here. It's not so much that we disagree, Senator Maitland or Senator Fawell, on those idiosyncrasies of this Body, that we have bills dropped on our desk and we vote on them. I agree. That was wrong. It was -- I don't know that we could have done anything about it. It seemed that the rules never turned out the way we want. But this is such a swing of the pendulum in the other direction that I think that

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to compensate for those mistakes, we've gone too far. So I would urge an Aye vote for this Floor Amendment No. 2.

PRESIDENT PHILIP:

Further discussion? Senator Jones, to close.

SENATOR JONES:

Thank you, Mr. President. In some of the remarks made by some of the speakers in opposition to this amendment, they alluded to the fact that we passed a major pension bill last Session, but what they did not tell this Body: that there were many hours of public hearing prior to that bill being passed. Those hearings was held last spring, last fall, and for seven hours, the public and the interest groups who all had the interest in that bill, had an opportunity to give input. It was not a closed process. There are many Members here who are casting their vote for the first time, and let me warn each of you - you may bring to this Body some fresh ideas. That fresh idea of yours will be muzzled by a gang of one, because this cowardly approach to leadership is to stifle any idea, to kill any legislation, before it even gets to the committee. The media -- the media would not have access to the public hearings of the Rules Committee, as these rules -- as suggested here, but at least your bill can get heard in the committee, where the media does have access to. Closed government. We saw it fall in the Soviet Union not too long ago. This is total censorship of the eleven million people in the State of Illinois. You're going to regret the day where, as you sit there with the smirks on your face, as you crawl on your hands and knees, begging, "Mr. President, can I have my bill in the Education Committee? Can I get my bill in the Environmental Committee?" You're going to be on your hands and knees, begging, 'cause you would have surrendered all the power a representative form of government that the people elected you. You would have said, "My God, Mr. Philip, if you don't like this idea, don't let

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it out of Rules Committee." That was not the intent. That was not the intent of the 1970 Constitution, as we talk about representative form of government. And you know what? I bet you a dollar to a dime you're going to come back and say, "Senator Jones, you were right." You were hoodwinked, and you are being had by this. Mr. President, again, going back to your opening remarks of openness and fairness. And if you are sincere about that, don't be so concerned about this side, because you have thirty-two votes, but the thirty-two that you think you have today will be with us when they find out that they had given all the ideas that they campaigned on to a person from DuPage County, to decide whether those ideas be heard. I ask for a favorable vote on this amendment.

PRESIDENT PHILIP:

The question is, shall the Senate adopt Amendment No. 2. A roll call will be taken. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On that question, there are 26 Yeas, 32 Nays. The amendment fails. Mr. Secretary, are there any other amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDENT PHILIP:

If not, I would ask that Senator Hawkinson, who has moved the adoption of Senate Resolution No. 2, since he's not had the opportunity to explain it in full, I would like to ask him to continue where he left off. The Chair recognizes Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I've been privileged to serve in this Body for six years now and prior to that, four years in the House. At the end of every Session, I've always felt you could

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stick your finger on the red button and pretty much be correct with your vote. and I've always left with a sour taste in my mouth because of the types of things that Members on the other side of the aisle have talked so eloquently about today. Yesterday we passed a good many conference committee reports that the public had never seen, that the Membership had never seen, that had never been debated in hearings in committees where the public and the affected interest groups could come in and debate them. Those measures had no sunshine on them whatsoever. And we do that year after year. I joined and sincerely applauded the tremendous tenure of our former President, President Philip Rock, and he was a fair man. And his standard of fairness will be one that ought to be modeled by our new President and by all presidents to come. But the system under which we operated was designed to shut the public out of the important decisions that we make for them in the State of Illinois. And I'm as guilty as the next one. I passed a bill that was probably a half inch thick last night on the Public District Library rewrite Act. Now I don't think that was controversial, and it had been the subject of all the affected interest groups, but it ought to have gone through committee. And the other measures that we deal with at the end of these Sessions ought to be subject to some sunshine, where the press can look at it, the affected citizens can look at it, and, yes, the interest groups can continue to look at it. But that's not the way we've operated under the former rules that we hope to abandon today by the introduction of Senate Resolution No. 2. Because, too often every year I saw an increase in the number of shell bills, or vehicle bills - as we are wont to call them - where the only thing the committee did was to pass out a comma change, or a slight spelling change, so that the real work of the Assembly could be done out of the sunshine and in the conference rooms that are not open to the public. Now contrary to a former

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speaker, this Rules Committee will be subject to the Open Meetings Act. The times and the places will be posted, and the public and the press will have access to the Rules Committee meetings. But if you don't put some restriction on Floor amendments, or some additional hurdle on Floor amendments, on conference committee reports, we will continue to do as we have always done, and that is to not do the real work in committee where it can be debated, where good legislation can be formed, but we will continue to do it as the deadline approaches, not in the sunshine and the light of public scrutiny. These proposed rules are what the election was about. They're about change. They're about bringing sunshine into the process. We tried to think of ways to make the committees work. We looked to the congressional model. We borrowed some of the rules from the House. We've said that no longer can somebody feign a headache and be replaced on a committee just because that Member doesn't happen to agree with the way the Senate President or the Minority Leader wants you to vote on a bill in committee. Because now, if you are replaced on that committee, you're off the committee, unless a majority of the Senate agrees to put you back on. So no more replacing Members so you can get a bill out of committee. In the past, our committees have operated where if you can talk one or two Members into voting for your bill and everybody else to vote Present, on a twelve-person committee, you can get that bill out with two votes. That's not right. Under these rules, you'll have to convince a majority of the appointed Members to that committee that the bill ought to proceed, and that's the way it ought to be. The committees ought to work. The committees ought to be the places where the public can look at this bill. And, yes, we are reducing the number of committees from twenty-one to fourteen. We recognize that as controversial. It's going to cost some Members a stipend. It's going to save the public about a hundred thousand

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dollars. It's going to mean that instead of being on five or six committees and not being able to do your job and get to all the committees, you may be on three committees, but you'll be able to get there because there will not be a conflict in the schedule, and you'll be able to do the work of the people. There is a paradox here. Because of our responsibility to organize the Senate, we are rushing these rules. We are doing them today. That's the way we have done them. But we have a responsibility to organize. But the intent behind these rule changes is to do the types of things that you're talking about. That's what we want to do. Yes, Senator, if we have a Senate President who breaks his pledge and is not fair and decides to stymie all Democratic bills, or all downstate bills or all bills affecting any one of the constituencies we introduce, we will be the first to join you in suggesting amendments to these rules. But these rules attempt to change the way we've been doing business by putting some sunshine on the process, by making us do the work in committee, by opening up the process, rather than having the special interests control what we do in the last few days down here. The public will see our work in committee. That's the way it ought to be. That's the way we hope it will be. We do trust the -- the President when he makes his pledge to be fair, as fair as the former President, and we intend to hold him to that pledge. We also recognize that this is a start. It is a start and a dramatic change in the way we do business, a way that we think will make it more open to the public, but I suggest that we will be joining you in suggesting amendments to these rules that will then be heard. We are starting down a new road, and this may not work completely the way we all hope it will. And when that happens, we will suggest amendments to these rules. But for the moment, I suggest that we try and change the way we've been doing business, that we open it up some more, and that we adopt the Senate Rules in Senate

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Resolution No. 2.

PRESIDENT PHILIP:

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. If I could, Mr. President, I'd like to make some comments, ask some questions, probably make some comments again. First, just to comment on Senator Hawkinson's remarks: Alice in Wonderland. Everything's topsy-turvy, I guess. I hear sunshine when I see clouds and rain. It's not sunshine when you close debate. It's not sunshine when you do not have open hearings. It is not sunshine when you cannot have an amendment heard on the Floor of the Senate. It is not sunshine when you cannot have a bill sent to a committee so the public can come in and be heard. It is not sunshine when you have to go to a Rules Committee that, under these proposed rules, has no posting requirements, has no public hearing requirements, has no deadlines, has no requirement that it take any action at all - it could sit and languish there - where under prior rules, it had to be sent to a committee, and it had to be heard. There are some great things in here. I happen to agree with the fourteen committees. I think that's wonderful. I happen to agree with the idea that there should be hearings on conference committee reports and things like that so that we know what's going on before we have to vote. But to say that this is sunshine is the exact opposite of what your own rules have recommended. And if you think you can change them, guess where you got to go? Under these rules, you've got to go to the Rules Committee to get their permission to change their rules. And they don't have to have a hearing, and they don't have to have a posting, and they don't have to have public notice, and they don't have to do anything but sit on it. And where are you? Oh, you could come here and say you want to have an amendment, but that goes to the

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Rules Committee. You can come in with a resolution, but that goes to the Rules Committee. Everything goes to that one committee. Let me ask you some specific questions. How many Members will be on the standing committees? The rules usually provide -- and if I remember, the Republican side in 1989 was very adamant that there be a one-vote differential between the majority and the minority. What do these rules, as proposed, provide?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

...provided for in the rules. That's up to the President.

SENATOR CARROLL:

So that there -- it could be twenty-seven to one or any number, where before -- then, to finish the question, am I not correct - and I think, Senator Hawkinson, you may have participated in this - there was a mandate from the Republican side, which was adopted, that there be a parity in committees that reflected the percentages of the Members on each side of the aisle, so that, in fact, there was a one-vote difference in most committees and, I think, two votes, possibly, in some?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Well, I don't know if that was a follow-up question. It's not provided for in these rules. It's my understanding that the committees will reflect in general the numerical breakdown between the two parties in the Senate. ...(machine cutoff)...rules.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. I'm still asking some questions. Did the prior rules ask or suggest a division, and is there a

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reason that these rules are silent?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Just a moment.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Well, Senator, I can tell you that I asked that same question and was told it was not in our prior rules, that it was up to the Committee on Committees in the prior Senate. Rules.

PRESIDENT PHILIP:

Further questions? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. I do believe we did provide for that, and maybe -- Senator Hawkinson, I know you had trouble finding it -- finding an answer, and whether or not it was in the document, which may be why we've been questioning why the rush with this. The amendment to the rules is by simple -- majority in your rules, if approved by the Rules Committee. And if not approved by the Rules Committee, it takes a three-fifths vote. First, why? Second, how, since everything has to go back to the Rules Committee?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

To your prior question, then I'll yield to Senator McCracken on this question. But the prior question - the committee breakdown was not set forth in the prior rules. Only the breakdown on the Committee on Committees was provided for in the prior rules.

PRESIDENT PHILIP:

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Senator McCracken.

SENATOR MCCRACKEN:

Thank you. In response to the second question, there are examples in the U.S. House of Representative's Rules of Procedure where an affirmative vote by the Rules Committee will affect the vote requirements to suspend, or otherwise amend, rules. We thought that was an excellent idea. We thought it was an idea that the other side could hardly argue with - since it's been controlled by your party for the last forty years - and for that reason, thought it was prudent to do so. Secondly, there are some precedents in the Illinois House Rules along those same lines.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. To whomever would like to answer, then - let me suggest that. Why, then, to allow for suspension of the rules by simple majority, but to amend the rules takes a three-fifths vote, if it's not approved by a Rules Committee? And let me ask you also, since you're up on this -- first of all, I didn't choose to be a Member of Congress; I chose to be a Member of the State Senate. But, aside from that, the issue - how would you get the issue before this Body if everything that comes before this Body has to go to the Rules Committee?

PRESIDENT PHILIP:

Senator McCracken.

SENATOR MCCRACKEN:

Even if this Rules Committee had only substantive jurisdiction over rules, it is no different than it would be otherwise. In Congress, for example, all rules first have to go to the Rules Committee, wherein the Rules Committee acts as a substantive committee. So that -- that is unaffected. And let me talk about the anomaly of suspension and amendment. For some reason - and

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this has been the practice for a thousand years - it's harder to amend rules than it is to pass rules. That's true in Robert's Rules. It's true in the House Rules. I believe it has been true historically in these rules. So, all I can tell you is that every guide on parliamentary practice has retained that distinction and that anomaly.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Senator Hawkinson, again, you argued effectively, in my opinion, about the issue on conference committees and the right of people to be heard at the end of the Session. I guess I'm very concerned that you've shut out everybody at the beginning of the Session. You may have protected the end - something to which I agree - but in the prior rules, bills were assigned to committee, or to the Committee on Committees, that assigned it automatically to committees. Now, any bill, from any Member, from any area of the State, has to go to a Rules Committee before it can even be considered to be sent to a standing committee for the public to have a hearing. Why? Why are we stifling the Members' rights to have hearings on their bills?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

First of all, there's nothing new about a Rules Committee. We've operated under it in the -- every other year and the function of that has not changed. We have combined the Committees of Assignment with the Rules Committee under these rules. If the Rules Committee acts in an unfair manner, and if they act, as I think you fear they will act, you will find plenty of Members on this side rising with you to change that rule. I, for one,

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however, do not anticipate that that is the way that committee will act.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Then why does it take a three-fifths vote to discharge that Committee instead of a simple majority? If you're right - and I hope it never comes to pass - if you're right, why stifle the public's right by saying three-fifths? I mean, assumptively, a Member can go around and maybe get thirty. Thirty-six is an awful lot tougher. Why not have it, then, a simple majority to discharge the Rules Committee if they refuse to send the bill to a standing committee to be heard?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

That very requirement, of course, operates against the majority, not the minority. That requirement - when we have thirty-two, for example - we can't do it just willy-nilly.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

I would suggest, with the control of the Rules Committee, it'll be less often that it's an issue on your side, than on our side, of getting a bill to a committee. But if we're willing to accept the less onerous, would you be willing to accept it, and have an amendment that would say thirty instead of thirty-six, if, in fact, a bill that went into Rules never saw the light of day, after no posting or any public hearing or anything else?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

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No.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

I guess that answers the sunshine. It must have gotten dark out by now. The -- couple other questions, if I might, on amendments. No amendment can be heard on the Floor, unless it has first been heard by a Rules Committee, and that Rules Committee has to send it out to be heard on the Floor. Is that correct?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

No. In most cases, the idea would be for the Rules Committee to send it back to the committee where the bill came from, so it could be heard in the substantive committee. The committee could send it back to the Floor directly, under the categories where it's an amendment that has been previously heard in committee, it's technical in nature, or there's some other emergency. But ideally, when you have a new subject matter or, as so often happens here at the -- near the deadlines, it's an entirely different bill that is put on, that that would be sent back to the substantive committee.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Senator Hawkinson, I refer you to page 19, on Referral to Committees, Section (b). What you say is nice; what you wrote is not. And what you've written is that Floor amendments, joint actions, final action, conference committees, shall automatically be referred to the Rules Committee. There's nothing that says in there that it'll go to a substantive committee. And it says that a Floor amendment may be

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-- that -- I'm sorry. It says that the Rules Committee may approve any Floor amendment, et cetera, only in three instances. One is, it has already been approved by the Committee. I don't know why we would have to worry about it then, because it already comes out. Two, it's technical and clarifying and nonsubstantive. And very honestly, on most major issues, that's miniscule. And -- or, three, that the omnibus, omnipotent and all-present Rules Committee has determined it to be of an emergency nature. So again, you're stifling the Member. And let me explain why I think this is important. You're right - fourteen committees is better, so people can sit there and understand and not have conflicts. And you've got a bill that's in a committee I'm not on, and I find out about it after it came out of committee. And somebody suggests to me an amendment for it, and I want to present it, have it debated. I'm not on that committee. I didn't know about it at the time. I'm watching the bills in the committees I'm on. And you're saying now that I have no right to have that heard, that the only way it can come out of the Rules Committee is if it's technical in nature, if it's already been heard by the committee and approved by it, or if it's an emergency. Now that's truly stifling the Members, and I see no reason for it, except to give all the power to a Rules Committee that has no rules on how to govern itself.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

If you'll read the next line, Senator. It's where it talks about "The Rules Committee may refer any Floor amendment, joint action motion for final action or conference committee report to a standing committee for its review." That's the way it ought to operate, so know that you don't bring up and keep bringing up those amendments that have been defeated and defeated and

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defeated, but that these motions go back. You can make them on the Floor, but then they'll be referred back by the Rules Committee to the standing committee, where there'll be a hearing on them.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Would I not suggest to you then, Senator Hawkinson - and you are a good draftsman - that it should say "shall", so that if an amendment is filed, it does go back to the committee for a hearing - not "may", but "shall" - and that there is a hearing on it, any debate and action taken, one way or the other, so that there can be some true hearing. It also says in here that anything not approved by the Rules Committee is considered out of order, automatically - even if it's relevant, even if it's important, but if it didn't meet one of those three tests - or it gets sent back to the standing committee. And also, while you're answering that, to save a little time, what happens to the bill then? The amendment goes back to the committee. Does the bill go back to the committee with it?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

To the second question first, no. The committee has already acted on the bill. If the Rules Committee were sending it back, we felt that would be, in a way, usurping the function of the substantive committee, which had already acted on -- on the original bill. The amendment will go back. And we debated back and forth the "shall" and the "may". We felt the use of the word "shall" would then mandate that it go back to committee in all instances, and there are many technical instances, or instances where an amendment may have been heard, where the committee may

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want to report it directly to the Floor for action, and we did not want to restrict it to sending everything back to the standing committee.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Maybe it's Lewis Carroll instead of Howard Carroll who's hearing this. You caught that, Geo, right? I see the Mad Hatter. The bill comes to the Floor, gets called the second time. An amendment is proposed. Relevant? Sure. Goes to the Rules Committee. Rules Committee says this is important enough to send it to the committee to be debated. It goes to the committee. But the bill has already been read a second time, doesn't go to the committee. So what are you amending? And then the bill moves to 3rd and gets passed, and the amendment is being debated in a committee. Amendment to what? Where does this make any logical sense?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

The sponsor retains control of the bill. He can choose as -- he or she can choose as they do now. If they think they can pass the bill and they don't want the amendment, they may proceed to call their bill. If they feel, as is often the case, that unless the amendment is adopted there will not be enough support for that bill, as is also often the case, you will wait for the amendment to be considered in committee and reported back out for consideration by the Senate.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. I think you've made a misstatement

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there, Senator Hawkinson. I think it's the Rules Committee that controls the bill. But aside from that, the Member controls the bill, but Members have the right to amend, and 2nd Reading has always been the place where amendments take place, by comity, by custom, by practice and by rule. And now you're saying, no, that the amendment could be debated in a committee when the bill is already gone. To me, that's just ill-conceived and not well thought out. Let me switch to another point then, and that's in the powers and duties of the President. In the past, things like scheduling have been done by resolution, adopted by the Membership on both sides. It's my understanding, under these rules, that there is no such requirement, and in fact, says the opposite: that the President unilaterally will schedule. Nothing even about notice to Members about scheduling and no vote needs to be taken on either side of the aisle for any scheduling, any deadlines. The deadlines can be changed by the President without any notice, without any motion, without any discussion. The number of people on the committee can be changed by the President. I'll give you a whole list. The number of people on the committee can be changed by the President at any time, without any notice, without any motion, without any action by this Body. And exactly contrary to what you said - exactly contrary to what you said - you are imposing upon the President the awesome power to take Members off a committee, change the committee membership every week if he so chooses. There's nothing that prohibits him. In fact, to the contrary. It gives him the power to set the number of Members of the committee, set the Calendar. Nothing comes back before this Body. He can suddenly decide that he wants thirty Members or three on any given committee. And with all due respects to President Philip, I think we should look at this as if there's not a person in their chair - it's just the Office of the President, and that's not the type of power that should be given to one

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person without Membership involvement. The President can take off Members, change the numbers, do anything without ever coming back to the Body, determine the split, change the time, from time to time, and do everything else. Why is that openness in government? Why is that sunshine? Isn't that stifling your vote, as well as mine?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

It's my understanding these rules provide that Members are appointed to committee for the term -- of standing committees, not of the Committee on Assignment, which can be -- you can replace Members on the Rules Committee. But, standing committees -- they're appointed for the term.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

If you could refer me to that, because I read it exactly the opposite. Where it says the Powers of the President, which I think -- page 7 and 8. He can add to the numbers of the committee. So he appoints five and four, and then decides to make it twenty and four. Page 13, -- oh, I've got it. I'm sorry. Lines 12 through 21 on page 13. I had it marked. All committees shall have a chairperson, et cetera. "The number of majority caucus Members and minority caucus Members...unless otherwise ordered by the Senate in accordance with...Senate Rules, shall be determined by the President." Such numbers shall become final when journalized. And then later it gives him, in the Powers of the President -- earlier, I should say -- the power to change the numbers.

PRESIDENT PHILIP:

Senator Hawkinson.

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END OF TAPE

TAPE 3

SENATOR HAWKINSON:

Senator, if you'll look at page 14, under "Membership and Officers of Standing Committees" - lines 21 and following - "At the commencement of the term..Members of each standing committee shall be appointed for the term".

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Does not the rules, however, give the President the power to set the number, and to change that from time to time?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

I do not believe so. And if it -- if it does, to change the number, I think we would accept a friendly amendment in the normal amendment process, if you want to file such amendment later. But it is my understanding that those numbers are set, they are determined when journalized, and that - in accordance with the -- the procedure that I just read you - that those numbers then are set for the term.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

And if you would, Senator Hawkinson, please - and again, thank you, Mr. President - you haven't answered the question as to why scheduling and items like that do not come before the Body

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anymore, and are strictly the fiefdom of the President.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

The answer to that is that there is notice because the -- all schedules, dates, have to be filed with the Secretary before they're effective.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

But the practice had been that they're at least put on a piece of paper before the Members. Sometimes there have been objections to it, and at least some discussion. So all a President has to do is file it with his appointed Secretary and that's the end of it. No Member discussion of it whatsoever. Total fiefdom.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Well, I'm not a brand-new Member; in six years I never recall there being any debate or notice on when we're going to have Session or when those things are going to happen. I don't see that as a significant change.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Since it was always adopted as a resolution by the Body. If you see nothing significant, then why did you change it? It was always done by resolution. All the Members had it, and they voted on it.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

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As to the power of the President to set deadlines on such things as Concurrences, Conference Committee Reports and the like: that is done so we can get out of here at the end of May. That -- that is the answer to that question. Without it -- and when you have no vote change at the end of May, as there is at the end of June, there'd be, otherwise, nothing if you didn't have deadlines on some of those matters to allow us to get out early.

PRESIDENT PHILIP:

Senator Carroll. I hope for the last time.

SENATOR CARROLL:

Almost. Almost. That makes no sense at all again, Senator Hawkinson. Because if you did it by resolution, it would have the same effect. It does not impact what day you adjourn. To have a piece of paper called a Resolution so all Members have it, and if they want to have a discussion on it, they can. Again, why in the issue of openness and fairness do you close the doors, impose all the power on a President and three people on a Rules Committee, as opposed to opening it up to the entire Membership? But let me suggest one other defect missing: I, as you know, had sponsored, along with former Senator John Daley, both a Statutory change and a constitutional proposal to move our deadline up. In fact, we had the end of April. But it also moved up the budget submission. Again, you're stifling public input by taking a twenty-seven-billion-dollar budget and crunching by thirty days, 'cause you did nothing to change the time when the Governor submits the budget. Would you accept an amendment that moves up by thirty days the Governor's submission of the budget to the Senate, so that it could amply be aired and heard and debated?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

I would if I could, but that's Statutory; we'll have to change

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the Statutes. You offer that; I'll support it.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Will you help me get it out of the Rules Committee? An addition to that: we could -- we could just do it by rule, and say that the budget will have to be submitted here in enough time. But if you could assure me enough votes to get it out of the Rules Committee, fine; let's go for it. With all due respects, thank you, Mr. President.

PRESIDENT PHILIP:

Thank you, Senator Carroll. Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President. Would the sponsor yield? Senator Hawkinson, with reference to the -- page 18, the "Rules Committee" paragraph: could you explain how this would affect conference committees? How many signatures do you need for a conference committee report? And do I understand that -- that after it receives whatever that amount is - it used to be six - that the conference committee report then still has to go to the Rules Committee? Even after -- presumably a -- you would have needed a Republican -- a majority of Republicans in the Senate to have signed it. You still want it to go to the Rules Committee?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

The answer is six and Yes.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

So then, after it goes to the Rules Committee, what happens

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then?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

The Rules Committee may assign it to a substantive committee, a standing committee; they may report it directly back to the Floor, or they may do neither.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Okay. So if they do neither, then it's dead, even though three Republicans have signed it - otherwise it wouldn't have been filed. If it goes to a standing committee it does not have to have a hearing; in other words, it could go to a standing committee -- the Rules Committee could let it out, send it to a standing committee, then they could decide not -- not to have a hearing. And this is going to take place presumably in that period of time - in the last week of May now - where the standing committees are going to be constantly meeting, if they wish, to decide whether or not they -- we should vote on a conference committee. Is that -- is that the way it's going to work?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

One of your premises is wrong; it may have received five signatures in the House and only one in the Senate. But secondly, it is designed to avoid what we did yesterday and last night, and the way we have operated with more increasing frequency every year down here, and that's to do the main work of this Body in conference committee report that people haven't seen, on the last day or two of Session. That's what we're trying to change. We're trying to put this hurdle in there so that will not happen, so

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that we will be forced to deal with the situation earlier in committee. There will be instances -- I don't claim that this is going to eradicate that situation altogether. We all know that there will be some emergencies; there will be some conference committee reports that we will deal with, whether it's on May 28th, or if we fail, on June 30th; that there will be some. But let's hope that this practice will somehow reduce - and I hope dramatically reduce - the number of items that we handle in that matter. And if you don't put a hurdle in there, there's no way to stop that.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Well, thank you. On that issue, I can see that you'd only need one Republican Senator to sign to get six. But that would presume that two Republicans in the House signed, and I have no problem with the concept of having the committees consider these conference committees, because it might, indeed, as you know, create brand-new legislation. It's just that you're -- you're giving the power of it to go to the Rules Committee first. Why not just say, "All conference committees have to go back to full committee"? And let the chairman of the committee have -- have these powers. I guess I -- I just don't understand why you don't say, "In a conference committee, they shall consider in a public hearing the conference committees." You -- you give the opportunity for the Rules Committee to kill it, and then you give the opportunity for the standing committee to not even hold a hearing.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I think if you don't put this kind of a hurdle in,

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that we're going to continue to do business at the last minute, and we're going to continue to do it the way we have always done. If we do with conference committee reports as we ought to do - and I'm not again claiming that this is going to entirely lead us to that path - but what conference committee reports in the law are supposed to be, are to resolve the differences between the two Houses. We all know that hasn't happened. Those kinds of things can go, can be viewed by the Rules Committee, can be kicked right back out to the Chamber, and can be approved. But if we continue to do what we have done - and that's to make completely new subject matters and completely new issues of substantial legislative intent at the last minute - the Rules Committee is a barrier to seeing that we do that, and will - unless it kicks it out - will hopefully hold some of those things in, which over time, at least - and I grant you that these rule -- we're all going to have to take some getting used to operating under this kind of a new system. I've been as guilty of it as you have. But I think it's something we've got to try and curtail.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

One other area then, just so I can see if I can understand how this is going to work: With regard to Floor amendments, if we read the bills and find that there are some technical amendments, or a bill has language that's -- it's out of order, then if we offer an amendment, that -- that has to go to a Rules Committee, even a technical amendment, and then that Rules Committee then can decide that it doesn't have to go back to a standing committee, but they can then approve it. It just seems to me that if you gave the discretion of the President of the Senate to decide whether a Floor amendment was technical or not, you could just save a lot of time by just saying, "Well, technical amendments can

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be considered by the full Body without reference to the Rules Committee." You're going to have to have a Rules Committee that's going to be in the -- I don't know where they're going to meet. Are they going to meet in the Rock Anteroom there? I mean, they're going to be like an ongoing committee during -- when we do 2nd -- 2nd Reading. It'll be like a standing committee standing over in another room, and it just seems like that's -- that part is unnecessary. If the President could say this is a technical amendment, we should just let the -- and therefore, it wouldn't have -- would not have to go to the Rules Committee. I just make it as a suggestion.

PRESIDENT PHILIP:

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Would the sponsor yield?

PRESIDENT PHILIP:

The sponsor will yield.

SENATOR BERMAN:

I have some questions, Senator Hawkinson. Calling your attention to page 8, lines 5 and 6: It says as follows - and this deals with the Power of the President: "To enforce all constitutional provisions, Statutes, rules and regulations applicable to the Senate." What does that mean?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Just a moment, Senator. Mr. President. All right. Senator, it's a laundry list of things that the President has to do. The Speaker has this power. What it does is, bills have to be read a third time, has to be single subject matter, fiscal notes have to be enforced - those are the types of things that are subsumed under that category - that the President has to abide by those

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Statutes and constitutional requirements.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Then is it my understanding that -- that these provisions are subject to the rest of the rules? For example, if a bill comes back and winds up -- and I'm not sure what the procedure is. But at some point, early on - forget about this June 30th or last day of the Session business - in the normal course, bills go over to the House that we've passed, they wind up in a conference committee, and the conference committee comes back and is a substantially new conference committee - new subject - this constitution says the bill must be read a third time. Can I raise the question, or can the President say that because the language in this conference committee is so new that this conference committee violates the three-day/three-reading rule of the constitution? Does that -- is that what could be implied by this power in this -- these -- in this sentence?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

That is not the intention. This intention is to mirror the powers in the House Rules for the Speaker's powers, and it's to deal with the kinds of situations that I talked about - fiscal notes and so forth. Reading of the bills originally the third time, which of course would have already happened with any conference committee report.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Is there some -- something - and you've been here for a while and I've been here for a while - is there something that we have

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seen in the authority that -- that has -- in the authority that the President has not had that requires this sentence?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

These rules attempt, Senator, to make explicit, where possible, things that may have been implicit in prior rules. It's not intending to add anything; but we feel that those things have not been explicit in the prior rules. This is an attempt to make them explicit.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Let me merely comment on that response, and -- and I am disturbed. This is an example, Ladies and Gentlemen -- and I don't say this because of the Gentleman sitting in the President's chair; I say this because of what was previously said, and that is the implied power given to a single person or to three people, that stifles the input and deliberation and debate of fifty-nine people. I don't know what this means, and I am not comfortable with the breadth of this sentence. And I just comment on that -- it's really not a -- a question; it's more of a statement. Let me call your attention, Senator Hawkinson, to page 12, lines 21 -- I'm sorry -- 20, 21, 22. Quote: "The President may establish additional deadlines for final action on conference committee reports and any or all categories of joint action motions." What does that mean, and what is its purpose?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

The purpose is to allow deadlines on matters that are not covered in the ones enumerated above; that would include

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concurrence actions, conference committee reports and the like. That earlier deadlines - earlier than June 30th - could be established by the President upon filing with the Secretary. So that we can try and advance the schedule - that is the purpose.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you. Let me just comment. If that's your intention, let me suggest to you to think about a downside safeguard. Under this language, the President on Monday could file a -- a declaration that any conference committee that isn't acted on by tomorrow at noon is dead. That's within the power of this language. I don't think you want that -- I don't want that, and I don't think that Senator Philip wants that, but it's giving him that power. It ought not to be that broad. So I suggest that parameters be considered. And along those lines, let me add one just -- other question.

PRESIDENT PHILIP:

Senator Berman, that sounded like a statement - not a question.

SENATOR BERMAN:

Okay. Then I've got another question, Senator Philip. Page -- still on page 12, regarding the deadlines. I think most of the comment has been in concurrence with the agreement - tentative or actual - between President Philip and Speaker Madigan regarding a -- a shooting for a May 31 or May 27 -- May 28th adjournment. I think everybody would love to be able to accomplish that. Is there a reason why we haven't set that date in these rules?

PRESIDENT PHILIP:

Senator Hawkinson. Senator Hawkinson.

SENATOR HAWKINSON:

We discussed that, Senator, and -- and I think some of us

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would have liked to have done that. The response and the reason it is not done in these Senate Rules is the -- the belief of counsel and others that that date deadline can -- could only be done by a joint House/Senate resolution. And we're not opposed to something like that happening and setting that date. If we set one date however, that was not concurred in by the House Rules, we could be in the anomalous situation of having a different vote requirement in the two Chambers, or different deadlines in the other Chambers. I think we would all like to see some sort of joint House/Senate resolution that would establish that date.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. To the -- to the amendment: And let me suggest this to you, and, Senator Hawkinson, I ask you to think about this in a couple of ways. I don't know - and I purposely did not ask you to tell me - when this document, which is the proposed rules of fifty-six pages, was in fact distributed to your caucus. But I will presume it was today, and if it was distributed to your entire caucus before today, you can correct me. But assuming it was today, let me suggest that there are many things that I concur in. And I think it's important for all of our Members to recognize - especially our new Members, and our older Members recognize this - we aren't happy with what took place yesterday. But I would point out to you, even though we don't like voting on a hundred-page pension bill on the last day of a Session or on June 30th or on the other bills that were presented to us, ninety-five percent, ninety-eight percent, ninety-two percent of our business is in fact completed in the normal ordinary course of business. I take great pride in this institution, as does every other experienced Senator on this Floor. I've served in the House. I'm proud to serve in the

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Senate, because each Senator has traditionally had input, opportunity for debate, opportunity for amendment, opportunity for strong dissent, to represent your constituents. This is a great Body. I'm concerned that we are overreacting, by a number of these rules, to five percent of our work product. So I suggest that some of the things that ought to be considered - and one of the suggestions that Senator Carroll made you concurred in already - is that certain deadlines for action be built in here, again to address the last-day Session process, rather than the normal process, because the normal process works very well, but will be restricted by these rules. That's one suggestion. A second suggestion: that we require, because of the strength - the power - the virtual power over every one of us - the power of this Rules Committee, that we really reevaluate the power that's being given to those three people or five. Because I've enjoyed, and every one of my colleagues have enjoyed, the opportunity - treasured the opportunity - to stand up on a bill, offer an amendment, and have it debated on the Floor. Sometimes, I will tell you, that with what I hear of the Rules Committee, forget about amendments, because the bill will be out of committee, it will go back to Rules -- the amendment may go back -- has to go back to Rules, if Rules allows it out, it goes back to the committee, but the bill is out on the Floor, and the sponsor, nine times out of ten, isn't going to want to recommit that bill. He'll say, "I'll take care of it in the House". Maybe. And we know a lot of times what does or does not happen in the House. We're giving too much power. We're restricting the legitimate debate, certainly through the amendment process on this Floor, through this. Accordingly, let me suggest to you one other thing: Pick a date - January 26th, February 15th - you name it, Senator Hawkinson - withdraw this motion this evening, adopt the temporary rules of the last Session, with a cutoff date of January 26th - hypothetically - so

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that we have rules - we're not going to do anything -- substantively between now and January 26th - but it will give each of us an opportunity, and I mean this in a good-faith attempt to address some of the things that I think are overreacting - giving too much power to a single person, too much power to three people, too much power to five people. My constituents and yours didn't send me down here to just be the errand boy for a Rules Committee. So I would suggest that if we want to have rules - temporary rules - have them, by the rule, expire on January 26th, February 15th - you pick the date. Let's look at this with input from both sides, make some of the changes that make some sense, and I would ask you to consider that proposal before you move forward with all of this. I think there are some very good things. If this is shoved down our throats today - tonight - with giving this vast power - vast power - regarding the makeup of the committees, the number of people on the committees, the Rules Committee to even -- to screen amendments and really -- nullify any attempt of amendments, we are inviting bad action in -- in relation to this great institution of the Illinois Senate. I respectfully ask you - as a Gentleman that I respect - give us and you some time to take a better look at some of this. I'm not trying to force anything down your throat. Pick a time - two weeks, four weeks - adopt temporary rules, put this on the agenda for that cutoff date, see if we can work something out that's a little more reasonable for every Member elected to this Body. Thank you, Mr. President.

PRESIDENT PHILIP:

If we could hold the noise down on the Floor, I would appreciate it. Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President. Senator Hawkinson, on page 18 - page 18, Senator - we've heard some -- a lot of questions on this particular section, but I -- but still there are some

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concerns here that I have that I have not heard adequately responded -- an adequate response. And that is -- and let me just read this to you: "The Rules Committee" - starting at line 21, page 18 - "may, with the concurrence of a majority of those appointed," - which we know that you will have a majority - "sponsor motions or resolutions". Now can you tell me what kind of -- what is a motion? What is the -- your definition -- 'cause I'm sure you have a purpose for doing what you've done here, and you say it is to open up the process in -- for fairness and all that. Tell me, what does the term "motion" mean here?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Senator, it could be a -- these would be motions or resolutions with respect to the rules. It would be acting as a substantive committee in regard to the rules - could be, for example, motion to amend the rules.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

Senator, in this bill, in these rules here - this is your bible - it does not say that. It just says motions. And under Robert's Rules and all other rules, motions could be really legislative and -- legislative action. It could be a motion to not allow any bills -- any bills to be filed in this Chamber - not allow any bills to be heard. I mean, a motion could be anything, because you did not establish any criteria here as to what a motion would be. And that is more dangerous than what has been discussed here previous on this Floor. And then it goes on and say that any motion or resolution sponsored by the Rules Committee may be immediately considered by the Senate without referring to any other committee. But yet, you said that it can -- it can

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legislate. Really, you wouldn't even need this, because that -- you -- based on what you're saying, in the future, the Rules Committee -- you said earlier, if this didn't work that we could come back and amend. You -- you made that point. But then you say in this bill that the Rules Committee -- motion means that the Rules Committee can make a rule and that rule may be: there will be no amendments to this rule. Is that -- isn't that possible?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Well, you could do that right now by suspending the rules, but that's not the intent. The intent here is that if the Rules Committee -- for example, after we adopt these rules and the Rules Committee's established, if the Rules Committee on their own wants to take for example, Senator Cullerton's suggestion - which I found not to be unreasonable - and recommend that as a rule directly to the Body for our consideration, it could do so. That's what that language is in there to do. Not only could you or I offer an amendment, but the Rules Committee could initiate an amendment to these rules by motion.

PRESIDENT PHILIP:

Senator Collins. Another question?

SENATOR COLLINS:

Yes. Senator, but doesn't it also -- doesn't this also mean, given the fact that there's nothing spelled out here - there's no criteria by which this Rules Committee would determine whether or not his motion was good or bad - isn't it conceivable that the only rules that would be considered in this Body, when we got to that a -- point of wanting to amend this thing, because we -- and we will definitely find out it doesn't work, at least the Members over there will. Isn't it true that that committee, because you have a majority -- if the ideas did not concur with the

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President's notion of what fairness mean in terms of the rules, isn't it true that they would never even consider his rules -- his suggestion?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

In all honesty, Senator, I'm not sure I followed the thrust of your question. I thought it was directed to the fact that the committee could initiate those changes themselves and send them directly to the Senate. It does not preclude us from offering an amendment to the rules, which of course go to the Rules Committee, because that's the committee that always considers the rules. But this gives the power - the language that you've been concerned about here - this gives the power to the Rules Committee to initiate those rules changes for consideration by the Body.

PRESIDENT PHILIP:

Further discussion? Senator Collins, another question?

SENATOR COLLINS:

But, Senator, isn't it true that this committee now has the functions of two committees, which is the Committee on the Assignment of Bills, and would not -- this provision also deals with legislation, because it is under the jurisdiction of this committee, could not sponsor motions and resolutions be also bills?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. No, Senator, rules -- motions and resolutions are terms of art; they do not include bills.

PRESIDENT PHILIP:

Senator Collins, another question?

SENATOR COLLINS:

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Yes. Page -- again, on page 19, when we talk about amendments that is to be referred to the Rules Committee, and they will make -- will approve whether or not those amendments should be acted on by this Body, what criteria will be used to ensure that the amendments introduced that did not concur with the wishes or philosophy of the President, get fair consideration in the Rules Committee?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

The President has indicated that he is going to be fair. I take him at that. There is no guarantee, Senator, in any committee, whether it's Rules, whether it's Judiciary, whether it's Executive - which is where traditionally these matters have gone - there is no committee that the Party that has the numerical majority will not defeat those matters, and there's no guarantee that they will let them out of Rules. There is no guarantee in these rules that you can get anything through. There are hurdles here.

PRESIDENT PHILIP:

I hope so. Senator.

SENATOR COLLINS:

... Just respond to those last remarks: The difference between the way we've operated in the past and what you've just described now, there was always an opportunity on this Floor - always an opportunity - for that side of the aisle to debate those issues that was defeated in committee, on this Floor - through a discharge of the committee without a three-fifths majority - you did not have to be -- notice you have that in this rule. That was the difference. You could still have an opportunity to have your issues heard, even if the majority was opposed to what -- the idea of -- of your particular legislation was about.

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PRESIDENT PHILIP:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Hawkinson, let me ask, if I might, on page 41 - Moving the Previous Question - I notice that -- apparently this obviously is geared toward limiting again and stifling debate. Our rules currently -- our temporary rules, at least, called for three-fifths to move the previous question. Robert's Rules of Order say two-thirds. And you are now saying that a motion for the previous question is not debatable and requires the approval of only a majority of those elected. Why are we doing that?

PRESIDENT PHILIP:

Senator Hawkinson. Senator Hawkinson.

SENATOR HAWKINSON:

I think maybe that's something that we might want to take another look at with an amendment, Senator.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

The question was on limiting the -- the number of votes that it would take to move the previous question, and in their rules it says thirty. I would strongly suggest that we do take a look at that at some point, and -- I -- I just don't think that that's proper. Let me ask you again, if I might, with respect to page 6 -- page 6, regarding the Powers of the -- and Duties of the President. I notice in Section (b) it says that except as provided by law with respect to the Senate Operations Committee <sic> (Commission) that the President will be the chief administrative officer of the Senate and shall have the powers necessary to carry out that function, and he may delegate his or her administrative duties as it seems appropriate. Can you tell

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me why we are doing that? And do we not have to change the Statute with respect to this? Because I -- I see it's -- there's a different Statutory function.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

I'm sorry, Senator Demuzio. I was being talked at in both ears. Would you please repeat the last part of your question?

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Well, on page 6, it talks about the Powers and Duties of the President. And under your rules, it would make the Senate President the chief administrative officer of the Senate. Statutorily now, that function is the function of the Secretary of the Senate, who will serve as a Secretary - the administrative officer. Can you tell me why -- why we're making and substituting that change? And can we do it by rule rather than by Statute? Shall we send the Statute to the Rules Committee?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Well, Senator, the rules are all subject, of course, to the Statutes, but the -- the kinds of things you're talking about here are scheduling, meeting places and times, which are the functions of the President as chief operating officer.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

The chief operating officer is already defined by Statute on page -- well, I know you don't have it in front of you, but Chapter 63, page 2051 -- I think that's another issue we ought to

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perhaps take a look at as well, I mean, I -- unless you can give me some specific justification for -- for doing that in the manner in which you are doing. Well, let me -- since you were so generous a minute ago at looking at the -- the limiting the -- the debate with respect to the previous question, ought we not also -- should we not take a look at discharging a committee, 'cause in your rules, as I understand it, it takes a three-fifths vote to discharge a bill from committee. Our tradition, our previous practices and everything I know of, it would take a -- at least perhaps a two-thirds majority or something less than three-fifths. Can we do something with that? Or simple majority.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Well, of course two-thirds is more than three-fifths. I -- I think that's led us down the path where we have found ourselves up to this point. That we have not given the proper powers - the proper delegation of duties - to committees. Our committees have become practically worthless in this General Assembly. We have passed out -- traditionally, on the last day of committee, we'd pass out all the shell bills. Somebody says, "Oh, I'll correct that on the Floor. I'll correct that on the Floor." And then it ends up as something entirely new. These rules intend to empower the committees, to try and force us, as a Body, to change our ways, to do the work in committees, not to make it easier to discharge and bypass the committees.

PRESIDENT PHILIP:

Senator Demuzio. I hope for the last time.

SENATOR DEMUZIO:

I just -- I just have a couple more questions. Page 30, Senator -- at the bottom of page 30, with respects to -- respect to bills and amendments -- and by the way, my -- I taught the

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sixth grade. I misspoke a minute ago with respect to those fractions, and I very -- very much appreciate the fact that you straightened me out. At the bottom, (c) there, it says - line 29 - that "The House sponsor of a bill originating in the House may request substitute Senate sponsorship of that bill by filing a notice with the Secretary; such notice shall be automatically referred to the Rules Committee and -- and be deemed adopted if approved by the Rules Committee." Are you saying that in both the even- and odd-numbered years that all bills coming back -- or over here from the House, even those bills in the unlimited -- or those bills that implement the Governor's budget or the emergency issues in the -- in the second year, that all of those House bills must go to the Rules Committee?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

That's correct.

PRESIDENT PHILIP:

He said that was correct, Senator. Senator Demuzio.

SENATOR DEMUZIO:

Let me finally raise this issue, if I might. I notice -- can you tell me, Senator Hawkinson, who was all involved in drafting of these -- of these proposed rules? Was the parliamentarian, for example - was he involved in the writing of the rules?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

The Senate Members were myself, Senator McCracken, Senator Weaver and Senator Fitzgerald. We had staff support.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

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Let me just say that I saw this nice press release that was put out today, January the 13th, and it says that we - according to you - we really had two goals in drafting these new rules. First we wanted to make the Senate more efficient and businesslike, and second, and more importantly, we wanted to take the Legislature out of the hands of the special interest groups and give it back to the people. I'd like to point out that my friend who is sitting there as the parliamentarian is listed on the lobbyist list of George Ryan as representing twenty-seven such special interests in the State of Illinois. Thank you.

PRESIDENT PHILIP:

Further discussion? Senator Hawkinson, to close. Oh! I'm sorry. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. As I had indicated to you, I was going to have a parliamentary inquiry. And my inquiry of the Chair is as to whether or not this resolution is even in order. There is no action verb or verbs in the beginning of the resolution. And I refer you to any other resolution or any other act of a General Assembly -- requires some type of action. For example, if you want to look at any of the other rules resolutions, they would say "Resolved", as you did, but then go on and say that the following shall be the rules or that the Secretary of the Senate shall do such and such, or that the temporary rules are hereby adopted, et cetera. This has no such thing, and I believe, therefore, it is out of order.

PRESIDENT PHILIP:

Senator Carroll, the Chair rules the resolution is in order, and asks Senator Hawkinson to close. Senator Carroll.

SENATOR CARROLL:

I would humbly appeal the ruling of the Chair, and ask how many votes that would take. Sixty-two?

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PRESIDENT PHILIP:

Well, you know what? I can remember one time when Senator Rock ruled forty...

SENATOR CARROLL:

Sixty-two.

PRESIDENT PHILIP:

...forty-two, I think it was.

SENATOR CARROLL:

No, I think it was sixty-three he ruled.

PRESIDENT PHILIP:

As you know, we have no rules at this point, and the majority rules, so it takes thirty to overrule the Chair. I'm assuming, Senator Carroll, that you're just kidding. But if you want a vote on it, we'll give it to you. Okay. The -- if you want to appeal the ruling of the Chair -- the question, shall the ruling of the Chair be sustained. All those in favor sustaining the ruling of the Chair, vote Aye. All those opposed to sustaining the rule, 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, 32 Ayes, 25 Nays. The motion is defeated. Senator Hawkinson, to close.

SENATOR HAWKINSON:

Thank you, Mr. President. We have an opportunity here to try and change the way we've done business, in terms of ignoring our committees and doing our work at the last minute, when half the Members, let alone the public, know what's going on. These rules are designed to have that work done in committee, to have it done early, to have the amendments be adopted in committee, to have them passed out of committee by a majority of the committee. It is also designed and will cut the number of committees and save a hundred thousand dollars for the people of the State of Illinois. I would move the adoption of Senate Resolution No. 2.

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PRESIDENT PHILIP:

Senator Hawkinson has moved the adoption of Senate Resolution No. 2. A roll call vote will be taken. All those in favor, signify by saying Aye. Those opposed, Nay. Voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 32 Ayes, 26 Nays, no voting Present. The amendment is adopted. Excuse me - the resolution is adopted. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, having voted on the prevailing side, I move to reconsider the vote by which Senate Resolution No. 2 was adopted.

PRESIDENT PHILIP:

Senator McCracken.

SENATOR MCCRACKEN:

...(machine cutoff)...motion that doesn't have to go to Rules. I move to table that motion.

PRESIDENT PHILIP:

All those in favor -- Senator Geo-Karis has moved that the Senate reconsider the vote by which Senate Resolution No. 2 was adopted. Senator McCracken moved to table that motion. The motion is order. The question is, shall the -- Senator Jones.

SENATOR JONES:

You know, Mr. President, as you assume the Presidency your hearing should increase - not decrease. Under the rules you just adopted, in all fairness, that motion should go to your Rules Committee. You just adopted the rules; that motion should go to the Rules Committee.

PRESIDENT PHILIP:

Senator Jones, if you would go to Rule 3-.8 <sic>, motions do not have to go to Rules Committee. If you would read that, you would come to the same conclusion the parliamentarian has. This is a motion to reconsider and a motion to table. They have never,

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in the history of this Senate or the House, ever gone to Rules Committee. Now you know that and I know that. Senator Jones.

SENATOR JONES:

Mr. President, and your skillful -- parliamentarian, whom I assume had tremendous input into the rules, is searching, himself, for something. That's why we should have delayed. If -- if -- if this is so important, and he doesn't know where it is, and you don't know where it is, and I know thirty-one other individuals on the other side doesn't know where it is, so therefore that is the reason why we raised our objections previously. So this is a motion on this resolution. All Floor action of any nature should go to the Rules Committee, according to the rules you just adopted. You just adopted these rules. So this motion should go to the Rules Committee.

PRESIDENT PHILIP:

Senator Jones, the automatic referral to Rules Committee, specifically in Rule 3-8, do not apply to motions. The question is proper that is before this Body. Now, Senator Geo-Karis has moved the Senate reconsider the vote by which Senate Resolution No. 2 was adopted. Senator McCracken moved to table that motion. The motion, again, is in order. The question is, shall the Senate table the motion to reconsider the adoption of Senate Resolution No. 2. Voting is open. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On that question, there are 32 Ayes, 26 Nays, no voting Present. The motion is tabled. Next resolution. Mr. Secretary, please read Senate Resolution No. 3.

SECRETARY HARRY:

Senate Resolution 3, offered by Senator Weaver.

PRESIDENT PHILIP:

Senator Weaver.

SENATOR WEAVER:

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Thank you, Mr. President. This resolution informs the House that this Chamber is now organized. I move the suspension of the rules for the immediate consideration and adoption of Senate Resolution No. 3.

PRESIDENT PHILIP:

Senator Weaver has moved the suspension of the rules for the immediate consideration and adoption of Senate Resolution No. 3. Those in favor, signify by saying Aye. Those opposed, Nay. In the opinion of the Chair -- Senator Jones.

SENATOR JONES:

Will you kindly inform this Body, Mr. President -- and I don't want to keep raising my voice, cause I know it will -- must be much stronger as we go into the Session. But could you kindly inform the Body, and to point out in the rules, as to how many votes is required to suspend the rules, and what section of the bill?

PRESIDENT PHILIP:

Page 45, 7-17(d). It takes thirty votes. A roll call has been requested. Senator Jones.

SENATOR JONES:

As I read here under suspension of the rules, it does not say here how many votes is required. Could you give me line and section number?

PRESIDENT PHILIP:

Well, Senator Jones, if you'd look at line 27 and 28, "or upon a motion supported by the affirmative vote of a majority of those elected unless a higher number is required". I'm assuming that means -- a higher number is required "in the rule sought to be suspended." Senator, the Chair will -- indulge the Members with explanation of these rules. The suspend rules requires thirty votes under Rule 7-17. Senator Jones.

SENATOR JONES:

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Thank you, Mr. President. Mr. President...

PRESIDENT PHILIP:

One -- one -- one minute, Senator Jones. Senator Jones, let me just make this observation: If it's the intent -- it is the intention of the Chair to complete our organization today. Under the rules, which as you knew are brand-new - even brand-new to -- to us - the motion to suspend requires thirty-six votes. Okay? It -- it is the desire of the Body to postpone adoption of the remaining resolutions; they'll be considered tomorrow. And they'll be reported out by the Rules Committee, if that makes you feel better. Senator Jones.

SENATOR JONES:

Mr. President, this is the reason why, in my opening remarks to you on my amendment, that we should adopt temporary rules. I refer you to your own document, page 17, Section 3-6, on referral of resolutions, messages and reorganization orders. All resolutions, after being initially read by the Secretary, shall automatically be referred to the Executive Committee, unless the Presiding Officer's determined the resolution of the thing is not substantive. Now, what I'm saying to you, Mr. President: By your own rules, once this matter was read, it automatically is referred, then it takes a motion to discharge, which require two-thirds votes -- or -- no, three-fifths vote, by your own rules that you are trying to shove down the neck of all the Members - Democrats and Republicans - when you, your ownself, don't even know what's going on. That's a disgrace, Mr. President. It's a -- it's a disgrace on your Presidency; it's a disgrace on your Membership on that side of the aisle, when you try to present something to someone and you're going to talk about "We're going to speed up government; we're going to have openness," and you, yourself, know that right here in black and white in King James' version of the English language, it says it automatically goes to

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a special committee, and it takes three-fifths vote.

PRESIDENT PHILIP:

Chair recognizes Senator McCracken for a purpose of a motion.

SENATOR MCCRACKEN:

As the Chair stated before the point of order was made, there was a motion to suspend the rules, which requires referral to another committee before action by the House. Sir -- sir, that was the motion. And your parliamentary inquiry was whether it took thirty or thirty-six votes. A motion to discharge committee takes thirty-six votes under these circumstances. The motion before the Body is to suspend the rule requiring referral to a committee, and have it considered immediately. I move to suspend that rule.

PRESIDENT PHILIP:

Senator Jones, the motion to suspend the Rule 3.-8 <sic> will require thirty votes. And, Senator Jones, if -- if you want to appeal the ruling of the Chair, that certainly is your prerogative. Senator Jones.

SENATOR JONES:

Mr. President, I am not questioning that aspect of the rules. What I am saying to you -- you have right here before us, on page 17, where it states emphatically, once the Secretary reads it into the record, it automatically goes to committee, and then from that point it requires three-fifths vote. Now that is what you said, Mr. President. These are your rules. So therefore, it automatically goes to the Exec Committee, and it requires three-fifths vote. That is the issue that's before us right now. How can you suspend that rule when you have it here in black and white? You, yourself, cannot even do that, Mr. President.

PRESIDENT PHILIP:

Senator Jones, as you know, normally the Chair does not get into debate over the rules, and so I will recognize Senator

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McCracken to put you on the right track. Senator McCracken.

SENATOR McCracken:

I didn't rise for that purpose, sir, but I just reiterate my motion to suspend the rule.

PRESIDENT PHILIP:

That motion is in order. State your inquiry, Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President, Members of the Senate. I believe there is nothing before this Body that can be voted on at this point, because under the rules we just adopted, the resolution automatically resides in the Executive Committee. It is no longer before this Body. It would take a motion, under the rules, to discharge that committee.

PRESIDENT PHILIP:

Senator Carroll, the ruling has been made. Senator Weaver has moved the suspension of the rules for immediate consideration and adoption of Senate Resolution No. 3. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. Thirty -- on that question, 32 Yeas, 25 Nays, no voting Present. The motion is adopted. Now, on the adoption of Senate Resolution No. 3: Is there any discussion? If not, the question, shall the Senate adopt Resolution No. 3. Senator Carroll.

SENATOR CARROLL:

First of all, Mr. President, I don't believe it's been read. Secondly, immediately upon reading, it goes to the Executive Committee. I would make the same objection. But at this point, there's nothing before the Body at all, because the resolution hasn't even been read by the Secretary of the Senate.

PRESIDENT PHILIP:

The -- the ruling has been made. The voting has been taken.

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Now, on the adoption of Senate Resolution No. 3...

SENATOR CARROLL:

It hasn't been read. You didn't call on him to read it.

PRESIDENT PHILIP:

It's -- I beg your pardon; the Secretary informs me that he's read the resolution. It's in the record.

SENATOR CARROLL:

Then I would suggest it's in Executive, and I would make the same objection.

PRESIDENT PHILIP:

If there isn't any discussion -- if not, the question is, shall the Senate adopt Resolution No. 3. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On that motion, there are 30 Yeas, 25 Nays, 1 voting Present. The -- Resolution No. 3 is adopted. Next resolution, Mr. Secretary.

SECRETARY HARRY:

Resolution No. 4, offered by Senator Weaver.

PRESIDENT PHILIP:

The Chair recognizes Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is the standard resolution requiring the Secretary to prepare transcripts of the Journal, and I move the suspension of the rules for immediate consideration and adoption of Senate Resolution No. 4.

PRESIDENT PHILIP:

Senator Weaver moves the suspension of the rules for immediate -- the consideration and adoption of Senate Resolution No. 3 <sic>. Is there any -- discussion? If not, the question is, shall rules be suspended. Those in favor, vote Aye. Those opposed, Nay. The voting is open. Have -- have all voted who wish? Have all voted who wish? Take the record. 33 Ayes, 25

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Nays, no voting Present. The resolution is adopted. The motion is adopted - excuse me. Now, on the adoption of Senate Resolution No. 4. Is there any discussion? If not, the question is, shall Senate -- I'll ask Senator Weaver to explain the resolution. Senator Weaver, if you would explain Resolution No. 4, we'd all appreciate it.

SENATOR WEAVER:

Well, thank you, Mr. President. This is the standard resolution that we always adopt, which requires the Secretary to prepare a transcript of the Journal. I would move adoption.

PRESIDENT PHILIP:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I wasn't turned on. The proper procedure for all resolutions -- that the Secretary shall read the resolution, not the sponsor give a cursory overview of what that resolution is. So I wish the Secretary would preform his job, which I'm not sure he's quite capable of doing. Kindly read the resolution, so we will know what we are voting on, and at that time, Mr. President -- when he completes his -- Mr. -- Mr. President, when he completes reading the resolution, I respectfully request that you recognize me, as the leader of the party on this side, because I have a statement to make regarding it.

PRESIDENT PHILIP:

Thank you, Senator Jones. As you're probably aware, this has been distributed to our Members. It's on the desk. It has not been the custom of the Senate to read it. But we will extend that courtesy to you. Mr. Secretary, will you please read the resolution.

SECRETARY HARRY:

Senate Resolution No. 4, offered by Senator Weaver.

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(Secretary reads SR No. 4)

PRESIDENT PHILIP:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. It -- it is the custom, it is the practice, that whenever we go through the policy of organizing the Senate, for the public record that that resolution be read into the record. It is the tradition of this Body, since we are going through the legal aspect of it, it should be read into the Body. I make the point also to you, Mr. President and Members of the Body, that on page 17, this resolution, having been officially read into the record, is automatically assigned to the Executive Committee, which require a motion to discharge, which requires three-fifths vote.

PRESIDENT PHILIP:

Senator Jones, I've already ruled, and a vote has been taken. Senator Hendon.

SENATOR HENDON:

I just have a few questions on this resolution for the maker, if I might ask through the President. And my concern is that the -- the first part of this resolution; that's what I brought up earlier. To the maker of the resolution: Does this mean that we will get material in a timely manner, and get the opportunity to look it over before we vote on it?

PRESIDENT PHILIP:

Senator Weaver.

SENATOR WEAVER:

This information will be given to the Membership just as soon as it's available.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

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I'd like to ask just a few more questions, because I -- this is something that I could vote for. But I just want to make sure that it is the intent, because it says to make sure that Senators should be conversant with the business transacted each day, in order that they may act understandably on all matters. Will this mean - and I just want to be clear on it, Mr. President - that we will not be receiving large massive pieces of legislation and asked to vote on them that day? Perhaps this one is necessary; I disagree, but perhaps today rules change is necessary. But in the future, just for the record, does this mean that we will get all matters - it says, understandingly on all matters - in a timely basis and have substantial time to read through these documents and then make a vote, one way or the other?

PRESIDENT PHILIP:

Senator Weaver.

SENATOR WEAVER:

This information instructs the Secretary to give every Member a copy of everything that goes on on this Floor, in a timely manner.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

...(machine cutoff)...the President - this is to you, President Philip: Is it your understanding of - according to the distinguished Senator Weaver here - that timely manner means that we will have twenty-four hours or forty-eight hours or seventy-two hours to look over all legislation that comes before this Chamber? I just simply want to know what "timely" means. Can I -- can I -- will -- can I assume - or should I look forward to having two days to look something over? A day?

PRESIDENT PHILIP:

Senator Hendon, the -- the question should be addressed to the

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sponsor, not to the Chair. Questions of procedure should be addressed to the Chair. Questions on this resolution should be addressed to Senator Weaver. I think he's answered your question, and I, quite frankly, agree with him. The question is, shall Senate adopt Resolution 4. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. There are 37 Ayes, 15 Nays, 2 Present. Senate Resolution 4 is adopted. Next resolution, Mr. Secretary. Senate Resolution 5, I believe.

SECRETARY HARRY:

Senate Resolution 5, offered by Senator Weaver.

PRESIDENT PHILIP:

For the benefit of Senator Jones, please read the resolution.

SECRETARY HARRY:

(Secretary reads SR No. 5)

PRESIDENT PHILIP:

The Chair recognizes Senator Weaver to explain the resolution and make a motion. Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Resolution 5 appoints the Standing Committee of Correspondents, in accordance with the standard procedure for organization. I move the suspension of the rules for the immediate consideration and adoption of Senate Resolution No. 5.

PRESIDENT PHILIP:

Senator Weaver moves the suspension of the rules for immediate consideration and adoption of Senate Resolution No. 5. Is there any question? If not -- Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I know those who are mentioned here and whom they represent - they are all fine people. But our decision at this point is what are we voting on. We are not

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voting on anything that is before us because, according to the rules, this issue is before the Executive Committee automatically, and there has been no motion made to take from the Executive Committee, because it requires three-fifths vote. So our vote on this side of the aisle - and trust that the other -- the other side of the aisle - is on the procedural question. And the procedural question, according to the rules, is that this matter automatically goes to the Executive Committee, and if it's in the Executive Committee, we cannot properly vote on such an issue, according to your rules on your side of the aisle, Mr. President. So I request a No vote on the procedural question, not the substance of the resolution.

PRESIDENT PHILIP:

Senator Weaver moves the suspension of the rules for immediate consideration and adoption of Senate Resolution No. 5. Is there any discussion? If not, the question is, shall the rules be suspended. Those in favor, signify, voting Aye. Those opposed, 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 32 Ayes, 25 Nays, 1 voting Present. And the rules are suspended. Now on the adoption of Senate Resolution No. 5. Is there any discussion? If not, the question is, shall the Senate -- shall the Senate adopt Resolution No. 5. And the voting is open. Have all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. There are 32 Ayes, 19 Nays, 4 voting Present. The Senate adopts Resolution No. 5. We have now completed the business for today. I intend to come -- we have now concluded the organization of the Senate for the new 88th General Assembly. The intention of the Chair is to come in tomorrow morning at 10 o'clock for the introduction of bills and resolutions. If -- if there is no further business to come before the Senate, Senator Weaver moves that -- the Senate

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stand adjourned until 10 o'clock tomorrow morning. Adjourned.

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