

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

1st Legislative Day

January 8, 1997

GOVERNOR JIM EDGAR:

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 {sic} (its) membership a President of the Senate as presiding officer." The Senate will please come to order. The media is granted permission to record these proceedings. The Invocation will be offered by Monsignor Angelo Lombardo, Pastor of the St. Barbara Catholic Church of Okawville. Monsignor.

MONSIGNOR ANGELO LOMBARDO:

(Invocation by Monsignor Angelo Lombardo)

GOVERNOR JIM EDGAR:

Will you please remain standing? I'd now like to call upon Senator Adeline Geo-Karis to lead us in the Pledge of Allegiance. Senator Geo-Karis.

SENATOR GEO-KARIS:

Your Excellency, thank you. And, Ladies and Gentlemen, will you join me?

(Pledge of Allegiance, led by Senator Geo-Karis)

GOVERNOR JIM EDGAR:

The following Senators are appointed to the Committee to Escort Members of the Judiciary into the Chambers: Senator Hawkinson, Senator Dillard, Senator Petka, Senator Smith, Senator Cullerton and Senator Shadid. If you would please retire to the -- oh, you're already back there. You're ready. Before I ask them to bring in the members of the Judiciary, I would like to recognize some other special guests we have here. First, I'd like to recognize the Attorney General of the State of Illinois, Jim Ryan. Also, I'd like to recognize the Lieutenant Governor of the State of Illinois, a former Member of the Illinois State Senate, and his wife, Lieutenant Governor Kustra and Mrs. Kustra. Also,

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I'd like to introduce a gentleman who has served in the position that I now hold, with great distinction, an outstanding Illinois citizen. I'd like to introduce Governor William Stratton, and his wife, Shirley. Next, I'd like to introduce a gentleman who was a Member of the Senate when I first came as a Senate aide twenty-nine years ago. He then became the first Legislator to serve as President of the Illinois State Senate in his election to that post in 1973. He has carried out many other distinguished positions in State government. I'd like to introduce Senator William Harris, and his wife, Mrs. Harris. I might point out, Senator Harris was a very young man when I first came here, and since I... Now I'd like to ask the Escort Committee Members of the Members of the Judiciary to please come forward and bring in the members of the Judiciary. ...very pleased to have with us today the Chief Justice of the Supreme Court, Justice Heiple, and Justice Nickels. ...hereby appoint the following persons as temporary officers of the 90th General Assembly: Jim Harry, as Secretary; and Tracey Sidles, as Sergeant-at-Arms. The Secretary will now read the Letter or {sic} Certification from the State Board of Elections of Senate Members elected in November, 1996, to the 90th General Assembly. Mr. Secretary, please read the letter.

SECRETARY HARRY:

A communication from the State Board of Elections, Patricia Freeman, Director of Election Information.

Dear Mr. Secretary {sic} (Harry) - Enclosed is a list of individuals who have been elected to serve as members of the Illinois Senate in the 90th General Assembly, and have been duly certified by the State Board of Elections at their board meeting on November 25th, 1996.

1st District, Jesus Garcia, Chicago - two years; 3rd District, Margaret Smith, Chicago - 4-year term; 4th District, Earlean Collins, Chicago - 2 years; 6th District, John J.

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Cullerton, Chicago - 4 years; 7th District, Walter W. Dudycz, Chicago - 2 years; 9th District, Arthur L. Berman, Chicago - 4 years; 10th District, James A. DeLeo, Chicago - 2 years; 12th District, Robert S. Molaro, Chicago - 4 years; 13th District, Barack Obama, Chicago - 2 years; 15th District, William Shaw, Dolton - 4 years; 16th District, Donne Trotter, Chicago - 2 years; 18th District, Patrick J. O'Malley, Palos Park - 4 years; 19th District, William F. Mahar, Orland Park - 2 years; 21st District, Chris Lauzen, Aurora - 4 years; 22nd District, Thomas J. Walsh, LaGrange Park - 2 years; 24th District, Christine Radogno, LaGrange - 4 years; 25th District, Doris C. Karpiel, Carol Stream - 2 years; 27th District, Peter G. Fitzgerald, Inverness - 4 years; 28th District, Martin J. Butler, Park Ridge - 2 years; 30th District, Terry Link, Vernon Hills - 4 years; 31st District, Adeline Jay Geo-Karis, Zion - 2 years; 33rd District, Steven J. Rauschenberger, Elgin - 4 years; 34th District, Dave Syverson, Rockford - 2 years; 36th District, Denny Jacobs, East Moline - 4 years; 37th District, Todd Sieben, Geneseo - 2 years; 39th District, Dan Cronin, Elmhurst - 4 years; 40th District, Debbie DeFrancesco Halvorson, Crete - 2 years; 42nd District, Edward Petka, Plainfield - 4 years; 43rd District, Tom Dunn, Joliet - 2 years; 45th District, Robert A. Madigan, Lincoln - 4 years; 46th District, George P. Shadid, Edwards - 2 years; 48th District, Laura Kent Donahue, Quincy - 4 years; 49th District, Vince Demuzio, Carlinville - 2 years; 50th District, Larry K. Bomke, Springfield - 2-year unexpired term; 51st District, Penny Severns, Decatur - 4 years; 57 -- 52nd District, Stanley B. Weaver, Urbana - 2 years; 54th District, William L. O'Daniel, Mt. Vernon - 4 years; 55th District, Frank Watson, Greenville - 2 years; 57th District, James F. Clayborne, Jr., Belleville - 4 years; and 58th District, David Luechtefeld, of Okawville - 2 years.

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I'd like to ask Chief Justice Heiple if he would please come to the rostrum to administer the oath of office to the Members of the Senate. I'd like to ask now if the Senators-elect would please rise to be sworn into office. Justice Heiple.

JUSTICE HEIPLE:

It is a delight and honor and a distinct privilege to be here today to administer this oath to this governmental Body. On both sides of the aisle, you Senators represent the very best of American self-government, and if you will now please rise and raise your right hand, I will administer the oath of office. Please repeat after me: I do solemnly swear that I will uphold the Constitution of the United States and of the State of Illinois, and that I will administer the office of Senator for the State of Illinois to the best of my ability, so help me God. Congratulations, and best wishes.

GOVERNOR JIM EDGAR:

Let me join Judge Heiple in offering my congratulations to the newly elected Senators, and look forward to working with you and your colleagues in the upcoming Session of the General Assembly. Now I'd like to call upon the Secretary to please call the roll of the Senators of the 90th General Assembly.

SECRETARY HARRY:

Berman, Bomke, Bowles, Burzynski, Butler, Carroll, Clayborne, Collins, Cronin, Cullerton, DeLeo, del Valle, Demuzio, Dillard, Donahue, Dudycz, Dunn, Farley, Fawell, Fitzgerald, Garcia, Geo-Karis, Halvorson, Hawkinson, Hendon, Jacobs, Jones, Karpel, Klemm, Lauzen, Link, Luechtefeld, Madigan, Mahar, Maitland, Molaro, Obama, O'Daniel, O'Malley, Parker, Peterson, Petka, Philip, Radogno, Rauschenberger, Rea, Severns, Shadid, Shaw, Sieben, Smith, Syverson, Trotter, Viverito, Walsh, Watson, Weaver, Welch and Woodyard.

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A quorum is present. The next order of business is the election of the Senate President of the 90th General Assembly. In the opinion of the Chair, thirty affirmative votes will be required to elect the President. Nominations are now open. Senator Dillard.

SENATOR DILLARD:

Thank you very much, Governor, Ladies and Gentlemen of the Senate, Judges, our family, our friends and distinguished guests. I have the great honor this afternoon to nominate, as the President of this Body, one of the greatest legislative leaders in the history of Illinois. He's in some famous company. We've had some fabulous leaders in our State. I've had the unique privilege of working with this gentleman from a number of perspectives, even though I consider myself a young man: First as an intern in this Body, where he stopped me in the back of the Chamber and said, "You're from my county, why don't I know you?" - then as a staff member; then as Governor Jim Thompson's liaison to this Body, and as his Legislative Director; as a lawyer-lobbyist for a while; and then as Governor Jim Edgar's Chief of Staff; and now, I guess, most proudly, as a Member of this Body with all of you. I get to see our Senate President back home, because his district is near mine, and I guess, ironically, the bakery that he worked and sold bread for, for more than thirty years, is just a block or two from my district office. So I've seen him from a -- a variety of different fronts. With Senator James "Pate" Philip at the helm of this Chamber, nobody, nobody, doubts who's in charge, but in reality, we're all in charge. I've never seen a legislative leader operate a caucus or the Senate, as a whole, with so much openness, so much delegation of authority, or so much democracy. And whether he sits in a chair in the back of the Chamber or you see him in the hallway, or he walks around the Floor, or you see him from time to time in a local saloon, nobody feels

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uncomfortable going up to Senator Philip and telling him what they think or bouncing some ideas off of him. My gosh, back home sometimes people are astonished that Senator Philip actually answers his own telephone in his district office with the familiar retort, "Pate Philip speaking." Last night when we adjourned after midnight, sine die, a number of us gathered in Senator Philip's office, and I noticed who was there. The youngest Members, the newest Members of this Body, Senators Walsh and Senators Parker were there, and the senior-most Member, or the one with the most experience, Senator Stan Weaver, was there. Pate Philip is open to all of us. For the new Members who are here today, let me tell you, instantly you will be delegated authority under Senator Philip's regime, just as our staff is. He lets you run with as much as you can handle, and he regards your input as much as he would somebody like Senator Demuzio or Senator Weaver that have served here many longer years than we have. Last night, in Senator Philip's office, we regaled in some of Pate's stories about different Members: a machine Democrat who served in this Body, Bob Egan; the beloved Harold Washington, who was a Member of this Body; and an ultraconservative Roger Keats, now all retired or deceased; and Charlie Chew. All very different people with different backgrounds, but Pate enjoyed their company and he respected the diversity they brought here. Many times at the top and people in high office lose sight of where they came from or who they are. There's, unfortunately, an all-time, too-familiar saying that power corrupts. Well, it doesn't Pate. Once a Marine, I guess you're always a Marine, Pate. A gentleman with great common sense. He's always himself. He has great gut feelings of the people of Illinois and, most importantly, the people of his district. He comes with solid core values of what we're about, and what people of our own districts are about, even though he doesn't necessarily get elected by them. Above all,

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Pate is fair and somebody in this business who has conservative principles, but he's not rigid. In fact, you can change Pate Philip's mind if you go to him, reason with him, and take him the facts. I've seen him change his mind on many occasions. Pate always seeks input from this Body. For a man of his stature, remarkably, Pate Philip has no ego. Like the Governor taught me when I worked for him, he doesn't like surprises, he doesn't like to be kept in the dark, he likes to be kept informed. But Pate has no ego. With Pate Philip you have no better friend or ally. If he's against you, let me tell you, you're in big, big trouble, whether you're the Governor, whether you're the Senator or Representative or one of his local officials. Pate has statewide and nationwide stature. Presidential candidates seek Pate Philip's input and support. That surely speaks well of Pate, but it also speaks well of every Member of the Illinois State Senate and we should all take pride that our leader has this statewide and nationwide stature. Pate will always tell you the truth, and a lot of times, frankly, it hurts. Most of the time, he's right; but he will never, ever double-cross you or go back on his word. He'll always try to work things out with you. When we left last night at 1:30 in the morning, and our little gathering back here of a variety of generations of Senators, one of the young Senators quipped, "I'll see you in the morning, Pate", and Pate said, "I'll be at my desk before you will." And I guess if I have one new word of warning to the new Members or the media, if you want to get Pate Philip, you better get him early, very early at his desk, and he'll be there almost at the crack of dawn. Nobody will outwork Pate Philip. Now, I don't want to mislead anybody when I said Pate is Pate, he's remained unchanged from the Pate Philip I first met eighteen or twenty years ago. Pate, in fact, has changed. Pate has become a statesman. When I was Governor Jim Thompson's Legislative Director, I had the privilege of watching

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Pate in the leadership meetings with the four legislative leaders with Governor Thompson and then later Governor Edgar, and I did watch Pate change. He became a leader, not just for his district or his beloved County of DuPage, but for all of Illinois. Pate's been a leader for all of us. Through two expansions of McCormick Place in Chicago, whether it's new roads for central or western Illinois, delivering downstate Amtrak service, Chicago school reform, conservation projects for downstate Illinois, moving Lake Shore Drive, tackling our ever-exploding infrastructure needs in the, now, soon-to-be eight-county metropolitan Chicago region, helping inner-city hospitals or children's hospitals, a new White Sox stadium, a new United Center and the infrastructure on the west side of Chicago that came with it, Pate Philip was there. He's a friend to the University of Illinois at Urbana-Champaign and all the other higher education institutions of Illinois. Pate travels and he knows and he helps and he loves all of Illinois and he cares. From the farthest tip of southern Illinois to the northwest corner, all throughout Illinois Pate travels our State. He knows it. While he concentrates on the big picture of Illinois, as a legislative leader, let me just tell you one little instance that I think shows you what this man is about. The other day in our caucus when we were talking about some of the heated issues of last night, the judicial remap and other things, Pate stopped in the middle of our caucus, and while I don't let caucus secrets out, he turned to Senator Rauschenberger, the Appropriations Chairman, and said, "We've taken care of the home-delivered meals for the senior citizens, haven't we?" So Pate never forgets a detail so small for his district or for the little people of Illinois. In James "Pate" Philip, I think we have a leader who respects the tradition of this Body. He is innovative; he is progressive; and he is open to new ideas, whether it's the computerization, our new Senate Rules, or

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eliminating the costly congratulatory resolutions in seeking cost-cutting measures. While Pate respects the traditions of this Body, he is progressive as we move forward. New Members or new staff, as I said, can run with as much as Pate will let them handle. And when you look about there are some cynics about, the way we run government. I'm proud to say that under Senator Philip's regime, this State Senate is run in an orderly fashion. We adjourn on time, in fact, early, letting us get back to our constituencies to serve them and to be accountable to the people who -- or, who we represent. This Body is run in a clean and a lean fashion. We have excellent staff on both sides of the aisle, and we continue to have the camaraderie that this institution has had for more than a century. This is a well-run place, and Senator Philip keeps it running more efficiently than ever. Our committee structure under Senator Philip has never been stronger than it is today in the State Senate. We have more hearings and openness for the public, as well as the Members of this Body. As these kind of bodies go, there is as much daylight as any institution, I believe, in the Free World, in the way we run the State Senate under James "Pate" Philip. Our committee structure is true and it's real, and we all have input. In closing, let me say we've all grown fond, I guess, of Pateisms. And, in fact, we should keep a book like they did with former Mayor Richard J. Daley in Chicago. He's got a lot of phrases, for those family and friends who are here, we Members get to know very well. Things like, "Let's put a lot of green or red lights up there on the board", when it's time to vote; "You're a towering bowl of Jell-O", when, in fact, you're kind of wavering on an issue he thinks you need to stand with some conviction behind. But most importantly, and he says it in private, he says it back home, he says it to all of us in open debate, his favorite thing, I think, and it's true and he means it, is "Let's do the right thing." He

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says it often, and he means it. So, I say let's do the right thing today and elect a great legislative leader, a literal giant in his own time, or a legend in his own time. And again, Mr. President, it gives me great pleasure to place in nomination the name of James "Pate" Philip of Wood -- Wood Dale to be the President of the Illinois State Senate for the 90th General Assembly. Thank you.

GOVERNOR JIM EDGAR:

Senator Philip has been placed in nomination for President of the Senate. Like to recognize Senator Karpiel for the purpose of seconding that nomination.

SENATOR KARPIEL:

Thank you very much. There are many fine legislators in the Illinois General Assembly. Some are students of the law and are able to help us find flaws in legislation. Some are orators who stir our hearts and our minds with their debating ability. Everyone in this Chamber has their own unique talent and their own specialty. And some, by the strength of their personality, are supremely qualified for leadership, in fact, are almost larger than life, and one of those is Senator James "Pate" Philip. Pate is sometimes a controversial figure, and I know the press like to talk to him and interview him because he gives them some very good quotes. And the reason for that is because one of his greatest talents is that he never equivocates, and he always tells it like it is. In fact, one of the things that I hear most about Senator Philip is that he always lets you know where he stands. He may not agree with you, but he always lets you know where he stands. And that is no small thing in today's political world. Because how many of us know politicians who say one thing to one group and another thing to another person and tap-dance around answering any kind of questions and never really comes out and says what they think or what they believe? Not Pate. His openness and his --

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his honesty is refreshing, and one of his greatest strengths, I think. Another of Senator Philip's talents is his abilities to separate politics from people. When you differ with him politically, he never lets it become personal. I know that he has good friends on both sides of the aisles that he goes fishing with and hunting with, and are good personal friends. And I know that whenever possible, he would help any Member of this General Assembly, and has, no matter from which Party. I wanted to just make a little aside here and mention something that is little noted by the press or by Members here, and that is that Senator Philip was the -- was the one who appointed the first woman in Illinois history to a position of Leadership in this Illinois Senate - Senator Geo-Karis. And that is another indication of one of his strengths, and that is, he has always been supportive and encouraging to others by giving them opportunities to excel and to follow their dream. Senator Philip is a man who speaks his mind, whose word is his bond, who is extremely loyal, and who has proven to be a strong and popular leader. And that is why it is my honor and my extreme pleasure to second the nomination of James "Pate" Philip as President of the Illinois Senate.

GOVERNOR JIM EDGAR:

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

SENATOR RAUSCHENBERGER:

Thank you. In my forty years, I've known a lot of strong men, and known a lot of men who have done a lot of good work. I had two wonderful scoutmasters who did a great deal to form and educate young people that I was -- that I grew up with. I had two wonderful rectors in my church who have done a lot to spiritually guide and -- and help a lot of people grow and made a great deal of difference in my life. I've had teachers in both high school and elementary school that made a great impression on me and did a

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great deal to form my character and make things better. There's special people that make a difference in men's lives, and it's a very difficult role for anyone to fulfill. In coming to the General Assembly, we're all elected by our districts. We're made Senators by the voters of our districts. But coming to Springfield, you have to assume a new role: You have to become a legislator; you have to seek and build consensus; you have to learn how to persuade others and to compromise on the things you believe in. And it takes a good, strong, self-confident and patient leader to help aggressive, bright people mold their -- their beliefs and the things they stand for into compromise and consensus that can advance State policy. It's an exceptionally difficult role to fulfill, and it's one that very, very few people in today's society understand. And it's very difficult to be a strong, assertive leader and to allow people around you to have the opportunity to express themselves and to advance the things they believe in. We have that unique combination of qualities in our Senate President, in James "Pate" Philip. And I am very, very proud to be here to stand to second his nomination. He's a man that's allowed me the opportunity to develop and he's allowed many other people in this Chamber the opportunity to express themselves and to bring the best that they have to State government and bring their ideas for the people of Illinois, to try to make the State of Illinois a better place. I enthusiastically and respectfully second Pate Philip for President of the Illinois State Senate.

GOVERNOR JIM EDGAR:

Senator Philip has been nominated and there has been a second -- two seconds to his nomination. Are there any other nominations? I'd recognize Senator Trotter for the purpose of putting a name in nomination. Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. Governor. Ladies and Gentlemen, I

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proudly rise this afternoon to present to this august Body an individual who has earned the privilege under this Constitution to be the sixth President of this Illinois Senate. My nominee has served with honor, distinction and, more importantly, with integrity for twenty-four years in this Illinois General Assembly, fourteen of those years in this Chamber alone. Throughout the substantive legislation he has carried and passed, he has demonstrated that he is acutely aware of the needs and the wants of the eleven million citizens of this great State. Throughout his tenure as a public servant, he has carried forth the consistent, unbiased message of fairness and parity for all of our citizens. Be it in the streets of the inner city, be it to the back roads of rural America, be it from the pulpit of our churches to the school yards of our children, he has gone forth and has carried the message that all of our people must be represented. Be it, again, into those -- even those offices of the influential executives of our State, he has fought the fight of the downtrodden, as well as the battles of the affluent citizenry. One of our greatest leaders of our time, the ex-Speaker of the House, Tip O'Neill, said that all politics is local. That is a phrase that has become part of the lexicon of many of us here in this Chamber. However, some of us have confused that statement to be our own agenda. And through those myopic eyes, we have preached that we have construed -- of what we have construed to be the will of the people. That has not always been the case. So, subsequently, the needs and the true needs of our people of this State have not been addressed. The people want a government that is open. They want a government that is sensitive to their needs, and they want someone who will climb those mountains to ensure that those goals are met. Through his word, and more importantly, through his actions, my nominee has shown all of us that the face of Illinois has no one color, that the face of Illinois has no one

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-- no one gender, that no one political philosophy espoused as dogma can carry this State to the heights of its inherent potential. The voice of the people, like the State itself, is its face and that face is a composite of each and every one of us in this room. Through the years, the eloquent voice of my nominee has been the voice of reason. It has been the voice of action. It has been the voice of justice for the working men and women of this State. My friends, it is from this insight of fairness and parity that my nominee has prepared himself to lead this State. It is from his innate vision that he has been destined to lead this great State. It has been an honor to serve with such a true leader. He stands among us today truly as a man among noble men and women, a leader of leaders. And I stand before you with great honor to present to you a true leader, Emil Jones, Jr., who is a fierce fighter for humanity and justice, and I'm proud to nominate him for our next President.

GOVERNOR JIM EDGAR:

The name of Senator Jones has been placed in nomination for Senate President. The Chair will now recognize Senator Severns for the purpose of seconding the nomination.

SENATOR SEVERNS:

Thank you, Governor Edgar, my distinguished colleagues, family and friends. It is indeed an honor to rise today to second the nomination of a leader uniquely qualified to lead this Chamber into the next millennium, Senator Emil Jones. Senator Jones is the leader this distinguished Body needs. He is honorable. He has unparalleled integrity and commitment to the true purpose for which we gather in this upper Chamber. Senator Jones understands the lesson of the Illinois poet, Carl Sandburg, when he wrote: When things go awry, two conditions can always be found - he forgot why he began; he forgot what brought him along. Senator Jones has never forgotten why he began, nor forgotten who brought

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him along. He's never forgotten that the people of Illinois are why we all are here. He's never lost sight of the mission of our public service calling to the men, women and children of this great State. He believes, as John Buchan wrote so many years ago, that politics is still the greatest and most honorable adventure, and that public service, is the crown of a career. Senator Jones leads by example. In his years of public service, it is clear that Senator Jones has always been a worker, indeed a true public servant who has never forgotten why he began. He has the ability to discern the true challenges of our State that so often get lost in rhetorical battles. More importantly, he is first in line to roll up his sleeves when there work -- when there is work to be done for the people of Illinois. As chief budget negotiator for the Senate Minority, I have seen firsthand Senator Jones' commitment to this State. I know that Senator Jones' word is his bond. Ladies and Gentlemen of the Senate, simply put, Senator Emil Jones has the vision to lead this Senate; indeed to lead the State of Illinois, through the demanding terrain we face as we enter the year 2000. He has his priorities in the right order. He is a champion of our children. He knows, at the dawning of a new century, we cannot leave behind a broken system of education that will lead to a weaker State. He has the vision to know that as the sun rises on the 90th General Assembly, the first order of the day must be to help our children. Senator Jones understands the most important lesson: that the progress we make in education will determine the progress we make in our State. He knows we must no longer neglect the educational system that shapes and molds our children into the responsible men and women of the future. Senator Jones is committed to properly funding education so we can boldly step across the threshold of the 21st century, knowing we are living up to our responsibility of teaching our children well. He knows, too, that providing those children, our

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future, with a sound financial footing can only be accomplished through real work in this Chamber. He knows we must be fiscally responsible, and he is committed to accomplish that no matter how many hours, days or votes it takes. Senator Jones has shown us all that the common denominator in this Chamber is people. He is focused on bringing Senators together by our shared ideals, not dividing this Chamber by political party or by the varied landscape of our State. Senator Jones has a tough mind and a tender heart. He possesses the boldness of thought to lead us into the future. Distinguished colleagues, as we embark upon the journey of our next Session that will close this century and open the door to the brilliant future that awaits, let us choose wisely who will lead us. Let us choose a proven leader who has the vision and the unique ability to bring this Body together with honor to work for the people of Illinois. Let us choose a Senator who has the boldness of thought and action that matches the boldness of our rich history in Illinois. Let us choose Senator Emil Jones, the gentle man and gentleman of Illinois. I thank you.

GOVERNOR JIM EDGAR:

The Chair recognizes Senator DeLeo for the purpose of seconding the nomination of Senator Jones.

SENATOR DeLEO:

Thank you, Governor Edgar. It is with great pride that I put the name of Emil Jones, Jr., in nomination for Senate President. The election of Senate President is about leadership, and leadership, Ladies and Gentlemen, is about priorities. Four years ago we were very fortunate to have the opportunity to elect a legislative veteran, one who knew and respected the legislative process. And yet, as a new legislative leader for this Body and for the people of Illinois, in his first term as head of our caucus - and, believe me, our caucus is a tough one at times - I

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remember hearing Senator Jones tell a reporter that people underestimated him. And they did. And that was their mistake. He set his priorities, not just for Senate Democrats, but for all of us. In 1993 Session, Emil Jones put education funding and schoolchildren at the top of his list, left partisan politics behind. The result was thirty-five more million dollars for education for the children of Illinois. This is just one of his many victories. I'm very proud to nominate Emil Jones for Senate President, because he has demonstrated his commitment and he has not wavered. Now that the people have put Democrats back at the budget table, our chief objectives are even more defined, more clear. And whether or not Emil Jones is Senate President, or Senate Democratic Leader, he will be effective, because he has shown time and time again that his priorities are for the people of this great State. Thank you, Governor.

GOVERNOR JIM EDGAR:

The name of Senator Jones has been placed in nomination and seconded for Senate President. Are there any other nominations? If there are no further nominations, Senator Weaver is recognized for the purpose of making a motion.

SENATOR WEAVER:

Governor, I'd move that nominations be closed.

GOVERNOR JIM EDGAR:

Senator Weaver has moved that nominations be closed. 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:

Berman. Berman votes Jones. Bomke. Bomke votes Philip.

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Bowles. Bowles votes Jones. Burzynski. Burzynski votes Philip.
Butler. Butler votes Philip. Carroll. Carroll votes Jones.
Clayborne. Clayborne votes Jones. Collins. Collins votes Jones.
Cronin. Cronin votes Philip. Cullerton. Cullerton votes Jones.
DeLeo. DeLeo votes Jones. del Valle. del Valle votes Jones.
Demuzio. Demuzio votes Jones. Dillard. Dillard votes Philip.
Donahue. Donahue votes Philip. Dudycz. Dudycz votes Philip.
Dunn. 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.
Halvorson. Halvorson votes Jones. Hawkinson. Hawkinson votes
Philip. Hendon. Hendon votes Jones. Jacobs. Jacobs votes
Jones. Jones. Jones votes Jones. Karpziel. Karpziel votes
Philip. Klemm. Klemm votes Philip. Lauzen. Lauzen votes
Philip. Link. Link votes Jones. Luechtefeld. Luechtefeld votes
Philip. Madigan. Madigan votes Philip. Mahar. Mahar votes
Philip. Maitland. Maitland votes Philip. Molaro. Molaro votes
Jones. Obama. Obama votes Jones. O'Daniel. O'Daniel votes
Jones. O'Malley. O'Malley votes Philip. Parker. Parker votes
Philip. Peterson. Peterson votes Philip. Petka. Petka votes
Philip. Philip. Philip votes Philip. Radogno. Radogno votes
Philip. Rauschenberger. Rauschenberger votes Philip. Rea. Rea
votes Jones. Severns. Severns votes Jones. Shadid. Shadid
votes Jones. Shaw. Shaw votes Jones. Sieben. Sieben votes
Philip. Smith. Smith votes Jones. Syverson. Syverson votes
Philip. Trotter. Trotter votes Jones. Viverito. Viverito votes
Jones. Walsh. Walsh votes Philip. Watson. Watson votes Philip.
Weaver. Weaver votes Philip. Welch. Welch votes Jones. And
Woodyard. Woodyard votes Philip.

GOVERNOR JIM EDGAR:

The results of the roll call are as follow: Senator Philip,
31 votes; Senator Jones, 28 votes. Senator Philip, having

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received the necessary votes, is hereby declared elected as President of the Senate of the 90th General Assembly. Congratulations.

(Applause by the Illinois Senate)

GOVERNOR JIM EDGAR:

Senator Philip, I would like to ask you and members of your family to please come to the rostrum so we can proceed with the swearing in. I also would like to ask the Justice of the Supreme Court, John Nickels, please come to the rostrum to administer the oath of office to the Senate President. Justice Nickels.

JUSTICE NICKELS:

Thank you, Mr. Governor. It's my distinct pleasure and honor to administer the oath of office to James "Pate" Philip, one of the great leaders in Illinois. Please repeat after me: I, James "Pate" Philip,

SENATOR PHILIP:

I, James "Pate" Philip,

JUSTICE NICKELS:

do solemnly swear

SENATOR PHILIP:

do solemnly swear

JUSTICE NICKELS:

that I will

SENATOR PHILIP:

that I will

JUSTICE NICKELS:

faithfully perform the duties

SENATOR PHILIP:

faithfully perform the duties

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JUSTICE NICKELS:

of the Office of President of the Senate,

SENATOR PHILIP:

Office of President of the Senate,

JUSTICE NICKELS:

the State of Illinois,

SENATOR PHILIP:

the State of Illinois,

JUSTICE NICKELS:

to the best of my ability,

SENATOR PHILIP:

to the best of my ability,

JUSTICE NICKELS:

so help me God.

SENATOR PHILIP:

so help me God.

(Applause by the Illinois Senate)

PRESIDENT PHILIP:

The Chair would appoint Senators Radogno, Bomke, Luechtefeld, Garcia, Bowles and Clayborne to the Committee of Escort for the Governor. Will these Members please come forward and escort Governor Edgar from the Chambers. ...want to, first of all, thank the people who placed me in nomination - Senator Dillard, Senator Karpel, Senator Rauschenberger - for those very, very kind and generous words. You know, and sitting back in the President's Chair, thinking about how long I've been here, and now starting on my third term as President of the Senate, and I would like to reflect just a little bit on the accomplishments and what we have done in the last two years. And because we -- we, in effect, have

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two separate Sessions and we're not down here as much as we used to be, we tend to forget what we have done and what we have accomplished. So this afternoon I'm going to briefly jar your memory. And as you know, we balanced a thirty-four-billion-dollar budget without a tax increase. We reduced the State Medicare debt, which in 1994 was 1.4 billion dollars. We were paying our bills to the vendors in a hundred and eight days. At the end of 1996, our debt was down to two hundred and sixty million dollars, and believe it or not, we are paying our bills in twenty-two days. And, Ladies and Gentlemen, that was no small accomplishment. We eliminated the hospital assessment tax of two hundred and ten million dollars, better known as the "granny tax". We put property tax caps on the collar counties and made it available downstate by referendum. So we have put a lid on rising real estate taxes. And I'll give you an example: In my county, they could rise as high as thirty percent, as low as ten percent. The average was about ten or twelve percent. The last three years, we have been under five percent. So we have done more for the citizens and for the little guy in regards to his taxes than we have ever done, by putting caps on very high real estate taxes. We've done business reforms. We've created jobs. We've put people to work. Welfare reform: We broke the cycle of dependency and gave people their dignity back. We've increased money to education - elementary and secondary. And believe it or not, today, Illinois ranks tenth out of the fifty states on what we spend per kid per year. We are now number ten. We've done school reform. We've given them flexibility. We've made them more accountable, and of course, we've helped the City of Chicago schools get back on the right track. Looking at our own operation here in the Senate, and believe it or not, I think we're up -- we might even be in the 20th century these days - we are computerized; our system is more open; we do post hearings;

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everybody gets an opportunity to come in and protest or agree with us, and the system has never, never been as open as it is today; we have less committees; we spent less money in the legislative process than we ever have. If you would look at the financial condition of the State in 1992, we ended up with a year-end balance of a hundred and thirty-one million dollars. In 1994, we had a year-end balance of two hundred and thirty million dollars. Very happy to report to you this year, our year-end balance will be four hundred and sixty -- four hundred and twenty-six million dollars. And that certainly is going to help our bond rating, and hopefully coming this next Session, we'll be able to do some tax -- more tax relief and hopefully do something more for education. What we ought to do in this future General Assembly, this 90th General Assembly, is work hard, once again, to balance the State's budget, to increase no taxes, and live within our means. We ought to continue to enact true reforms for schools, and think of the kids first. My number one priority is school reform and school financing. As I just mentioned, we rank tenth out of the fifty states. I think we spend enough money on education and children, but I don't think we spend it the right way. When you have some districts that spend as low as twelve hundred dollars a year and we have some districts that spend twelve thousand dollars a year, it just doesn't make any sense to me whatsoever. We should enact some more tough anticrime laws. We ought to punish the criminals, not the victims. I'm looking forward to cooperating with the new leadership of the Illinois House. I've had a long, good relationship with Speaker Madigan. That relationship will continue. I, once again, look forward to working with Emil Jones, the Minority Leader. We have a good relationship. We talk every day before we go to Session. We try to work out reasonable compromises for everybody. And, of course, I look forward to working with Governor Edgar, who has done such a marvelous job

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for the citizens of Illinois. So this will be another challenge. This is -- will be my third term as President. I look forward to it. I think it is a challenge. This will be a very difficult Session because of school reform and school financing. That will be our goal. That will be our mission. And I'm going to predict that we're going to end up doing the right thing in the 90th General Assembly. Let me just say this: One of the most difficult things that I have to do is picking people for Leadership and chairmen of various committees, because, particularly on my side of the aisle, we have a lot of very talented people and there are only so many leadership spots available, so you have to pick and choose. And I say, it's always the most sensitive thing that I do. It's the toughest thing that I do, but somebody's got to do it. I would like to announce my -- my Leadership. As Assistant Minority Leaders: Senator Weaver - I said -- Majority Leader, excuse me - Senator Weaver, Senator Geo-Karis, Senator Maitland, Senator Donahue, Senator Watson, Senator Dudycz, Chairman of our Caucus, Senator Karpiel; Secretary of our Caucus, Senator Petka. The next order of business, the election of the Minority Leader. Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. On behalf of the -- all of the Members -- Democratic Members of the Senate on this side, I would ask unanimous consent to elect Senator Emil Jones as the Minority Leader of the 90th General Assembly.

PRESIDENT PHILIP:

Senator Demuzio requests unanimous consent on behalf of the Democrat Members of the Senate to declare Senator Emil Jones the Leader of the 90th General Assembly. Is leave granted? Leave is granted. The Chair declares Senator Jones Minority Leader. Senator Jones, you like to say a few brief words? And congratulations.

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SENATOR JONES:

Thank you, Mr. President. You know, I was listening to the roll call, and I kept counting. At one while, I was ahead in the vote.

PRESIDENT PHILIP:

Yeah. But, Senator Jones, I was doing the counting.

SENATOR JONES:

To Chief Justice Heiple, Justice Nickels, to the Constitutional Officers, Attorney General Jim Ryan, Lieutenant Governor Kustra and his wife; my colleagues, their friends, their families and all the visitors, I want to also welcome you to the opening of the 90th General Assembly in the State of Illinois. To my esteemed Democratic colleagues, I want to thank you for your continued support and confidence, and I'd also like to thank you for your efforts that you gave this great Chamber. Fewer than two hundred votes kept us from the Majority; nevertheless, our collective voices will be heard in this room. I am grateful for all of your actions on behalf of the people of the State of Illinois. And to the people of this great State, I pledge that the Senate Democrats will seek action to improve the quality of life for you and your families and your children and your neighbors. In this caucus, our unified actions - and I repeat, our unified actions - will speak much louder than words. I want to congratulate you, my good friend, Senator Philip, for your being selected as Senate President. Your caucus still retain the necessary votes to pass many issues on your agenda. However, we Democrats have loosened the grip you had on this Body. This means there must be a voice of moderation to which you must listen. In years past, bipartisan efforts allowed us to reduce the Medicaid debt, to -- to distribute more money to our schools, in the fairest way possible. That is how government should work. We should view the election-year results as a catalyst for increased

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bipartisan teamwork. As a new Leader takes over the gavel in the House and you remain the Leader in this Chamber, it is crucial that we embark on a legislative Session of compromise as our guide. It is the citizens of Illinois who will suffer if we do not work together. The citizens of this great State want solid results and less sound-bite rhetoric. They want an impartial and equitable school funding formula for the City, for suburbia and for downstate Illinois. Along with this, they want, and they need, true and real property tax relief. This Session I urge my legislative counterparts to seek joint action in debate on the issues extensively, and try to concur, rather than be at each other's throat. Bipartisanship is best for the people of the State of Illinois. So I proudly lead the loyal opposition in this upper Chamber, and as always, we are willing to cooperate when cooperation is deemed necessary. However, Senator Philip, you risk losing our cooperation when we feel the people of Illinois will suffer from our actions. As always, I hope that our words and deeds reflect the dignity and honor of the seats that we hold. Mr. President, we, the Members of the Democratic Caucus, are ready to convene the 90th Session of the Illinois General Assembly. And with that, I would like to name my Leadership team. This is the most difficult, difficult thing to do. I know what you was agonizing over, Senator Philip. We -- we both talked on this issue. Senator Vince Demuzio, Assistant Minority Leader; Senator Howard Carroll, Assistant Minority Leader; Senator Miguel del Valle, Assistant Minority Leader; Senator Patrick Welch, Assistant Minority Leader; Senator William Shaw, Assistant Minority Leader; Senator James DeLeo, Caucus Chair. Three other positions: Senator Margaret Smith, Deputy Caucus Chair; Senator Denny Jacobs, Caucus Whip; and Senator Penny Severns, also Caucus Whip. Thank you, Mr. President.

PRESIDENT PHILIP:

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Thank you, Senator Jones. If I might, I'd like to introduce my family, who is up here at the Podium: My lovely wife, Nancy Louise; her -- her mother, Grandma Britz; and we have our oldest son here, Randy, and his wife, Sharon, with our new grandson, four and a half months old, Zachary Michael. I think he's awake. Then I have my wonderful brother, Art, and his wife, Joan. And of course, unfortunately he looks like me, so it's -- it's not difficult to figure out which one is my brother. Right? And then his oldest daughter, Amy, and her two sons, Ryan and Danny. And I'm so very proud of them and happy to have them here. And also, I would like to acknowledge, particularly, Senator Bill Harris, who's been a long old friend of mine. He and his wife are here today. He's been the President of the Senate. He's been a great, great leader, and I want, once again, to acknowledge him, and say, thank you, Bill, you've always been there. And, of course, we have an old friend that I served with -- and Senator Bill Mahar's father is here today. He and I went through in the House together -- House and the Senate together a long, long time ago. As you know, his son took his place in the Senate. And, Bill, it's always nice to see you here, and will you stand up and be recognized? And then we have -- have Judy Baar Topinka, who, as you know, served in this Body. Did she leave already? All right. Well, Judy, I'm sorry about that. And then we have Senator Alexander, I believe, on the other side of the aisle, who's a dear old friend. My -- my favorite funeral director. Where is Senator Alexander? Senator Alexander has always told me if -- that I would drive and die in his funeral home, he'd give me fifteen dollars off. So I -- and I've always said, well, it'd probably cost me fifteen dollars to drive to your funeral home. But anyway, we're always glad to see him. Now, to conclude this ceremony, I'd like to ask Joan Salvato to come up here to sing God Bless America. Joan Salvato works for me in my district office.

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She's one great lady, and a personal friend, and she's got a beautiful, beautiful voice. Joan Salvato.

JOAN SALVATO:

(God Bless America, sung by Joan Salvato)

PRESIDENT PHILIP:

Now, the Benediction will be offered by the Reverend Houser, St. John's Evangelical Lutheran Church, Springfield. Reverend Houser.

THE REVEREND JERENE HOUSER:

(Benediction by the Reverend Jerene Houser)

PRESIDENT PHILIP:

The Committee on -- on Escort for the Judiciary are Senator Fitzgerald, Senator Dillard, Senator Petka, Senator Smith, Senator Cullerton, Senator Shadid. Will you please come forward and escort the distinguished Member of the Judiciary from this Chamber. May I have your attention just for a minute, please? And suggest that the Senate stand at ease until 1:30. That's fifteen minutes. That we will come back here at 1:30 and start to conduct business. So the Senate stands at ease for fifteen minutes. We'll be back here at 1:30, please.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will please come to order. The next order of business will be to complete our organization. Resolutions, Mr. Secretary.

SECRETARY HARRY:

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Senate Resolution 1, offered by Senator Weaver.

(Secretary reads SR No. 1)

PRESIDENT PHILIP:

The Chair recognizes Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I'd move adoption of Senate Resolution No. 1.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, the question is, does the Senate adopt Senate Resolution No. 1. Senator Demuzio.

SENATOR DEMUZIO:

Can you tell us what Senate Resolution No. 1 is, and are -- are these going to be distributed to us?

PRESIDENT PHILIP:

For the second time, Senator Weaver.

SENATOR DEMUZIO:

Are they going to be distributed to us?

SENATOR WEAVER:

...President, this -- this resolution provides the election of certain officers of the Senate. Specifically the resolution designates Jim Harry, Secretary of the Senate; Linda Hawker, Assistant Secretary of the Senate; Tracey Sidles as Sergeant-at-Arms; and Anita Robinson as Assistant Sergeant-at-Arms. I'd move adoption.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

I don't have any quarrel with that. I mean, I'm just saying, are -- are these going to be distributed to the Members so that we -- we know what we're doing? I mean, I don't have any difficulty in what you're -- what you're saying.

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PRESIDENT PHILIP:

That -- Senator Demuzio, the -- the resolution on the rules have been distributed to everybody. So you have those. These are simply paperwork that we've always done in the past. Everybody knows who they are. There's no changes. Tell me why we ought to circulate it. If you've got a good reason, I'd like to know what it is. All right. Further discussion? If not, the question is, does the Senate adopt Senate Resolution No. 1. This will require a roll call. The voting is open. Have you all voted a wish? Have you all voted a wish? Take the record. On the question, there are 59 Ayes, no Nays, nobody voting Present. The resolution is adopted. Next resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 2, offered by Senators Weaver and Dillard.

(Secretary reads title of SR No. 2)

PRESIDENT PHILIP:

The Chair recognizes Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This resolution is essentially the rules which will govern the operation of this Body. There are not many substantial, if any, changes from the rules we have operated on in the past. There are one or two minor ones. There's one that deals with election contests. And I'd be happy to answer any questions.

PRESIDENT PHILIP:

Further discussion? Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDENT PHILIP:

He indicates he will. Senator Cullerton.

SENATOR CULLERTON:

Senator Dillard, I think you inaccurately described the rules,

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if you said that there are only some minor changes. Now, I would direct your attention to page 55. I believe that we have from page 55 through 61 brand new rules that we have not seen, except for about maybe a half hour ago, that we are -- our staff is trying to go through. And when I say would you yield for a question, I guess I'm -- I'm going to have to ask you if you can answer some questions that just come to mind just from a brief reading of this. I -- I take it that this is meant to deal with any election contests and qualification challenges. Could you first tell me, what is the difference, in your mind, between an election contest and a qualification challenge?

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. Senator Cullerton, let me explain - and I don't mean to downplay these rules whatsoever - I did say that these rules remain substantially unchanged from the past General Assembly, with the exception that Senator Philip has the discretion to, I guess, name a -- an official Senate Majority Leader, and I did state very clearly that one of the changes to our rules from a year or so ago is a provision dealing with election qualifications and contests. And that's what I think you arise out of. Basically, Senator Cullerton, clearly, you know, the qualifications, I believe, go to the qualifications of a Member to serve in this Body, and a contest deals with the actual contest of the election itself. Those are the two distinct differences.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

I understand what an election contest is. As a matter of fact, I was involved in one over in the House for now Congressman

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Weller that went on for some months and I served on that committee. That's an election contest. You also spell out in these rules a qualification challenge, and I just wanted to ascertain whether or not, in your mind, if you want to challenge an election, do you also have to qualify -- do you also have to make a qualification challenge, or are you talking about something entirely different? Maybe someone who's appointed to fill a vacancy and they don't live in the district and there's some question as to whether or not they are literally qualified to serve? Are -- are they two separate issues, or is it the same thing?

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Senator Cullerton, let me, at the onset, say - and you've mentioned that you were part of an election contest when you were a Member of the House of Representatives - these rules are patterned, generally, after the House of Representatives' rules from Democratic control when you were over there as one of the Floor Leaders. So these rules are very, if not almost identically, similar to those that would have been around during the Representative Weller contest. In my mind, Senator Cullerton, a contest and qualification are two different things. And just so you can see the difference, an example, I think, of what would be a qualification would be very similar, and you'd be familiar with it, that would be Representative Peg Breslin. So there is a difference between a contest and a qualification, and these rules are almost identical, if not identical, to that which your regime, when you were a Member of the Democratic House of Representatives across the way, conducted its operations.

PRESIDENT PHILIP:

Senator Cullerton.

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SENATOR CULLERTON:

Well, again, I -- I just wanted to tell you that the problem I have is -- and I have no -- no knowledge of -- I haven't had a chance to compare these rules with the rules that we adopted when we were -- had those other challenges. The only problem and objection I have is that we've only had a few minutes, literally, to -- to go over this. I -- I think something like this could easily be done even tomorrow. So let me ask you specifically, on page 57, on line 27, and I'll just read this sentence. It says, "A petition of election contest shall allege the contestant's qualifications to bring the contest and to serve as a member of the Senate, that he or she believes that a mistake or fraud had been committed in specified precincts in the counting, return or canvass of the votes or that there was some other specified irregularity in the conduct of the election in specified precincts." Now that apparently -- and this has to be done within ten days of the convening of the Senate. The -- the next sentence says, "A petition of election contest shall contain a prayer specifying the relief requested and the precincts in which a recount or other inquiry is desired." Now, the -- the second sentence that I read makes sense to me. You -- you have to have, in your petition of election contest, a prayer which says which precincts do you want a recount. As you know, there's been a preliminary recount in two districts, where twenty-five percent or, perhaps, a little bit more has already been recounted. But in those districts where the precincts haven't been counted, there is no way of knowing whether or not there's any fraud or any irregularities. So it seems to me that the first sentence is inconsistent with the second. The first sentence says you have to, within ten days, specify which precincts you think there's been irregularities; yet, they haven't been recounted yet. There hasn't been a -- a recount. So maybe you could clarify for me

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what the meaning of that paragraph is.

PRESIDENT PHILIP:

Senator Dillard.

END OF TAPE

TAPE 2

SENATOR DILLARD:

Thank you, Mr. President. We copied this paragraph, quite frankly, identically, from the rules of the House of Representatives. I do, and probably much to the chagrin of the President of the Senate, want to remind the Membership, we have provisions in our rules, Senator Cullerton, that you can amend these rules or try to amend these rules at any time. And if your Body -- or, your -- your side of the aisle wants to look at these over the next few days, we have provisions in our own rules for you to come forward and try to amend these particular rules. But, again, these are copied from the House. Let me also tell you, Senator Cullerton, I believe -- and there is a corresponding, at least for the time being, circuit court action in some of the contests for our particular Body. I believe at some point in time a bill of particulars will be filed in that. So much of the work -- as you're complaining about the time frame in this particular subparagraph, much of the work that will be done has -- will already have been done. It's essentially just reduplicating and compiling and pulling together some of the things that would have already been done by whoever the contestant's counsel is.

PRESIDENT PHILIP:

Senator Cullerton.

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SENATOR CULLERTON:

Here's -- here's the problem: This says within ten days of the convening of the Senate that a contestant must file with the Secretary a petition of election contest. Okay? And there's the one sentence here that I've pointed out, I think has a -- a potential problem. We may not be in Session within enough time to amend these rules or to give direction to those people who want to file the -- the contest. The petition of election contest shall allege the contestant's qualifications to bring the contest and that he or she believes that a mistake or fraud had been committed in specified precincts in the county, or that there was some other specified irregularity in the conduct of the election in specified precincts. All I'm saying is, within the next ten days, no one could specify all of the precincts in which they think there's been an irregularity because not all of the precincts have been recounted. And if they were copied from the House rules that were adopted, that's fine. That -- because there's precedent, and -- and I'm sure that -- and I know that that was conducted in -- in a fair manner, and if the same thing is done here, we won't have a problem. I just wanted to point out that in reading this, it seemed -- I just want an interpretation from you that you can have a -- a petition that basically says, in general: Here's the precincts that have been recounted, here's the problems in those precincts, and we ask for a -- a recount in the -- in the precincts that haven't been counted. And that's -- as -- as long as that's what I understand you're to mean with these rules, that would be fine.

PRESIDENT PHILIP:

Senator Dillard. Senator Cullerton.

SENATOR CULLERTON:

And while you're reviewing this, the only reason -- another point to be made is that on page 58 of the rules, it says, "A

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petition of election contest, if filed and served subsequent to the notice of intention to contest, may not raise points not expressed in the notice." So, within ten days from today, somebody has to file something, and there's -- there's not a lot of opportunities to amend it, and so that's why I think it's important that we understand what these rules really mean.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Again, Senator Cullerton, I think this is very similar to what has been filed and -- and we're following the State Board of Election procedures, and I don't believe it is that necessarily complex.

PRESIDENT PHILIP:

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. On page 56, paragraph (g), it says, "The contestant and contestee shall bear their respective legal expenses." The last time we had a contest in the Senate was in 1973. I believe that Senator Moore was the chairman of that committee, and there were legal expenses that were paid for by the Senate. They were approved by the -- the committee and the full Senate. There were three attorneys that were paid: John Polk, Robert Brunsman and John Parkhurst. And it seems like that is the -- the precedent, and I'm just wondering why we would ask Members who may have been properly elected, who are challenged, why they would have to pay for their own legal expenses.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. Senator Cullerton, the precedent of this Chamber, quite frankly, is mixed. You mentioned a contest --

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or a procedure in 1973. In 1971, Terrel Clarke, from Western Springs, a Member of this Body, actually tried to amend our rules to include legal fees, and it was struck down by this Body. So our history as a Chamber is mixed, and, quite frankly, we on this side of the aisle believe that taxpayer funds should not be spent, or in some cases, perhaps, wasted, on this type of contest and that each side should pay its own legal fees.

PRESIDENT PHILIP:

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

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

PRESIDENT PHILIP:

Indicates he will. Senator Clayborne.

SENATOR CLAYBORNE:

Senator Dillard, I came in here on April 18th of 1995, and -- and we were in the heat of the Session and a lot of things were happening. And even in this past Session, a lot of things happened, and there was some confusion as to the process of how many days a bill has to be read or has to be in existence before it passes, before you can vote on it for final passage. I -- I refer you to page 32, line 15, 5-2, and I'd like to -- for you to answer whether the intent is correct that's in this, that every bill shall be read by the title on three different days prior to the passage by the Senate, and the bill and all adopted amendments thereto shall be printed before the vote is taken on its final passage. Now, do I understand that to mean, Senator Dillard, whether there is an amendment, whether there is a new bill, whether there is a vehicle bill, that it has to be read on three different days before we can have final vote on that bill for it to become law -- I mean, before it -- to go on to the next house or be sent to the Governor's desk?

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Senator Dillard.

SENATOR DILLARD:

Thank you. Senator Clayborne, I've only served in this Body probably a little more than a year longer than you have, but I've been around it. But at least I know under the current Leadership here on -- of Republican control, our rule is what it says. I believe we always read a bill by its title on three separate days. And, you know, we'll have to take each case as it comes, but I believe we have always abided by the provisions of this rule and it remains unchanged from the 89th General Assembly.

PRESIDENT PHILIP:

Senator Clayborne.

SENATOR CLAYBORNE:

A follow-up, Mr. -- Mr. President. Senator Dillard, that includes a -- a bill that may have been gutted and it's going to be used as a vehicle or a bill that has been adopted. Is that considered to be a new bill that has to be read three -- three different days, based upon 5.2 -- 5-2?

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Well, Senator Clayborne, I -- you know, I'm not a Member of Leadership, so I don't serve up there on the podium. You, like I, are regular Members of this Body, and if you believe that whoever is in the Chair at the time is improperly reading a title of a bill, just like I would, I would stand up and challenge the ruling of the Chair. And if you see something you believe is improper, you should raise it at that time, and I'm sure whoever is up in Senator Philip's chair, in the President's seat, will make the appropriate ruling.

PRESIDENT PHILIP:

Senator Clayborne.

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SENATOR CLAYBORNE:

The only problem with that, Senator Dillard, and you being a learned colleague, a lawyer, I don't see anything in 5-2 that says "subject to another Section". I read this, and, in fact, and you being a learned lawyer, it says, "Every bill shall..." And -- and you know with that "shall", that means that there's no discretion, Senator Dillard. And -- and my question again is, I don't see anything in there that talks about -- and I -- and I am very familiar with the rules -- Robert Rules of Order, but I read that as "shall". I read that, that there has to be -- it has to be read three different days, and I don't see any other caveats in there. So my question again, with the "shall", that means that we will deal with every bill, on three different days it will be read.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Yes.

PRESIDENT PHILIP:

Senator Cullerton, for the second time.

SENATOR CULLERTON:

Yes, thank you, Mr. President. And I guess I should apologize for rising a second time. I hadn't completed my -- my questions the last time I was talking about the election contest. Senator Dillard, on -- on page 55, if you could, there's a -- on line 19, it says, "An election contest shall place in issue only the validity of the results of an election..." I just wanted to make sure that I understand that to be a broad term, dealing with the validity of the outcome of an election, not a narrow term. So, I mean, on the face of it, there's a certain vote count, there's questions that arise as to the mechanics by which those -- those -- that those numbers were arrived at. I -- perhaps you can just verify for me that that is meant to be, as in the past, consistent

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with the other election contests we've had, a -- a true recount and a inquiry as to the -- each and every ballot that was cast to make sure that the intentions of the voter would prevail.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Senator Cullerton, you know, that is directly from the House rules, and I would point out that the committee may, if it wants to, adopt its own rules. So, you know, it can determine, perhaps, what the term "validity" means, but, again, we've just drawn this right out of the House rules.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. And -- and I also understand that the -- the rules that we're adopting here say that -- that the special election committee cannot adopt any rules inconsistent with these rules. And that's why I asked the question. I would also point out that back in 1973, the -- just a brief review of the election rules -- contest rules that they adopted showed that the -- that the pleadings had to be filed on -- by February 22nd, after the -- the Senate came in to convene. It was much more time than ten days. I personally think that ten days is really not enough, and I -- and I also would point out that I think that to -- to say that the taxpayers shouldn't pay for the contest. I think that to ask two Members who are sitting, who have been sworn in today, to have to pay out of their own funds to defend themselves from an election contest is -- is just not fair. I think, personally, that it's not unreasonable to ask the -- for the Senate to pay for the costs, as they pay for lawyers every day, who work here. We're paying for lawyers right now. We paid for lawyers to draft these rules, and it's not going to be a -- hopefully not an

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extraordinary amount, but I just think it's a point that -- to be made, and it is a diversion from one of the past procedures.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Would the sponsor yield for some questions?

PRESIDENT PHILIP:

Indicates he will. Senator Berman.

SENATOR BERMAN:

Thank you. Also in relation to the election contest Section of the rules, which start, again, on page 55, Senator Dillard, as I read this for the first time and quickly, it appears that any election contest would be heard before a committee called the Senate Special Committee on Election Contests. That would be a committee, at page 56, that would consist of five Members - three Majority Members, two Minority Members. Three Republicans, two Democrats. And it talks about an adversarial proceeding. Let me call your attention to page 58, line 11, subsection (e). It says, "The incumbent member of the Senate from the legislative district shall be a necessary party to the initiation of an election contest." What does that mean - a necessary party? This is in front of a committee. I -- I'm -- I'm not sure I understand what you mean by a necessary party.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Senator Berman, you and I, great minds, think alike. I was just chiding the staff here that when I read these, you know, I had a question as to what that meant. We took this, again, from the House rules. And, you know, it's open to interpretation what it means. You know, as I read it - and, again, I'm not the -- the

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world's expert on -- on election law - but clearly I believe that it means that the two Members who are likely to be challenged from this Body clearly are able to, at some point in the process, be around and listen to the testimony in whatever room there may be a hearing, et cetera. But we just lifted this right from the House rules. And be represented, Senator Berman.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you for that explanation. Then I would respectfully suggest, as to your explanation, I think that we being the Senate, there -- there may be inadequacies or imperfections that the House - and I know everybody doesn't realize that it could be possible - but the House could screw up. And I -- I think that there ought to be some clarification of some of these provisions before we adopt them. Let me point out also -- and I think that is one of them. What role should the challenger and the, quote, "incumbent", unquote, play in this committee process? Because I don't think it's adequately spelled out. Let me point out another question that I would have. Call your attention to page 59, line 11. It talks about notice of meetings of the -- of this Special Committee on Election Contests. The only definition there, or provision, is -- on line 11 {sic}, it says the committee or -- and any subcommittee shall give notice to all parties - and I presume that would be the challenger and the incumbent - "reasonably in advance of each meeting or other proceeding." Let me respectfully suggest to you that somewhere in here it says that this special election contest committee is a committee of the Senate, and you and I know, and we all know, that under our rules, there is a seven-day notice for, quote, "new bills", and a one-hour notice for amendments. If we're going to have a framework for reasonable notice, I think we should be very specific that the one-hour

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notice that applies to Senate committees for amendment consideration is not - I repeat, not - what we're talking about for hearings by this Senate special elections committee. I would hope you would agree with me, and that -- again, that is an area that the House didn't address. I'm making a respectful suggestion that reasonable notice in these rules could be interpreted as the same one-hour notice that we have for amendments. That's not adequate. And I would suggest that we be more specific for this specific requirement regarding notice to the challenger, to the incumbent, for this special election contest committee. I'd appreciate your response to my suggestion.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Thank you, Senator Berman. I do want to point out on page 1 of our rules, there's a specific exclusion for this type of special committee with respect to our normal posting process or notice process. While I can't sit here and be the final definer, so to speak, of the rules, in the process for this particular election contest committee, reasonableness dictates, and I would read into these rules -- there is a sentence in there somewhere, Art, and I can't quote you the exact line or page right at the moment, that notice must be given in person or in writing by certified mail. And, to me, and I'm not the chairman of this committee, but, to me, somehow that implies, Senator Berman, perhaps a little more than a one-hour notice. Reasonableness will have to be defined by that committee and this Body as a whole, but if you want some comfort, Art, I would take solace in the fact that notice must be in person or by certified mail. And that, to me, probably means more than fifty-nine or sixty minutes.

PRESIDENT PHILIP:

Senator Berman.

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SENATOR BERMAN:

Well, let me respectfully suggest that -- and I know this -- this hypothetical wouldn't apply to anybody on this Floor at the present time, but hypothetically, a worst-case scenario would mean that there is an election contest involving some district in the south suburbs of Cook County in which there is a challenger who resides in one of the southwest suburbs, and at 11 o'clock a.m. somebody knocks on -- on her door or his door and says -- she opens the door and they hand her a notice that says there will be a hearing of this special committee at 12:30 in Springfield. Well, there's no way that that person - hypothetical person - could be down here within that time limit, and yet, that could be construed by the Chair or by the chair of the committee to be within conformity of our rules, but it's not fair. And that, I think, because of the specificity of these rules on a special election contest committee, I would suggest that we exclude these Sections, this Section in particular, from any motion to adopt rules so that we can be more specific to -- so that we know that fairness, due process is built into this type of special questioning regarding an election contest.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Two points, if I might, Senator Dillard. I -- I heard you, on a couple of occasions now, talk on the -- on page 8, if you would turn to that page, on line 18, "The President, at his or her discretion, may designate...among the {sic} (those) members serving in the statutorily created positions of assistant majority leader, no more than one member to serve as the Senate Majority Leader." Are we now splitting the President and the Majority Leader in the Senate?

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Senator Dillard.

SENATOR DILLARD:

Senator Demuzio, as I understand it, and he's in the Chair right now, it's up to Senator Philip, our newly elected Senate President's discretion as to whether he wants to do that, and I do not know whether he's made that decision or not. But it leaves the discretion up to Pate.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Well, this is a departure from previous practices in all the period of time that I have been here. Also, it goes on to further indicate that "no additional compensation other than that provided statutorily for the position of assistant majority leader." I assume, at some point, that -- providing that there is a assistant majority leader -- Senate Majority Leader, that there will be some bill coming down the pike, I assume, to pay for such position. Let me, if I might, then, go to page 13, on Article III, the Committees, section (b). It talks about the ratios and -- of the membership on the various committees. Since you now have lost two seats and we have won two seats, is the -- is it the notion that -- that there will be a better balance between the Majority and the Minority, therefore, on -- on committees in the -- in the future?

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Senator Demuzio, I don't think the letter determining committee assignments and ratios has been sent yet, and I believe - again, I'm not in Leadership - but it's subject to Senator Philip's determination, in consultation with Minority Leader Jones, in the future.

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PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Yes, but for the record, I understand fully what you are indicating. I would, however, point out to you that, at least on this side of the aisle, we believe that we ought to have some cooperative discussion with respect to ratios and that they ought to be less than what they had been in the -- in the previous Session that we just concluded yesterday. And I would like to have that as a part of the record. Thank you.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

Before my question, let me just say in terms of point of order, Mr. President, when we concluded the swearing-in ceremony earlier today with all our families and friends here, we were told that we would be in Session for about ten minutes. I understand the importance of organizing the Senate so that we can be about the business next week of taking care of the people's business in the State of Illinois because that's what we're here for; however, these rules seem to have some serious and major components that is different from what they were and that need some serious consideration and -- and debate. And so there are Members who are not here, who are out there with their families, and I don't understand the necessity of this special election contest committee and whether or not it is necessary that we vote on such an issue today. If it is not absolutely imperative for the functioning and operation of this Body tomorrow, then I would suggest that we deal with it, and we will give the sponsor an opportunity to talk with the House Rules Committee, or the drafters of the House committee on this special election contest, to ask questions about those areas that need clarifying. He --

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you know, it's just not good business or common sense to -- for a sponsor to get up, and as smart as Senator Dillard is, and to respond to a question as, "Well, I really don't quite understand that myself, but I think it meant..." this or this or the other. I think it's very simple, if we take the time, just ask: What does it mean? Do we need to make -- and then we can make an informative choice about what is the best way to change these rules or this particular portion of these rules that you're putting in here, that will serve the best interests of this Body. Because you yourself indicated that you wanted good cooperation and that it was necessary for us to do so in order to carry on the people's business of the State. And for that reason, I just think we ought not to deal with that section of the rules today.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. On a couple areas. Let me start also with the area on the election contest, if I could, Senator Dillard, again, just so that maybe we can all understand the intent, as part of legislative intent. As I understand the process -- also, like you, not being an expert in election contest law -- there is currently probably some kind of cases going on in at least two districts that are in the court. Do you know whether in that process they've gotten to the step where they've had to identify each and every precinct that can ever be questioned as to whether or not they are challengeable through discovery recount or any other type of recount?

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Senator Carroll, I want to clarify. I believe what has happened to date in the two contests that I think most of the

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Members know about is at the discovery process and the process is with local election officials. I'm not sure there is any type of circuit court activity. And I just want to -- I just want to clarify that. And again, you know, if you have a question, please restate it. I'm sorry, I was getting mumbled at over here.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Okay. Let me maybe then kind of ask it again with that understanding, that if it's in the process legally of being still within the election jurisdiction of wherever the locales are, they must have some kind of time process they go through. Let me just wait a second so that he can get partial commentaries and then keep the questions so we can save a little time maybe. My point getting to, Senator, is that if they're still in a process - and it goes kind of to something Senator Cullerton was talking about - how would a challenger know within ten days of today, with the type of specificity required on page 57 and 58 that talks about within ten days you must identify precincts and also says you cannot amend once you have filed? So, what is kind of your understanding of what that means? If they haven't finished the review process at the local election, would it, for example, be acceptable to do a -- a broad-based challenge here to just make sure they've covered everything that the local election officials might do there? What's -- how does that ten-day tie in?

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Senator Carroll, I believe they are finished with their local process of election discovery challenges, whatever you call it, and the process now swings to the Illinois State Senate, and pursuant to law, like the House of Representatives, the Illinois

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Senate, we are the sole determiners of, I believe, who gets seated here and who is not. So it is now -- we're the sole determinants of what's happening. I believe, clearly, that the parties that are interested in these challenges are very much aware of what's taking place here. And while there are formal processes, I'm quite confident that as we speak, they are watching quite closely whatever rules we finally adopt and they'll be able to comply with them and all due process safeguards will be followed.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Again, not being as fully aware and -- you know, you may be having some good updated information in your ear as we're talking, my concern is the language that says "committed in specified precincts" and then talks about -- that must be within the petition, and then -- then says the petition -- we, as lawyers, know -- it must be based on information and belief and must be a sworn affidavit and, yet, must be filed within ten days and cannot be amended in any way. If they are not done with those discoveries, would it be acceptable, in your opinion, to do a broad-based one, even though there may be a lot of precincts in there that are fine, and -- and not violate their oath that they are challenging the election within the confines of the Body of the Senate? And I'm referring roughly, you know, on page 57, lines 27, through 58, lines 10.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. Senator Carroll, this is very similar to the work they've already done with their local election authorities, and as I've stated repeatedly, these rules were adopted from the House. Apparently, in the past, litigants or

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contestants have not had problems complying with them. These rules have worked well in other election contests across the Rotunda, and I think they'll work well here, too.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

As long as you are assuring us it is the intent of this rule, and that's what bothers me, because we've said they can't amend. You know, if it's amendable once they get information, that changes things dramatically. In a court, for example, when you file a complaint, you can amend it based on the proof; in election contests, in a jurisdiction, you never can. And if we're not giving them ample time, based on the evidence they're disclosing at the Election Commission, I think we're creating a problem. If your answer is not going to be any different, I'll go on to the next topic, or you can answer it at the same time. On the issue of payment of fees for attorneys, how would you interpret the fact that you are, right now, talking to some people who are on your staff who may, in fact, be attorneys? They may not. But if they happen to have been - and I know that at least one of them is not and the other is vehemently denying being one, but there are staff attorneys in both sides of the aisle on both sides of the Rotunda - would it be appropriate or inappropriate for the Senate Republican Leader and the Senate Democratic Leader to have assigned staff attorneys to work these election cases, who happen to be on salary or contract already for other purposes, or would then the Member being challenged, as well as the challenger, have to reimburse Senate Ops or something for the use of that time, advisory or otherwise?

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

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Thank you, Mr. President. The rule, Senator Carroll, says no contestant or contestees with respect to legal fees, and the staff work that your side of the aisle and our side of the aisle put into our own rules is not applicable to the legal cost of creating this -- this new rule we're going to operate in the State Senate. And this may scare you, but my wonderful staff talent here, among them -- I make one exception, they're primarily not lawyers, which is probably good.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

If I were to answer with a cheap shot, I might say that's why we have the problems with the language, 'cause nonlawyers drafted it and it doesn't make sense. But I guess my question is more knowing the operation, you know, and having served on one of these committees in the past, way back, here in the Senate, we have attorneys on staff who serve on the committees - I'm not talking about drafting these rules; I wasn't talking to the expense of the rules - but who will be advising either the Members of the committee or maybe even the contestants, you know, both the person who has been seated and the challenger, in that process. Is that, on page 56, in 11-1(g), starting on 32, part of the legal expenses in your opinion and in the nonlawyer drafter's opinion? Are those fees that then the contestant and the Member who had been previously seated would have to reimburse the State if, for example, a lawyer from your staff happens to advise either the committee or the litigant - the contestant, who, you know, in one case may even be a Member - on any of the issues? I think all we need to do is clarify whether or not that's something that Senator Philip and Senator Jones are going to have to worry about, keeping track of Nicolay or whoever's time to make sure that then the Senate Ops gets reimbursed.

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PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. Senator Carroll, again, the rule is "The Senate shall pay no legal fees to any attorneys representing either the contestant or the contestee." And while there may be lawyers - and you're going to have lawyers on your side of the aisle, and we will on our side of the aisle - who are staff attorneys, this rule and the legal fees pertains to who represents, who is the real attorney. If we were in the circuit court, I suppose it would be attorney of record or somebody filing an appearance on behalf of a contestant or a litigant. So, while there may be some expenses with regular staff costs to staff this committee, like any committee of the Legislature, the legal fees which are excluded from public payment are the ones for the lawyers actually representing the real contestants in this particular contest.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

So that I can understand what you understand that what we're saying is what we're saying, as long as they don't file an appearance and they've been staffed for other reasons or something, then any expenditure of funds on them for their effort would be okay. He wants to answer that, then I have another issue question.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Senator Carroll, on page 60, in subsection (f), it says, "With the approval of the President, the committee may employ clerks, stenographers, court reporters, professional staff and

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messengers." So before you try to skirt, I guess, so to speak, the legal fees prohibition, clearly it is up to Senator Philip as to what type of staffing there will be. And I do want to call your attention to that particular provision, that some staff can be allowed, but it's up to the Senate President as to what kind of staff we're going to have for this special committee.

PRESIDENT PHILIP:

Senator Carroll. I might remind Senator Carroll that...

SENATOR CARROLL:

Yes.

PRESIDENT PHILIP:

...we have a lot of Members who have family down, and I've had more than one request, and if we could kind of hold it down a little bit, we certainly would appreciate it.

SENATOR CARROLL:

Thank you, Mr. President. I think that's why we made the request, just seeing this, that this be voted on tomorrow morning, when I understand we're going to be in, so that maybe we could have had some time to discuss this in dialogue, rather than taking time from the families of Members on both sides. So that it is our understanding that there will be costs at taxpayer expense involved in this committee, but not for legal fees for someone who is filing an appearance. Just one last question on a different topic, Mr. President, to the sponsor or whomever can answer. Could you just briefly explain or identify the difference between the standing committees of this rule -- these rules versus the standing committees of the 89th General Assembly that most of us were used to operating under? It's on page...(microphone cutoff)...if that's of any help.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

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Thank you, Senator Carroll. Importantly, it's the same number of committees as the 89th General Assembly. I believe Senator Philip has directed that we do away with the Higher Education Committee, and -- as you'll note, Insurance and Pensions is one committee, and then there's a break-off, and this probably, for lack of a better term, replaces the Higher Education Committee in the total count, but Licensed Activities becomes a committee, but it's the same number of committees.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

Thank you. I had a question of the sponsor.

PRESIDENT PHILIP:

He indicates he'll answer. Senator Welch.

SENATOR WELCH:

Senator Dillard, referring to page 57, 11-2(b), it says the "Election contests may be brought only by the procedures and within the time limits established by the Election Code." Since these are Senate rules, the Election Code time limit wouldn't seem to apply, in particular with Section (c) that says, "Within 10 days of the convening of the Senate in January following the general election..., each contestant shall file with the Secretary a petition of election contest..." These are time limits set for the court in the Election Code? Because the Election Code doesn't refer to time limits for the House or Senate, because those are legislative matters. Could you clarify that?

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Thank you. Senator Welch, again, I'm not an election law expert, but I believe what you're referring to really is the timing which is thirty days after the -- the certification. And I

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believe that the contestants here, or potential contestants, have already complied.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

So what -- what is filed is a notice of an intent to file an election contest? That has to be happening within thirty days?

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Senator Welch, I'm sorry. Could you repeat the question?

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

The document being filed is a notice of intent to contest an election, and that's a thirty-day requirement because there's a thirty-day requirement in the Election Code?

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Yes, Senator Welch, I believe it's within thirty days of the certification of the ballot.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, the question is, shall the Senate adopt Senate Resolution No. 2. The voting is open. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On the question, there are 31 Ayes, 28 Nays, no voting Present. Senate Resolution 2 is adopted. Senator Berman.

SENATOR BERMAN:

Point of order, Mr. President.

PRESIDENT PHILIP:

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State your point.

SENATOR BERMAN:

I have filed a motion regarding Senate Resolution 2 that was not considered but was filed before this issue was called. I also, pursuant to rules, sought to divide the question as to the various Sections, and I was not called upon to be recognized before the vote was taken. For those two reasons, I would ask that the vote be dumped and that we address my motion and the motion to divide.

PRESIDENT PHILIP:

Senator Berman, on three different occasions I asked if there was any other discussion, any other discussion, any other discussion, and there was no lights on the board up here. Now, Mr. Secretary, the next resolution. Senate Resolution 3. Senator Berman.

SENATOR BERMAN:

Thank you. I had filed the motion with the Clerk as to Senate Resolution 2 before it was called. I don't have to have a light on to -- to have the Chair consider my motion.

PRESIDENT PHILIP:

Yeah. You know, Senator Berman, matter of fact, we are past that point. We're on the next resolution. So the next resolution is -- Mr. Secretary, read Senate Resolution No. 3.

SECRETARY HARRY:

Senate Resolution 3.

(Secretary reads SR No. 3)

PRESIDENT PHILIP:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This resolution informs the House that the Chamber is now organized. And I would move the suspension of the rules for the immediate consideration and

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adoption of Senate Resolution No. 3.

PRESIDENT PHILIP:

Any further discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Just a point of order. I listened to your opening remarks that you made as relate to your being reelected President, the things that we have done. And I responded with my remarks. I responded with my remarks, indicating that we would cooperate when we deemed necessary. Times have changed for the 90th General Assembly. The motion that was filed by Senator Berman was filed in a timely manner. You were aware of that. But if you're going to trample on the rights of these Members, then that spirit of cooperation cannot exist. The other Chamber is now Democratic control. It's going to be impossible for you to ramrod things through that is not in the best interests of the people of Illinois. But your opening remarks in talking about what we would like to do and how we can work together, those were just words, because your mere actions on the motion filed by Senator Berman indicate that you do not want that. It's going to be difficult for this side of the aisle to work with you and the Members on your side of the aisle if you're going to arbitrarily dismiss anything that is done within the rules. You don't even abide by your own rules. So I wish you would back up. I wish you would back up and reconsider what you've just done. To give you an example: Senator Demuzio asked you a question about the resolutions. I recall the days in past where even though the resolutions are uncontroversial, Mr. President, but those resolutions were given to either the Minority Leader or the Members so they'd know what's in them. It's just a common courtesy, Mr. President. The one that you talk about, you have on the board now, Resolution No. 3, we have to take Senator Weaver's word, and he's a very honorable person, as to what's in

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the resolution. As your counterpart, as the leader of the caucus on this side of the aisle, I don't have the resolution. I can't tell my Members what's in the resolution. So if you want to play that type of game in your -- your new -- role as President, then cooperation on this side is not going to work. We're going to end up in gridlock. And we can avoid the gridlock if you would do what is the right thing to do, recognize the motion. You got thirty-one votes on the other side if you don't want to accept the motion, but at least - at least - give them the courtesy of having that motion heard when it was filed in a timely manner. It's unfortunate that we are starting out this way. And it -- and it shouldn't happen that way. That's why I temper my remarks. Cooperation, bipartisan effort - that's what it's going to take. But don't arbitrarily dismiss a motion when it's filed in a timely manner, in accordance with the rules, which you had knowledge of. So I urge you, Mr. President, if you think what I had to say is right and true in the best interests of all of us, then take a step back, take Joint {sic} Resolution No. 3 off the board. A common courtesy, I should have it on my desk, as a courtesy, and let's go back to the business of dealing with the motion filed by Senator Berman.

PRESIDENT PHILIP:

Thank you, Senator Jones. I would just suggest this, that in the past is what has happened around here is, when somebody files a motion, they come up and talk to me or they stand up and make the request. There was none made. I did not know there was one filed, number one. Number two, in the past, we never saw the rules - never saw 'em - till the day we came out here and voted on 'em. Never saw 'em. So -- but you know, you have the worst memory of anybody I know. And I want to tell you one thing: Once in a while, remember what happened when you were here. You never showed us that rules. We never had any input. We never saw 'em

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-- they're plopped on our desks. At least you have 'em ahead of time, before you're voting on 'em. Now, Senator Weaver moves to suspend the rules for the purpose of immediate consideration and adoption of Senate Resolution No. 3. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The rules are suspended. Senator Weaver has moved the adoption of Senate Resolution No. 3. All those... We need a roll call. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted a vote -- all voted a wish? Have you all voted a wish? There are 31 Ayes, 26 Nays -- excuse me, 32 Ayes, 26 Nays. The Senate Resolution No. 3, having received the required majority, is declared adopted. Mr. Secretary, read Senate Resolution No. 4.

SECRETARY HARRY:

Senate Resolution No. 4, offered by Senator Weaver.

(Secretary reads SR No. 4)

PRESIDENT PHILIP:

Senator Weaver.

SENATOR WEAVER:

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

PRESIDENT PHILIP:

All those in... Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I see that your eyesight has returned. The light has been on quite some time. But when you speak of things in the past as -- as we look at Senate Joint {sic} Resolution No. 4, during all my years in the Senate, prior to the change in -- in the Majority, there was never a change in the rules. There weren't any rule change. You know it. Everybody

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here knows that. But when you talk about a major, major change in the rules and you talk about open government and open committees and open input, and you put this -- rules on our desks five minutes before the Members have an opportunity to vote on them, and not even give the common courtesy, Mr. President, of giving us these rules in a timely manner wherein we could digest and read them. I know Senator Hendon, you know, took Evelyn Wood courses in speed-reading and everything and interpretation, but what I'm saying to you, you speak of what's happened in the past, and I was here in the past. I was here prior to your getting a Majority in January of '93, and I was here and there weren't any rule change. And -- and I -- I know that this Senate joint {sic} resolution as -- and so was Senate Joint {sic} Resolution 3, is what you call a common courtesy. You're getting off on the wrong foot, Mr. President. And it's not going to be in the best interests of those persons on your side of the aisle or the people of Illinois. Again, I suggest very strongly that you reconsider.

PRESIDENT PHILIP:

Thank you, Senator Jones. Your comments will be noted in the record. Senator Weaver moves to suspend the rules for the purpose of immediate consideration and adoption of Senate Resolution No. 4. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The rules are adopted. Now, Senate -- the rules are suspended. Senator Weaver has moved the adoption of Senate Resolution No. 4. All those in favor will signify by voting Aye. Those opposed, Nay. 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 56 Ayes, 1 Nay, no voting Present. The Senate Resolution No. 4 is adopted. The next resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 5, offered by Senator Weaver.

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(Secretary reads SR No. 5)

PRESIDENT PHILIP:

Senator Weaver.

SENATOR WEAVER:

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

PRESIDENT PHILIP:

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolution No. 5. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The rules are adopted {sic}. Senator Weaver moves for the adoption of Senate Resolution No. 5. Those in favor, signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 59 Ayes, no Nays. Senate Resolution No. 5 is adopted. Messages.

SECRETARY HARRY:

Message from the President.

Dear Mr. Secretary - Pursuant to Rule 2-10 of the Rules of the State Senate of the 90th General Assembly, I have attached hereto the schedule of Session days and deadlines for the 1997 Spring Session of the Illinois Senate. Those days indicated on the attached as "SESSION" shall be regular Session days.

Filed by President Philip on January 7th, 1997.

Another Message from the President.

Dear Mr. Secretary - Pursuant to the Rules of the Illinois Senate of the 90th General Assembly, please be advised that I have appointed the following Members to the Rules Committee: Senator Stanley B. Weaver, Chairman; Senator Kirk

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Dillard, Vice Chairman; and Senator Walter Dudycz.

Filed by President Philip on January 7th, 1997.

PRESIDENT PHILIP:

If there's no further business to come before the Senate, Senate mover -- Weaver moves to stand adjourned until tomorrow morning, at 10 a.m. Senator Bowles. Chair recognizes Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. Matter of inquiry only. In the rules, the Committee is indicated as Agricultural and Conservation, and I believe that I'm correct in that that had been changed to Agriculture and Natural Resources.

PRESIDENT PHILIP:

I believe that is correct, Senator, yes.

SENATOR BOWLES:

Thank you.

PRESIDENT PHILIP:

I believe it's Agriculture and Conservation. Yes, that -- that... We have a copy of it up here, and it's Agriculture and Conservation. Yeah. This just reflects our committee; has nothing to do with the -- the State Departments whatsoever, Senator. Senator Bowles, unfortunately, I can't here you. Well, just -- just relax. Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. Sorry. Didn't mean to create this furor here. But I was probably under the misconception, then, that this had been changed in the prior year and that this committee name was changed to Ag and Natural Resources from Agriculture and Conservation, and I thought maybe this was merely a copy error.

PRESIDENT PHILIP:

That's not correct, Senator.

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SENATOR BOWLES:

Thank you very much. I stand corrected.

PRESIDENT PHILIP:

Okay. Now, the -- the Senate will stand adjourned till tomorrow morning, at 10 a.m.

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