

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

4th Legislative Day

January 15, 1997

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. Ladies and Gentlemen, if we could have your attention, please. The Chaplain for today is the Reverend Walter Carlson of the Trinity United Methodist Church in Springfield. Reverend Carlson is the guest of Representative Duane Noland. The guests in the gallery may wish to join us for the invocation."

Reverend Carlson: "Let us pray. We thank You ever gracious and tender spirit, ever present God that we were able to get here today. We're grateful for these men and women who carry the lives of so many of us in their hands. We pray that they would be filled with wisdom, that they would be filled with courage. We pray that they might be able to see, to learn, to hear, to work, to decide. All these things we pray in Your name. Amen."

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

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

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

Black: "Yes, thank you very much, Mr. Speaker. An Inquiry of the Chair."

Speaker Madigan: "Yes, Sir."

Black: "Yes, are we, prior to the adoption of the Rules Amendment, are we operating under the rules of the 89th General Assembly or the Robert's Rules or what will govern our deliberations until we have a new set of rules?"

Speaker Madigan: "The law provides that we are under the rules of the 89th General Assembly. Mr. Cross, do you have any

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excused absences?"

Cross: "Thank you, Mr. Speaker, if the record will reflect Representative Wojcik and Representative Kubik are excused today. Thank you."

Speaker Madigan: "Thank you. Representative Currie, any excused absences?"

Currie: "Thank you, Speaker, please let the record show there are no excused absences on our side of the aisle today."

Speaker Madigan: "Mr. Clerk, take the record. There being 114 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. Mr. Brunsvold. On page 2 of the Calendar on the Order of Resolutions, there appears House Resolution 6. Speaker Madigan, the Sponsor of the Resolution. Mr. Brunsvold in the Chair."

Speaker Brunsvold: "Thank you. The Chair recognizes the Gentleman from Cook, Speaker Madigan. Could I have attention in the chamber, please?"

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House. The Resolution concerns the proposed rules for the 90th General Assembly. I'd like to spend some time dealing with the highlights of these Resolutions and then go to questions. So, #1, concerning the hearing of Bills. All Bills will be assigned to standing committees in the first year of the term. Committees may no longer refer Bills or Amendments to the Rules Committee. All timely filed Committee Amendments will be heard before the committee considers the Bill to which the Amendments relate. To those who would ask, 'What is timely filed?' That will be defined and determined by the Committee Chair; (2), control of Bills. The principle Sponsor will have absolute control over Bills. Sponsorship may not be taken away from a Member although a Member may surrender sponsorship. No Bill or

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Resolution may ever be called except by the principle Sponsor or by a Cosponsor or by a Committee Chairperson with the principle Sponsor's consent. Concerning debate. Debate may only be terminated by 71 Members to end arbitrary termination of debate. Bills and Resolutions will be assigned a debate status, indicating the number of Members permitted to debate each Bill. Debate status may be changed by the Speaker, the Rules Committee or with leave of the House. There will be a Consent Calendar and a Short Debate status. There will be a provision for written statements. Any Member may submit a written statement for the record regarding any Bill, Resolution, or Floor Amendment considered and acted upon by the House. Written statements are considered part of the transcript of the debate on the Bill, Resolution, or Floor Amendment. Concerning committees. Special committees on prison management and electrical utility deregulation are created. Additional special committees may be created by the Speaker. The Chairperson and Minority Spokesman may be from the same political party. Special committees may have Co-Chairpersons, one Democrat and one Republican. Any Member may be appointed an ex officio member of any committee. Co-Chairpersons of special committees, if the Chairperson or Minority Spokesperson of a standing committee or if in leadership, will receive no additional compensation. Special committees may conduct hearings regarding the subject matter for which the committee was created and may also consider legislation. Concerning Congratulatory Resolutions. Any Member may Sponsor a Congratulatory Resolution. The principle Sponsor must pay a fee to offset the cost of producing the Resolution. The fee may be paid from the Sponsor's district office

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allotment. There is a retention of Certificates of Resolution. Vetoes. Amendatory Vetoes will be reviewed by the Rules Committee to determine compliance with the Constitutional limitations on Amendatory Veto powers. Only the principle Sponsor may call a Motion regarding a Veto. Mr. Speaker, I move for the adoption of the Resolution."

Speaker Brunsvold: "Thank you and on the adoption of the Resolution, the Gentlemen from Lake, Representative Churchill."

Churchill: "Thank you, Mr. Speaker. First, I would ask that should this Resolution receive the requisite votes that we would verify the number of Members voting in the affirmative."

Speaker Brunsvold: "That's acknowledged."

Churchill: "The appropriate number of people have joined me in that request. Second, I'd like to ask the Gentleman some questions. Will he yield?"

Speaker Brunsvold: "The Gentleman indicates he'll yield. And will the electrician leave the mics open between the two Gentlemen?"

Churchill: "Mr. Speaker, I looked in the rules of the 89th General Assembly and there was a line in these rules that I can't find in your new rules. Now, I was wondering if you could just help me find them. It deals with what was House Rule 7-1 on voting. It says, 'No Representative shall be permitted to vote on any question before the House unless on the floor before the vote is announced.' I fail to see that in your current rules. Is that in your rules?"

Madigan: "Mr. Churchill, number one, that question is covered by state law which provides that people have to be on the floor to vote. We plan to follow the state law. Number two, we plan to follow a practice that people must be on

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the floor. If the absence of that language from the rules troubles you, we would be pleased to put that back into the rules."

Churchill: "Oh, so you're going to amend the rules at some point?"

Madigan: "As I said, if the absence of that language troubles you, we'd be pleased to put it back in the rules."

Churchill: "It troubles me, greatly. I really do believe that Members should be here, should be in person, should be voting and you know there were abuses of that in the past and I thought we had gotten past all those abuses. That's why I was so curious as to why you didn't include that statement in your rules."

Madigan: "I think the first reason would be the presence of a state law. But again, if it would trouble you, then we would be pleased to change the rule."

Churchill: "I think that's a very serious hole in these rules to not require people to be on the floor voting. Secondly, I'd like to talk about the section on the debate and I believe that begins in Rule 52. You have a Short Debate which, I believe, pretty much tracks what we've done in the past on Short Debate, if not in the last term, at least in previous terms. Then you have standard debate, and I was wondering if you could just kind of lead me through your belief as to what this rule, how this rule applies to the debate under standard debate."

Madigan: "Under standard debate the Bill's Sponsor would be given five minutes to open. In addition, there would be two other proponents of the Bill who would be given five minutes each. There would be three in response who would be given five minutes each and then there would be five minutes to close the debate."

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Churchill: "So in other words, the three Members in response, that would be the opponents of the Bill? Do you use the word 'proponents' when you're talking about the two additional people and then you use 'in response' instead of 'in opposition' or 'opponent' and I'm just trying to find out what is that word, the term 'in response' mean?"

Madigan: "In all likelihood, those 'in response' would be in opposition. But it recognizes that, prior to the debate, some people may not know how they plan to vote."

Churchill: "So in other words, it might just not be somebody that's in opposition, it might just be somebody that has a question about it."

Madigan: "From the Chair, we would seek to determine from people, 'Are you a proponent? Are you in opposition?' That's how we plan to work our way through it."

Churchill: "And so, somebody that stands up and asks a question, are they proponents under this rule or are they in response under this rule? Whose time do they eat up?"

Madigan: "We would determine that before they would begin using time."

Churchill: "And what happens if they said, 'I just have a question?'"

Madigan: "Well, we would say to them, 'Now listen, you're going to be using some time, what kind of time are you going to be using?'"

Churchill: "So in other words, if the three proponents have already talked, and three other Members have questions, then they're using up the 'in response' time?"

Madigan: "No. No."

Churchill: "Whose time are they using?"

Madigan: "Well, we would determine, as I said, we would determine, 'Whose time do you plan on using? Are you going

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to be using a proponent's time, or a person in response?'"

Churchill: "So, let me get this straight. We put a Bill up, there are a 100 lights go on and the Chair is now going to go around and ask each one of those 100 lights whose time they're using, proponent's time or in response time?"

Madigan: "In the ordinary case, I would envision that were there multiple lights seeking recognition, the Speaker would attempt to determine, verbally, from the Chair, what category people would fall into. If it's obviously a Bill that has brought on a great deal of debate, there are provisions in the rules for extension of debate, including unlimited debate. So, we have worked with some easy examples. If we're looking at a debate on an abortion question, our contemplation is that there would be no limit on the debate. What we're attempting to do is to deal with Bills that take an inordinate amount of time, and there's no need for it. But simply because of the mood of the Body at the time, a great deal of time is taken before we proceed to what many times is a unanimous Roll Call."

Churchill: "But that doesn't answer my question. If three proponents have already talked, and now you have three additional people on the Majority side who wish to ask questions, there's no time left for proponents under standard debate. So do you just have the three people from the Democratic side who have questions stand up and ask their questions and then they've used up their respondent's time and then nobody from this side of the aisle gets a chance to talk?"

Madigan: "No. No. No."

Speaker Brunsvold: "Gentlemen."

Madigan: "I think I've adequately explained how we plan to proceed through this."

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Speaker Brunsvold: "Continue, Mr. Madigan."

Madigan: "We're not going to be trying to use up people's time which is allotted to them."

Churchill: "So what happens if there are three proponents from the Majority side and three opponents from the Majority side and you recognize all six of those people, then what guarantees that someone from the Minority side of the aisle is going to have an opportunity to ask a question, or debate?"

Madigan: "Mr. Churchill, you know for whenever I've been in the Chair, my practice has always been to go back and forth..."

Churchill: "That is true and I also know that 95% of the time you're not in the Chair. So, are you telling us that you're going to be in the Chair all the time?"

Madigan: "Well, if you want me in the Chair, I'll be there much more often."

Churchill: "I'd love to have you in the Chair. But what happens when somebody else recognizes three proponents from your side of the aisle, and then recognizes three opponents from your side of the aisle? What guarantees this side a right to debate a Bill?"

Madigan: "Again, it would be my policy, individually, passed along to substitute Speakers that we should go back and forth, Democrat/Republican, as has been my policy whenever I've been in the Chair."

Churchill: "Can we put that in the rules? Can we add that in this Amendment that you're going to have to make sure that people are here when they vote? When we do that Amendment, can we say that there has to be a back and forth exchange?"

Madigan: "I'll consider that one."

Churchill: "Yeah, you've considered it and it's passed. Right? Let me ask you then, how do we get to these other forms of

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debate, extended debate and unlimited debate? I mean, if pretty much everything in your rules says that anything that comes out of committees and all these special circumstances, everything comes out designated as standard debate, where do we get to extended debate or unlimited debate?"

Madigan: "By vote of the Rules Committee or by action of the Speaker or by leave of the House."

Churchill: "So, if a Member of your side of the aisle, there's been three proponents from your side of the aisle that have spoken, you've recognized three in response from our side of the aisle and now a Member of your side of the aisle wants to stand up and ask a question or make a point as a proponent or an opponent and we're under standard debate, they have to do one of three things. They've got to go back and find you and get you to consent to it. They have to have the Rules Committee called and have the Rules Committee vote on it or they have to have a 118 Members willing to let them talk or, if not, they're cut out. They get no chance to debate under standard debate. They're trapped in this standard debate. There's no mechanism for the Members to trigger going on to extended debate or unlimited debate."

Madigan: "Again, Mr. Churchill, our policy is going to be to use these rules to accommodate the debate. We're attempting to have provision in the rules to head off abuse of debate, that's our intent. We're not interested in shutting people down."

Churchill: "Let me ask another question. On both the standard debate and the extended debate, since there are a limited number of people who talk, who chooses the Members from our side of the aisle that gets to speak? Do we get to give

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you a list on a Bill and say these are our leaders who will be leading the debate on this Bill, or this is a particular interest to Member so and so, and that person wants to debate on that, or is this going to be just the call of the Chair?"

Madigan: "We would be interested in that. Again, speaking of my practice when I'm in the Chair, I always recognize your leaders first. And it has been the practice that Mr. Black has been the most frequent speaker from your side of the aisle and so. Again, speaking of my practice when in the Chair, I always check his light before I move through a Bill."

Churchill: "Okay so, but we have no procedure in here where maybe we could notify you of the people who would be our people to speak on the debate if it is in standard debate?"

Madigan: "There's no prohibition that would prevent that. And again, we would be interested in your views on all of this."

Speaker Brunsvold: "Ladies and Gentlemen of the House, can we give the Gentlemen some attention, please? Give the Gentlemen some attention."

Churchill: "I'll wrap up my segment on this because I know there are other people who want to talk on these rules. So, to the Resolution, House Resolution #6. First of all, let me say that I was somewhat flattered, I guess, when I first read through your rules. I recognized a lot of the terms that were in your rules. I recognized a lot of the language as being language that I helped to draft two years ago. And I thought that maybe about 90% of these rules are rules that we created in the first place and I'm flattered that you guys chose to go with our rules. I mean, I've been listening for two years to the debate about our rules

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and all the terrible things that those rules did, you know, and I was expecting this wholesale change and we didn't see this change. I mean we're looking at maybe the 10% percent changes that you've done which I think are probably inappropriate changes. But I remember two years ago when I looked at the transcript, and I looked at all those people who complained about these rules. Representative Lang said that they were the darkness, not the sunshine. This was the tyranny of the Majority. Representative Lang, you said that and now today you've decided these rules are okay. Representative Granberg complained about the Amendments not being here on the floor and the same procedure is in these rules as were in the past rules and yet you complained about that. Representative Granberg, you complained about that and yet you are now accepting those rules. Representative Schakowsky complained about shutting off debate, called it, and this is her words, 'undemocratic', and yet accept the same rules here today. Representative Davis complained about Floor Amendments not being heard on the floor. She said it, quote end quote, 'Removes the Democratic process from this Body. Moves towards a totalitarian type of government.' And yet that same process is in these rules, the ones you that complained about, Representative Davis. These are your rules, you are going to vote for that today, the stuff you complained about two years ago. And other Members on your side of the aisle stood and complained about those things, and yet here today you're accepting a vast majority of the rules that we put into place two years ago. But what changes are you making? Look at the changes that I've talked about. You've take away the one rule that says that you have to be present to vote on the floor. I mean, you've got to be

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here to vote on the floor, not on the golf course, not downstairs, not outside, not some other place, you've got to be here. You don't even put that rule, you don't even put that into your rules. And you changed debate. All this, 'Oh yeah, we're going to open up debate. We're going to have more talking on the floor. We're going to allow both the Majority and Minority Party to express their opinions.' Oh yeah, you change how many votes it takes to cut off debate because you don't have any debate in the first place. Everything is going to be standard debate. Three Members proponent, three Members may be opponents, may be asking questions, may be in response, whatever that is, maybe all on one side of the aisle, maybe not on the other side of the aisle. And you effectively take away the rights of the people on this floor to debate the issues. You complained about our rules. You took them now and you've made our rules, which I thought were fair, worse. I don't think there's any reason to vote for these today. Sorry, Mr. Speaker, maybe by Amendments you can help to change some of these things but you got some tremendous holes in these rules."

Speaker Brunsvold: "The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor indicates he'll yield."

Mulligan: "I'd like to go back to the question on identifying whether you're for or against a Bill. In many instances, if you're not in a committee that a Bill has previously been debated on, there will be Bills that you don't have a perspective on. And so, if someone says to you, 'Are you for or against this Bill?' And you have to identify that, it could then be problematic as the debate goes on again. I mean, there has to be a category somewhere that says, 'I'm

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going to listen to the debate, but I have some questions to ask.' Because I've identified myself on an issue once as against something because I wasn't for it just to be allowed to speak and it is still being used against me eight years later. So, I think that there has to be a category somewhere in there that you don't have to say that you are for or against."

Madigan: "That was the reason that in drafting the rule, we used the word, 'in response', rather than 'opponents' so there would be some flexibility to determine where people, what people would be thinking and that to preclude a situation such you have described where you're not certain how you're going to vote."

Mulligan: "So that would not be included as part of the people that are speaking for or against. You would allow a certain category of people who are still in a state of flux about how they are going to vote?"

Madigan: "Those are people in response, in response but not necessarily opposed."

Mulligan: "All right, so then you would be allowed to speak without identifying that you are for or against this specific Bill."

Madigan: "Well, if you were to rise to speak, we would want to know whose time are you using. Are you using the time of a proponent or the time of one in response? We would want to know that to calculate the time."

Mulligan: "How do...if you don't know that that's the case, I mean if you don't know who you're charging it against, I may be in favor of a Bill that Representative Ronen's going to present and yet as the Bill develops, maybe I'll change my mind and then I'd be using someone on your aisle, side of the aisle's time, not necessarily someone on my side,

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but you may want to charge my side. I don't understand how it's going to work."

Speaker Brunsvold: "Are you finished, Representative?"

Mulligan: "I just don't understand how it's going to work and then if it's charged as against and it's printed that way in the House Record, someone that may want to pull my record on that debate will say, Representative Mulligan was against or for something that I don't necessarily want to be identified as for or against. I would like to see that amended or changed or clarified."

Speaker Brunsvold: "Thank you, Representative. The Gentleman from 'Vermil', Representative Black."

Black: "I'm sorry, Mr. Speaker. What county am I from?"

Speaker Brunsvold: "Vermilion. Excuse me."

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

Speaker Brunsvold: "The Gentleman indicates he'll yield."

Black: "Thank you. Speaker Madigan, if imitation is the most sincere form of flattery, speaking only for myself, I'm flattered. I'm flattered to the point that I'm almost speechless, but let me proceed. Let me deal a little further with what Representative Mulligan was asking you about. If, and I can give you an example if you want, if someone puts on their speak button to ask a question of the Sponsor, to narrow down what the Bill does or does not do, if it is regional in scope or statewide in scope, and you really don't know whether you're going to vote for or against the Bill until you hear various answers. How will that be counted against those people who can rise in debate?"

Madigan: "That time would be credited to those in response. There's a proponent and then there are those in response."

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Black: "Okay. So, if two or three people got up to ask an innocuous question, a great deal of the debate is completed if they ask, say three questions. Three different people ask three questions how would...somebody, I believe, may be shut off in the process at that point."

Madigan: "That's not our intent. That's not our desire. We would hope that people wouldn't do that for the only purpose of delaying consideration of the Bill. I do think that if everybody is well-intentioned, we'll be able to work through this very nicely."

Black: "All right, thank you. I trust that that is in fact your intention. Under our rules, a unanimous vote was required in committee to put a Bill on Short Debate. And under your proposal, it would only require three-fifths vote. Why that change? I'm just curious."

Madigan: "Mr. Black, our view was that if there was a unanimous vote in the committee, that Bill would be a candidate for the Consent Calendar and then the next stage would be a Bill that got the extraordinary vote which then would be a candidate for the Short Debate Calendar."

Black: "On that same topic, I'm not sure I understand your rules about taking a Bill off of Short Debate. It was quite simple to do and I don't think we ever passed a Bill on short debate in the last two years because your side would take it off. Perhaps your legal counsel could enlighten me. If my memory serves me, it is not the same procedure now to remove a Bill from the Short Debate Calendar."

Madigan: "Mr. Black, our view is that there's no change in that regard."

Black: "So I have to stand corrected?"

Madigan: "On page 43 of the Resolution, in lines 8 through 12, it reads that 'at the request of 7 Members before the debate

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status shall be open to standard debate.' Page 43, lines 9 through 12. I believe that's the same."

Black: "I stand corrected. You're right. Let me ask you another question if I could. One of the most perplexing items in the rules that I find and I just do not understand this at all, is Rule 53. Rule 53 allows written statements to be filed with the Clerk for the record. Such statements are to be considered part of the transcript and made available to the public. First of all, I assume that written statement is protected under the general rule of protected speech in this Body. Would that be correct?"

Madigan: "Yes."

Black: "Is there any way, if a statement were to be filed about an individual Member, well, let's just say somebody files a statement about my comments on a Bill or my vote on a Bill. We asked yesterday if it would be electronically available. And the response was, 'no, it would not be.' The rules are silent on about how notice would be given. If I file a statement using your name and more or less insinuating that you were wrong on this issue and you failed to correct something and I was just outraged over your behavior, what procedure do we have so that we give constructive notice to the Member that the Member may be allowed to, and I assume, allowed to rebut the statement?"

Madigan: "There is no provision in the rule for that now you raised this in committee yesterday and I think it's a good point and I'd be interested in working with you and others to provide that...I believe where a Member is named in one of these statements, that they be notified that their name has been used giving them an opportunity to respond."

Black: "I'm glad to hear you respond that way because I think that may be something we need to amend. For example, if

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someone were to file a statement that Representative Black failed to vote for a Bill requiring helmets to be worn by people who ride in the back of a pickup truck and I therefore find that he's in conflict of interest because he owns a pickup truck and if I don't know that's filed, and I don't see that until a campaign, it's very difficult for me to respond to that."

Madigan: "You know, I think you are correct."

Black: "I appreciate your willingness to look at that. One of the other rules that I find most intriguing is Rule 16. And I know many people are happy that we will have Resolutions back before the Body but with a different twist. We're going to be required to pay the cost of these Congratulatory Resolutions and I don't have any problem with that. I guess what I'm asking you is, who will be in charge of that account? And is it an audit...would the Auditor General issue a finding at the end of every Session as to how much money has been put in the Congratulatory Resolution Account, et cetera, et cetera?"

Madigan: "The account would be administered by the Clerk's Office and we share your interest in providing that there wouldn't be any scandal emanating out of the program so, you know, any ideas you have to prevent mistakes, please tell us."

Black: "And again, I'm glad to hear you say that because one of the things that came up in the committee meeting yesterday is, we really don't have any idea what this will cost. Now, will this filing fee be determined by the Clerk upon gathering figures of labor and time and paper, et cetera, or will it be a fee established by the Speaker, for example?"

Madigan: "My view would be that the Clerk ought to do that. I was told by a newspaper reporter today that your party

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estimated the cost of these at \$55 a piece, two years ago. And if you have some material that can help us arrive at a cost, we will be interested in that."

Black: "We would be more than happy to work with you on making sure that our costs are always under the control of this Body. It's a good government issue that you and I will, I know, agree on as we proceed. One, two further questions. In yesterday's committee meeting, you suggested that the deadline for filing Committee Amendments would be uniform in a timely fashion and that committee procedure would, in fact, be a standard procedure that I assume all of us will know about. Is...I was confused yesterday as to who will set the procedure. Will it be set by the Speaker, the Clerk of the House? Who's going to set this procedure and will set procedure be available to us in writing?"

Madigan: "The Committee Chairperson would do that and they will be available in writing."

Black: "Now, okay, let me follow up on that. If I serve on two or three Committees and I find that the Committee Chairs are not being standard, in this committee an Amendment has to do this. Am I to bring that to the attention of the Body?"

Madigan: "That would be fine. If you'd like to make a speech about that, that would be fine, but you could bring it to my attention because we'd be interested in uniformity."

Black: "All right. I...just for the record then we would bring it to the attention of the Speaker."

Madigan: "Or you can make a speech about it."

Black: "My last question has to deal with as we are talking about committees. In the past, appointment to committees were made for the duration of the term, as I recall. And it seems to me your rules are changing the appointment. Am I

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to infer that the Speaker then would have the power to remove a Committee Member at any time during the two year Session for any reason that the Speaker would deem necessary?"

Madigan: "Mr. Black, except for the Rules Committee, the appointment is for the term. Except for the Rules Committee the appointments is for the term. In the case of the Rules Committee, the Members would serve at the pleasure of the appointing authority."

Black: "One moment, Mr. Speaker. Our concerns were answered by the deletion of a sentence. So, appointments are, in fact, for the duration of the term. Correct? All right. Thank you very much. Let me...thank you very much for your...yes."

Madigan: "Mr. Black. Mr. Black. Did you hear me say that the Rules Committee is one where the Members serve at the pleasure of the appointing authority?"

Black: "Yes."

Madigan: "Okay, thank you."

Black: "Other committees are appointed for duration of term?"

Madigan: "For the term."

Black: "Yes, all right. Thank you very much, Mr. Speaker and Mr. Presiding Officer and Members of the House. It's a very interesting set of rules that we have before us. And I am certainly under no delusion that we're going to be able to convince any of you to vote 'present' or 'no' but I would say to you as you had concerns two years ago and I could quote verbatim from the transcript that I have in front of me many of the concerns that you issued, many of the concerns that you illuminated and elucidated in sometimes very loud language. You need to look very closely at these rules because even as similar as they are to the 89th

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General Assembly, if you will go down here, I think the most interesting facet of the new rules as proposed, is the tremendous consolidation of power in the Office of Speaker. Now, that does not scare me. I've been here long enough to know that the Speaker has a great deal of power, either as written or as a matter of practice. But one of the things that exacerbated ill-will on your side of the aisle, was the fact that you thought sometimes debate was not as full and as lengthy as you wanted it to be. And yet, now, we have a category of debate and, in fact, unless I read the rules entirely wrong and not being a member of the Bar, that could certainly be the case. But debate is controlled almost exclusively by the Speaker. There is standard debate. There is extended debate. There is diddle doo waa debate or whatever. But the bottom line is, that is not a matter to be decided by the Members of this Body, it is a matter that is decided by the Speaker. And I'll reserve my opinions until I see how it works but as you expressed outrage whenever you only got one hour and 30 minutes to debate a Bill that then got 118 votes, I will be similarly outraged if we are given 15 minutes to debate a Bill that passes 60 to 58. So I would say to you that imitation is a form of flattery but if you look through these rules very, very carefully, my fear is and I've heard some things about bipartisanship and I've seen the light and I've learned my lesson. But as I go back to the 88th General Assembly, I see tremendous power being vested in the Speakership of this Body and I again, have no delusion that we'll convince anyone to change their vote but it will be an interesting process, my friends, a very interesting process when you are trying to defeat a Bill or amend a Bill and you find that only three of you are going to be

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able to speak on it. That, I think, is a departure from any past practice in this chamber and it will be very interesting to see how it works. Thank you, Mr. Speaker."

Speaker Brunsvold: "Thank you, is it Senator Black? The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you. And would the Gentleman yield for questions, please?"

Speaker Brunsvold: "The Gentleman indicates he will."

Ryder: "Mr. Speaker, it's been brought to my attention and I think we're showing you at this time that the words 'for the term' were removed from our, from the rules of the previous General Assembly in your rules. So while you may be stating that it is your intent to appoint Committee Chairs for the term when you specifically remove those words from your version of the rules. I think it gives good reason to ask the question, Sir. Perhaps after counsel has advised you, you could respond, please."

Madigan: "Mr. Ryder, Mr. Casper, my counsel believes that your fear is not warranted. That as he reads the language, as lawyers read language, that you should not be concerned. But again, if you're interested in working with us to change the language, we're interested in working with you."

Ryder: "If I may follow up on two items if I will. Yesterday, I was present in the Rules Committee in which these rules were presented for the first time and your counsel indicated that it was based on the rules of the past General Assembly. As a result, when we had the opportunity to read the rules last night, we paid particular attention to those words that were part of the rules previously and then are no longer part now. It is for that reason that we raise the question, just so you understand."

Madigan: "I think it is a legitimate point. He would respond

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that the appointments to the Rules Committee are treated such that they serve at the pleasure of the appointed authority, therefore all of the others fall into the category of 'for the term'. So again, I think it's a question of changing the language and I think we could work through it."

Ryder: "And my second part of that question, if I may, is that you have acknowledged on a couple of items today, and hopefully I'll bring some more to your attention, in which you've offered to work with us concerning improvement to the rules as you present them today. I'm wondering if it then is your intent to hold the vote on these rules until such time as we have an opportunity to work together on some Joint Amendments. To improve the rules as you have given us the opportunity to do."

Madigan: "No."

Ryder: "I'm not surprised. I would now like to do a line of questioning in which, I frankly, am relying on public statements that have been reported to me, some of which are direct quotes from you during your address to the General Assembly after you were sworn in, that I'm having some difficulty tracking in the rules. So, relying on what some have reported you saying, can sometimes be difficult and that's why I am attempting to ask these questions. I know that you have been quoted as suggesting that it is your intention to appoint Republicans as Chairs, Chair or Chairs of standing committees and or special committees. You made that statement. Am I correct in that understanding, Sir?"

Madigan: "Yes."

Ryder: "I also read the rules in such a way that you will be appointing the Republican. It's not a situation in which you designate a Committee Chair as available for a

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Republican and the Republican Caucus names that Chair. Is that correct?"

Madigan: "That's correct."

Ryder: "I do note in the rules, however, that where you take the extraordinary opportunity to appoint a Republican, that the Republican Caucus still has the opportunity to appoint the Minority Spokesman."

Madigan: "That's correct."

Ryder: "And with that goes the opportunity for whatever stipends both may receive in that committee."

Madigan: "Well, there would be two stipends paid."

Ryder: "One to the Chair and one to the Minority Spokesman."

Madigan: "Yes."

Ryder: "But in the example I cited, they would both be going to a Republican?"

Madigan: "That's correct."

Ryder: "That brings me to the special committees that you have, two of which you named specifically and you also left the door open for other committees. It's my understanding in some of your previous public statements that you indicated the Membership of those special committees would be equal Republican and Democrat."

Madigan: "Yes."

Ryder: "That was your statement, Sir?"

Madigan: "Yes."

Ryder: "Then why did not the rules state that?"

Madigan: "Simply because of how we drafted that particular section of the rules so, you have the language for the rule."

Ryder: "Yes, Sir."

Madigan: "It gives the Speaker the authority to create special committees and I have said publicly that my intent is that

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with two of them, there will be an equal number of Democrats and Republicans, one Democratic Chair, one Republican Chair."

Ryder: "Mr. Speaker, I'm sorry. I didn't catch all of your explanation. My understanding is that it is clearly your intent, on at least the two special committees that you've named, that they are to have equal numbers of Republicans and Democrats and Co-Chairs. That is your intent?"

Madigan: "Yes."

Ryder: "But you chose not to put that intent into rule?"

Madigan: "Yes."

Ryder: "All right. The rule does however state that you specifically, you the Speaker, have the ability to appoint both Co-Chairs?"

Madigan: "Yes."

Ryder: "So, in other words, you're choosing to name the quarterback for both teams in that case?"

Madigan: "Yes."

Ryder: "Is it your intention that the Co-Chair is part of the bipartisanship that you had indicated before and that they are to work in a bipartisan fashion to, I think the two involve Prison Reform and Utility Deregulation?"

Madigan: "If the committee is equally divided between Democrats and Republicans, it seems to me that you've mandated bipartisanship."

Ryder: "Right. Then perhaps you'd like to explain to me why 11 times in your rules you make the Co-Chair of the Majority Party empowered and you disenfranchise the Co-Chair of your own choosing from the Republican Party?"

Madigan: "That's like other sections of the rule, we simply want to have authority in the rules to prevent someone who might be attempting to stymie the work of the committee. Our

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expectation is that if these Co-Chairs are cooperative, and I think they will be, then there won't be a problem. But the rules are drafted with the intent of providing the appointee from the Majority Party with the ultimate authority to take certain action which might be needed in the conduct in the affairs of the committee."

Ryder: "You are the one that's appointing the Co-Chairs. You are not giving the Republicans that opportunity. You are appointing from among the Republicans whom you wish to serve as Co-Chair, but then 11 times, 11 times in your rules, and I can cite page and line numbers and I'd be happy to share those with you, you specifically disenfranchise the Co-Chair from being able to conduct business. This is the person of your choosing, Mr. Speaker."

Madigan: "Again, Mr. Ryder, that was designed to provide authority to the Co-Chair from the Democratic, from the Majority Party if it were needed. I don't think it's going to be needed in these two areas that we have designated already."

Ryder: "Mr. Speaker, I sincerely hope that your statement and your intention of bipartisanship is correct, however, I do have to suggest to you, Sir, that it does raise suspicion in my mind that the action, as employed in the rules, doesn't track with your original concept of bipartisanship. I'd also wish to discuss a couple of other things that have been discussed previously and I'll try to be brief on these if I may. Rule 53, the public statement area. Mr. Casper explained yesterday, but for the record, would you explain to me your intention as the Sponsor of this Resolution on these public statements, Sir?"

Madigan: "Our intent is to give people an opportunity to file

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statements for the record so if a matter is on one of the forms of limited debate, and a person was seeking to participate in the debate but they were not able to participate in the debate, this is available for them to file a statement as to their thinking on the Bill. This would also, in a sense, be a replacement for an explanation of vote. But it gives Members an opportunity to file a statement for the record. Now, we've been permitting people to file statements for the record for as long as I can remember. You know, you have always been able to file a written statement with the Clerk which would become part of the Journal. What we're saying here is that can be done relative to a particular Bill. I think Mr. Black has raised a good point. That when a Member is named in that statement, the Member ought to be notified."

Ryder: "Yesterday, during the debate, I think you, Sir, were the one that indicated that this practice is somewhat akin to the ability in a Federal Congress to revise and extend remarks and in that sense, I think we have a problem because there the Congressional Record is printed daily and you have an opportunity to see what comments were made in the Record on a daily basis. And if, in fact, there was something that was said to which you wish to respond. On a daily basis you have that opportunity. We don't have a response mechanism here and I think it is sorely needed. As a result, I take you at your word, Sir, that we have some opportunities to look at some Amendments that may be able to do that. Again, I would ask is it your intention to wait for those Amendments to proceed with these rules?"

Madigan:: "No."

Ryder: "Okay, I did not think so. Last, for me at least, I noticed that the drafts person of these rules has been very

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careful in a number of circumstances to raise from 60 to 71 the number of votes necessary to do a broad item of things. You've made mention to the ability to move the previous question or terminate debate. That is clearly raised under these rules from 60 to 71. As has any other number of items. In fact, it's almost a standard paragraph at the end of many of the rules that it requires 71 votes. I find it curious for a Gentleman who commands 60 votes in the Majority that you would arbitrarily disenfranchise the 60 by requiring 71 and perhaps you could explain to me why you did that."

Madigan: "Mr. Ryder, the rules have always had different vote requirements for different procedures. Mr. Speaker, could we get some order, please? Mr. Ryder, the rules have always had different vote requirements for different procedures so at times there was a requirement for 60 votes to discharge the committee, 60 votes to overrule the Chair. Over time those vote requirements were changed and so what we did was to work our way through the rules and determine what we thought should be the vote requirement for certain procedures."

Ryder: "Perhaps you could enlighten me. I did not find a single occasion in which 60 votes would be necessary to accomplish anything under your rules other than a passage of a Bill which is a statutory rather than a rule."

Madigan: "I believe the discharge the committee from further consideration of a Bill."

Ryder: "Is that correct? I'm sorry, I shouldn't ask your counsel if you're correct. That's insulting to one of you and I'm not sure which. Is that the only instance, Sir?"

Madigan: "The suspension of the posting requirements is another one that only requires 60 votes."

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Ryder: "Thank you. Then I would indicate that I simply wish to be informed...I think Mr. Black covered it, and if he did and I'm duplicating it, I therefore apologize. I was led to believe yesterday that the timely, as you indicated for filing of Amendments would be established by each Chair of the committee, but it was your hope that those standards would be uniform. Is that still your intention, Sir?"

Madigan: "It would be our plan to work with the Committee Chairs to establish a uniform standard."

Ryder: "Okay, then I would encourage you, Sir, if I could when you discuss the filing provision, that you consider there is nothing in the rule now under your rules to notify the Minority when the Majority files an Amendment. We would not know if it were filed timely, if it were filed with the appropriate Chair, or in fact if it were filed at all, although I'm certain it would always be or it would be so ruled by the Chair. I would encourage, therefore, when you create these standards that you would place in there a notification to the spokesman, the Minority Spokesman of the committee, of those Amendments that have been filed and are therefore qualified to be heard. Do you believe that's a reasonable request, Sir?"

Madigan: "I'd like you to give me some time to think about that."

Ryder: "Would you care to hold the rules until you've had a chance to conclude, Sir?"

Madigan: "No."

Ryder: "I'd be happy to give you all afternoon. Sir?"

Madigan: "No, no, no."

Ryder: "Thank you, Mr. Speaker."

Speaker Brunsvold: "Thank you, Representative. The Gentleman from McLean, Representative Brady. He does not wish to speak. Seeing no other Representatives seeking

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recognition, the Gentleman from Cook to close."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, I think we've had a good debate on this question. We think that we have a good solid set of rules as I've indicated several times during the debate. I am interested in working with those who have raised objections or problems with these rules to see if they can't be amended to eliminate the problems or the objections that you may have. And again, Mr. Speaker, I would move for the adoption of House Resolution #6."

Speaker Brunsvold: "The Gentleman has asked for the adoption of House Resolution #6. All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. Representative Churchill has requested a verification and the Clerk shall call the Affirmative Roll."

Clerk Rossi: "A poll of those voting in the affirmative, Representatives. Acevedo. Boland. Bradford. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Currie. Representative Julie Curry. Dart. Davis, Monique. Davis, Steve. Deering. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giglio. Giles. Granberg. Hannig. Hartke. Holbrook. Howard. Jones, Lou. Jones, Shirley. Kenner. Kotlarz. Lang. Lopez. Lyons, Joseph. Mautino. McCarthy. McGuire. McKeon. Moore, Eugene. Morrow. Harold Murphy. Novak. O'Brien. Phelps. Pugh. Ronen. Santiago. Schakowsky. Schoenberg. Scott. Scully. Silva. Slone. Smith. Stroger. Turner, Arthur. Woolard. Younge, and Mr. Speaker."

Speaker Brunsvold: "Representative Churchill, questions of the Affirmative Vote?"

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Churchill: "Yes, Mr. Speaker, it may just be because I don't know some of these folks that I'm having a hard time, but..."

Speaker Brunsvold: "Representative Woolard. Leave be verified to Representative Churchill?"

Churchill: "Yes, absolutely."

Speaker Brunsvold: "Okay, Representative Woolard has been verified."

Churchill: "We saw him. Representative Bradford?"

Speaker Brunsvold: "Representative Bradford. He's in the back row in his seat."

Churchill: "Oh, okay, and Representative Stroger?"

Speaker Brunsvold: "Representative Stroger is in the back, also, right behind Mr. Bradford."

Churchill: "Okay. I know it would be hard to miss this guy, but where is Representative Deering?"

Speaker Brunsvold: "Representative Deering is in his seat."

Churchill: "All right, I'm sorry. There was a small group standing in front of him and I didn't see him. Well, I think you did a fine job on your first one. We'll be back to you again on the same Motion."

Speaker Brunsvold: "There being 60 'ayes'; and 56 'nos', the required amount for passage of House Resolution. House Resolution #6 has been adopted. The Gentleman from Cook, Representative Pugh. What reason do you rise?"

Pugh: "Thank you, Mr. Speaker. I rise to point of personal privilege to note that today is the NATO day of the Reverend Dr. Martin Luther King, and I'd like to acknowledge that."

Speaker Brunsvold: "Thank you, Representative Pugh. Speaker Madigan now moves that the House stand adjourned until 11:00 a.m. tomorrow morning, January 16. All those in favor 'aye', opposed same sign. The 'ayes' have it and the

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House does now stand adjourned until 11:00 a.m. tomorrow,
Thursday, January 16."