

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

67th Legislative Day

January 10, 1996

PRESIDENT PHILIP:

The hour of noon having arrived, the regular Session of the 89th General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the galleries please rise. Our prayer today will be given by Reverend Jeff Chitwood, Southside Christian Church, Springfield, Illinois. Reverend Chitwood.

THE REVEREND JEFF CHITWOOD:

(Prayer by the Reverend Jeff Chitwood)

PRESIDENT PHILIP:

Senator Sieben. The Pledge of Allegiance.

SENATOR SIEBEN:

(The Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Tuesday, November 14th; Wednesday, November 15th; and Thursday, November 16th, 1995.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Mr. President, I move that the Journals just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Butler moves to approve the Journals just read. There being no objections, so ordered. Messages from the House.

SECRETARY HARRY:

A Message from the House by Mr. McLennand, Clerk.

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

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concurrence of the Senate, to wit:

House Joint Resolution 78

(Secretary reads HJR No. 78)

Adopted by the House, January 9th, 1996.

PRESIDENT PHILIP:

Senator Weaver moves to suspend the rules for the purpose and the immediate consideration and adoption of House Joint Resolution 78. 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 House Joint Resolution 78. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it, and the resolution is adopted. The following Senators have been appointed as a Committee of Five from the Senate to wait upon His Excellency, the Governor, Jim Edgar, and to invite him to address the Joint Session. They are: Senator Walsh, Senator Bomke, Senator Luechtefeld, Senator Viverito and Senator Clayborne. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Approved for Consideration - House Bills 965 and 1089.

PRESIDENT PHILIP:

If I could have the attention of the Membership. I would encourage you to get over to the House of Representatives immediately. The Governor wants to start on time. And we will come back here. We will stand at ease till 1 o'clock or 1:15 or 1:30. It all depends on how long the Governor's message is. So we will see you back here shortly. The Senate stands at ease until 1 o'clock.

(SENATE STANDS AT EASE)

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(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will please come to order. Messages from the House. Messages. I'm sorry.

SECRETARY HARRY:

Message from the President.

Dear Mr. Secretary - Pursuant to Senate Rule 3-3(d), I hereby establish, to be effective immediately, a special temporary committee which shall be called the Illinois Transit and Economic development Committee. Further in accordance with Senate Rule 3-1, the committee shall be composed of five Members: three, one of whom shall serve as Chairperson, to be appointed by the President of the Senate, and two, one of whom shall serve as Minority Spokesperson, to be appointed by the Minority Leader of the Senate.

Dated December 1st, 1995 and signed by President Philip.

Another Message from the President.

Dear Mr. Secretary - As the Illinois Transit and Economic development Committee has been properly established, pursuant to Rule 3-3(d), I am entitled to appoint three Members, including the Chairperson, to this committee. Please be advised that I am at this time appointing the following Members, effective upon the filing of this letter with you: Senator Aldo DeAngelis, Chairperson, Senator Martin Butler and Senator Kirk Dillard.

Signed by Senator Philip, December 1st.

A Message from the Minority Leader.

Dear Mr. Secretary - In response to Senator Philip's action of December 1st, 1995, establishing the Senate special temporary committee, referred to as the Illinois Transit and Economic development Committee, I hereby appoint the following

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Members to serve on this committee: Senator Cullerton, to serve as Minority Spokesperson, and Senator Trotter.

Signed by Senator Jones, December 7th, 1995.

PRESIDENT PHILIP:

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1250, offered by Senator Syverson.

(Secretary reads title of bill)

Senate Bill 1251, by Senator Hawkinson.

(Secretary reads title of bill)

Senate Bill 1252, by Senator Bomke.

(Secretary reads title of bill)

Senator Donahue offers Senate Bill 1253.

(Secretary reads title of bill)

Senate Bill 1254, Senator Parker.

(Secretary reads title of bill)

Senate Bill 1255, by Senator Bomke.

(Secretary reads title of bill)

Senate Bill 1256, by Senator Bomke.

(Secretary reads title of bill)

Senator Bomke offers Senate Bill 1257.

(Secretary reads title of bill)

Senate Bill 1258, offered by Senator Parker.

(Secretary reads title of bill)

Senate Bill 1259, by Senator Raica.

(Secretary reads title of bill)

Senate Bill 1260 is presented by Senator Rauschenberger.

(Secretary reads title of bill)

Senate Bill 1261, by Senator Rauschenberger.

(Secretary reads title of bill)

Senate Bill 1262, Senator Rauschenberger.

(Secretary reads title of bill)

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Senate Bill 1263 is offered by Senator Weaver.

(Secretary reads title of bill)

And Senate Bill 1264, by Senator Peterson.

(Secretary reads title of bill)

1st Reading of the bills. Resolutions.

SECRETARY HARRY:

...Resolution 128, offered by Senator Shaw and all Members, as is Senate Resolution 129.

Senate Resolution 130, by Senators Carroll, Berman and all Members.

Senate Resolution 131, by Senators Lauzen, Rauschenberger and all Members.

Senate Resolution 132, by Senator Clayborne and all Members.

Senate Resolution 133, 134, 135, all offered by Senator Demuzio.

They're all death resolutions, Mr. President.

PRESIDENT PHILIP:

Consent Calendar.

SECRETARY HARRY:

Senate Joint Resolution 70, offered by Senators Karpziel, Philip, Fawell and all Members.

It's also a death resolution, Mr. President.

PRESIDENT PHILIP:

Consent Calendar.

SECRETARY HARRY:

Senate Joint Resolution 71, offered by Senator Madigan.

It's substantive.

PRESIDENT PHILIP:

Executive Committee. Rules. Senator Donahue, for what purpose do you rise?

SENATOR DONAHUE:

Well, thank -- thank you, Mr. President. I would like to

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call for a Republican Caucus immediately in Senator "Pate" Philip's Office.

PRESIDENT PHILIP:

That's always in order. I understand there's a request from the other side of the aisle. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Mr. President, we request a Democratic Caucus in Senator Jones' Office immediately.

PRESIDENT PHILIP:

The Senate will stand at ease for the purpose of caucus until 2:15 this afternoon.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDENT PHILIP:

Senate will come to order. Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1265, offered by Senators Jacobs, Berman and others.

(Secretary reads title of bill)

And Senate Bill 1266, offered by Senator Maitland.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

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

SENATOR GEO-KARIS:

On a point of personal privilege.

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PRESIDENT PHILIP:

State your point.

SENATOR GEO-KARIS:

This morning, Mr. President, Ladies and Gentlemen of the Senate, there was a very, very fine ceremony honoring the seven living Medal of Honor winners of Illinois at the Rotunda. I'm very pleased to tell you that two of them come from my county. My constituents: Allen James Lynch - L-Y-N-C-H, A-L-L-E-N - was in the Vietnam situation, and he was wounded in action and still he unhesitatingly returned to the fire swept area three times to carry the wounded men around him. And when his company was forced to withdraw by the superior fire power of the enemy, he remained to aid his comrades at the risk of his life rather than abandon them. And he saved their lives. He picked them up, and even though he was wounded, he was able to drag them across to a more secure area. And once he had assured their comfort and safety, he located the counterattacking friendly company to assist them in directing the attack and evacuating the three casualties. He risked his life and was wounded in action. And I'm very please to tell you that Allen James Lynch lives in Gurnee, Illinois and is my constituent, and is a very fine gentleman. He's now fifty years of age. The other gentleman comes from World War II, Richard Earl Bush, a corporal in the U.S. Marine Corps who distinguished himself in -- in battle in the Japanese Islands, in Ryukyu, Okinawa. In fact, to save his troops around him, he took a grenade and put -- pulled a deadly missile to himself and absorbed the shattering violence of the exploding charge, and he saved his fellow marines from a severe injury or death, despite the certain peril to his own life. By his valiant leadership and aggressive tactics in the face of savage opposition, Corporal Bush contributed materially to the success of the sustained drive toward the conquest of this fiercely dependent outpost of the

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Japanese empire. And his constant concern for the welfare of his men and his unwavering devotion to duty throughout the bitter conflict enhanced and sustained the highest traditions of the U.S. Marine and Naval service. And I am very please to congratulate Richard Earl Bush and Allen Lynch for their unwavering devotion to duty and for dedicating themselves to freedom and to helping others. And of course, I'm very, very pleased to have them live in Lake County, Illinois.

PRESIDENT PHILIP:

Thank you, Senator Geo-Karis. Supplemental Calendar. For a point of information, there are two bills on Supplemental Calendar No. 1. The first bill is House Bill 965; the sponsor is Senator Woodyard. The second bill is House Bill 1089, Senator Karpziel. It's the intent of the Chair to move both of these bills. So if anybody is in -- in -- in hearing distance of my voice, I please wish they would come up to the Floor of the Senate. If the Senate will please come to order. Supplemental Calendar No. 1. House Bill 965. Senator Woodyard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 965.

(Secretary reads title of bill)

3rd Reading of the bill, Mr. President.

PRESIDENT PHILIP:

Senator Woodyard.

SENATOR WOODYARD:

Thank -- thank you, Mr. President, Members of the Senate. There are only two provisions in the bill, but it is a massive document. The bill contains the language that brought -- or, that actually created the Department of Natural Resources. There were only five bills printed because they're six hundred pages long. But if anybody wants to read this six-hundred-page document, we'll try to -- try to get it to you. But that's what the first

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provision or the first part of the bill does. It's enabling legislation. It's rather a technical document that brought the Bureau of Waterways, Energy and Natural Resources, and Department of Conservation all into one agency. The second provision is a bill that -- that the Department of Natural Resources needs because the U.S. Fish and Wildlife are going to lengthen the season of -- of the snow goose season. And under our present law, we need the change of this law in order to comply with the federal government on the goose season. That's all that the bill does at this time.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Rea.

SENATOR REA:

Thank you, Mr. President. Question of the sponsor.

PRESIDENT PHILIP:

The sponsor indicates he'll respond. Senator Rea.

SENATOR REA:

Does this -- does this bill include the appointments to the Coal Development Research Board, where each one of the Leaders would appoint one to serve on this Board since there's no longer the Energy Council?

PRESIDENT PHILIP:

Senator Woodyard.

SENATOR WOODYARD:

No, it does not contain that language. And I would like to see you proceed with -- with separate legislation to do that, because I certainly am in support of -- of that happening.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Mr. President, I have a question to ask the sponsor, if I might.

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PRESIDENT PHILIP:

The sponsor indicates he'll yield. Senator Demuzio.

SENATOR DEMUZIO:

Senator Woodyard, could you indicate to us -- I -- I don't quarrel with what you're doing. As a matter of fact, I rise in support of the bill that is before us. Now we've had some experience with the Department of Natural Resources, now we've had this consolidation, do you have any idea how much, if any, money that we have saved now as a result of consolidation of these various departments?

PRESIDENT PHILIP:

Senator Woodyard.

SENATOR WOODYARD:

No, I don't have any feeling of that, but it would be my opinion, without seeing any documentation, that we probably haven't saved any money.

PRESIDENT PHILIP:

Senator -- Senator Demuzio.

SENATOR DEMUZIO:

I -- I understand that this extends the snow goose season, and you're indicating that it does. I -- I -- perhaps if you would give us the differential between the snow goose and the regular goose, might help us out over here.

PRESIDENT PHILIP:

Senator Woodyard, I'd like to hear that definition myself. Senator Collins.

SENATOR COLLINS:

Senator, I don't have any real problems with being able to transport your -- your hunting rifles or guns on a boat, but why does the gun have to be loaded? I mean, isn't that a bit dangerous?

PRESIDENT PHILIP:

Senator Woodyard.

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SENATOR WOODYARD:

I -- I think what this is referring to, or what you might be referring to, with the loaded gun -- actually goose hunting a lot of times is done out of a boat, and that's what this applies to. We had to extend the period of time that you could carry a loaded gun in a boat because they actually hunt out of the boats.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, Senator Woodyard, to close. All right the question is, shall House Bill 965 pass. Those in favor will indicate by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 58 Ayes, no Nays, none voting Present, 1 not voting. House Bill 965, having received the required constitutional majority, is declared passed. Supplemental Calendar No. 1, House Bill 1089. Senator Karpziel. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1089.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 1089 basically is a clean-up to a bill that we passed last December. That bill was a bill that changed that, because of a court ruling, we had to change the regional and -- the regional pollution control facilities and they -- in that bill we changed the setback requirements for recycling centers, et cetera. We did not grandfather in any of the existing facilities at that time. Then last spring, we did come back and we did grant some grandfathering

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in for a couple of facilities. I believe one is in -- one was in Crestwood. And we omitted this one, the C & S Recycling Company. This facility is on West Harrison Street, and it was previously exempt from the setback as a non-regional pollution control facility. But when we passed the bill in December, we deleted the distinction between regional and non-regional facilities, and then this facility has been notified it now does not meet the -- meet the guidelines and so it would have to close down. I think this is an unfair procedure to take against a facility that's been operating there since 1988. It's a fairly small family-run business. It is welcomed in the neighborhood. And I'm just asking to grandfather in the C & S Recycling Company.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I -- before I begin, and I'd like to have everyone's attention, I'd like to ask if -- because this bill preempts home rule, does it take a three-fifths requirement to pass?

PRESIDENT PHILIP:

Are you stating this as a parliamentary inquiry? Does this take thirty-six votes? Does not require an extraordinary vote. Takes a simple thirty votes. Senator Hendon.

SENATOR HENDON:

Thank you very much. Colleagues, Ladies and Gentlemen of the Senate, I would appreciate if I could have your attention for just one moment.

PRESIDENT PHILIP:

Will the Senate -- Senate please come to order. Thank you.

SENATOR HENDON:

I mean, please, I -- I am personally begging you for your attention. If I could have it, I would appreciate it. This is

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very important in my district. This is in my district. And although I have tremendous respect for the sponsor, I am appalled to hear the sponsor say that this facility is welcomed in my community, because it is not. It is not. Before I get emotional, because it's very emotional when you talk about bringing more garbage into a community that is besieged by garbage, I want you all to just think one moment about the timing of this vote. I want you to think for a moment about the timing of this vote. First of all, this facility, my friends, is only a few blocks, a few blocks away from the headline story in the Sun-Times and the Tribune. If you would just take a moment, I'm trying to help you protect yourself today. There are aldermen all over the City of Chicago resigning today - over garbage. Three blocks away from where this pile of garbage - seven thousand -- seven hundred thousand tons of garbage - they want you to vote Yes on this bill to let them bring some more - to let them bring some more. Think about the timing of this vote, my friends. With the FBI and the Justice Department all over the City of Chicago, all up and down in City Hall, all over the County Building, all over the Water Reclamation Building, over garbage, this Senate, as intelligent as we are, is going to take a vote to allow a company to get around City law and bring more garbage three blocks away from where five stories of garbage currently are. How stupid are we going to look? To say to the federal government that while they were protecting this mole, this stooge, who wore a wire on politicians, while they were protecting him, they were letting him dump more garbage. We're demanding right now that the federal government pay for cleaning up that garbage and not the taxpayers of Illinois. Guess how much it's going to cost? Fifteen million dollars of the taxpayers money to clean up the garbage that's over there right now. Now I'm not saying that the Flood Brothers are responsible for the garbage that's three blocks away from their facility, but

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I'm telling you that it is three blocks away, and they want you to vote, and vote Aye, to allow them to bring more garbage, more maggots, more worms, more roaches, more rats, more rodents, more pestilence, on these poor people. And you just think about it for a moment. It won't take the FBI long to get on the highway and make it down here, if we're silly enough and stupid enough to pass a bill to bring more garbage into this community that's already under siege. I'm going to read a letter to you real quick, and I'll be through, Mr. President. It's to Senator "Pate" Philip and our Leader, Emil Jones from Henry Henderson. Now I know you may not know him by name, but you've seen him on TV. He's been on television all week - CNN, ABC, national news all over the world - talking about politicians that sold their souls to let people dump garbage. And they are totally against 1089. Dear Senators, I'm writing to inform you that the City of Chicago opposes the passage of House Bill 1089, as amended, which changes Section 22.14(b) of the Illinois Environmental Protection Act to exempt certain facilities transferring municipal waste from the eight-hundred-foot set-aside. It goes on to say that these laws were set up to protect people. Now some of you are up for reelection, some of you may not be, some of you may not give a damn one way or the other. But let me tell you one thing, I wouldn't vote to allow anybody to dump garbage in any of your districts, if you stood up on this Floor like I'm standing up on this Floor now, saying don't do it. We're trying to clean it up. Why? Is it because we're a poor community? Is it because we're a black community? Do we deserve all the damn garbage from across the State of Illinois to be in one location? It makes no sense. And the people of this great State are going to have to pay to clean up this mess. And we're going to have to pay too, because as soon as they get finished with those little aldermen down in the City of Chicago, they're going to wonder why, why would this

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Senate, this Body of integrity and intelligence, this Body where we're supposed to truly care about the people of Illinois, would vote on the same day - the same day - that people are being indicted over garbage. Are we silly enough? And I am pissed off because...

PRESIDING OFFICER: (SENATOR WATSON)

Senator, I think you've made your point.

SENATOR HENDON:

this is an attack -- this was an ambush on me. I should not have to had come down here and find out today. And I have been trying all summer to work with Flood Brothers to get the community to be able to accept what they want to do. But to do an attack like this on the day that our Governor made his great address about a better Illinois and even talked about repealing the Retail Rate Act because, and I quote, "some of these communities don't want the incinerator". Well my damn community don't want 1089, and you should vote No against this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President. Senator, for you to say that this legislation is in any way connected to the investigation that's going on in the City of Chicago is inaccurate, incorrect and I think it's an effort to deceive this Body. What we are trying to do with this legislation is -- is -- is undo what we wrongly did in putting a small businessman out of business in December of 1994 with legislation that passed this Body. We unintentionally put the C & S Recycling out of business -- or, the Flood Brothers out of business with legislation in -- in December of 1994 and this legislation is only going to right that wrong and undo that legislation. This is nothing that wasn't there prior to this. I have also had an opportunity to talk to people in the area, as

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I've been down to C & S Recycling, and talked to the principal of the school that you had talked about prior to this. And the principal welcomes Flood Brothers, as do other members of the community. We've got letters here, written from members of the Chambers of Commerce and pastors and churches, that are -- that welcome this. Prior to the Flood Brothers being on this site, this was a drug infested area, with a bunch of used needles and pushers hanging out across the street from the school. The Flood Brothers have come in there and have cleaned up that area and are providing jobs - over thirty jobs - for members of your community. They're doing good in the community and this is just going to keep an honest businessman working. We made a mistake with our legislation and let's undo the wrong by voting Yes for 1089 right now.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. Questions of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor indicates she'll yield, Senator Palmer.

SENATOR PALMER:

Senator Karpziel, would you just state in simple terms what the purpose of this amendment is? And let me just state it as I understand it and if you could clarify it for me: That this allows this facility to bypass the eight-hundred-foot setback requirement, which means, as I understand it, that it would, therefore, be closer to the street and, therefore, closer to the school that is across the street from this facility. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel.

SENATOR KARPIEL:

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Yes, Senator. What it will do is allow them, because at the time they -- they began their operations on this site, the site -- the setback requirements for a recycling center, which this is by the way - not a garbage landfill. They do not bring garbage in. They bring, you know, recyclable materials to this site. The requirements at that time were -- were eight hundred feet. We changed them last December to a thousand feet. And they are at eight hundred feet. All -- they don't want to move or add on to their building or do anything; they just want to continue operations on the site that they have been on since 1988.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

In addition, Senator, as I understand it from my analysis here, that this exemption would allow them to get rid of excess nonrecyclable material without penalty from the EPA. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel.

SENATOR KARPIEL:

Yes. They -- right now, they have a permit application in with the Illinois EPA for a transfer station, because when these recyclables come in, there is always a little bit of some other, you know, matter in there. It is not a transfer station; it's a recycling facility, but because some other matter does come in, they are now seeking a permit as a transfer station.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

Two more quick questions: To your knowledge, has this facility been cited by the City of Chicago as in noncompliance? And secondly, as I understand it again from my analysis, by

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allowing this exemption, the statewide siting policy is not equitable unless all facilities with similar operations are also exempt. Are those correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel.

SENATOR KARPIEL:

All right. This -- first of all, the other facilities that would have been caught under this have been taken care of. We exempted them, grandfathered them in, in the spring Session. I believe there were two or three others. As far as the citations over the years, they have had some citations that they have cleaned up. Since it became know that I was calling this bill, they have had several inspections in the last few days and last week or so. They had one complaint from the fire -- I want to get the right name. I don't know if it's the fire department that inspects these things, whatever, from -- and it had to do with their tanks of oil or gasoline that they use for their trucks that they had up high on like scaffolding or something in the building. And they took it down right at that particular time, while the inspectors were still there. So -- and then I believe they also had an inspection from another one of the City agencies that found no -- had no complaints.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

Thank you. To this amendment: Colleagues, I would ask that you apply the NIMBY Rule to this - Not In My Back Yard. And I would ask that you think about whether you would like to have such a facility. We're not here to vote against its existence, but we certainly do not have to expand its operation. And I would ask that you ask yourselves whether in your community, across from a public school where children are every day, you would want to have

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this facility operating, especially as it has been made clear to you that this is very near a facility that is on the front page of today's Sun-Times that has six stories of garbage. I ask that you think about that and vote No on this. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Raica.

SENATOR RAICA:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she will yield, Senator Raica.

SENATOR RAICA:

Senator Karpziel, in reference to the permit application as a transfer station, does that mean that -- obviously the explanation was that currently they may have some waste that they cannot take care of and they wish to have that waste removed. My question is: If they do receive a permit as a transfer station, could that mean or does it mean that waste that would not normally come to this facility can come to this facility now as a transfer station and be taken from that station elsewhere?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel.

SENATOR KARPIEL:

I don't -- I don't believe so. The reason that they have requested the transfer station permit is because the City of Chicago thought it would be a better idea if they had that as well as the license -- the permit for a recycling center. They have no intention, no, of becoming a transfer station. And I believe the size of the facility also would deter that.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica.

SENATOR RAICA:

One last question, Mr. President, if I can.

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PRESIDING OFFICER: (SENATOR WATSON)

Okay. Proceed, Senator.

SENATOR RAICA:

Senator Karpziel, what is the -- see, my understanding is that they have been in -- I would imagine the word would be noncompliance for some time and they have had numerous amount of complaints though, but what is the City of Chicago's position or stand on this facility? Are they for this facility? Are they taking a negative stand against the facility?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel.

SENATOR KARPIEL:

Well, Senator, I have not heard from the City of Chicago. But, first of all, I do want to say that they are licensed by the City of Chicago and they do have permits and licenses from the City. I also have a letter from one of the City agencies, thanking them for their involvement in Adopt A Neighborhood <sic> program. And that came from the Mayor -- Mayor's office.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I really had not intended to rise to discuss the issue, but based on the last question, I -- Senator Raica, I had the same question you did, particularly since the letter that Senator Hendon has provided us with from the Commissioner Henry Henderson was dated May 22nd, 1995 - some eight months ago. So in the very near past I had the occasion to check with the City of Chicago to see what their procedure was now, or their position on this, based on any changes in either the proposed legislation or facts since May, and their position as of 3:15 this afternoon is that they are unalterably opposed to this legislation.

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PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? For a second time, Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I'll be brief. First I want to say that the Flood Brothers were -- the Flood Brothers were cited about three months ago for having medical waste - medical waste. Three months ago, Senator Karpziel. Three months ago, they had medical waste. They do not have a permit to have medical waste. The City of Chicago is opposed to this legislation. You can always get a preacher here or somebody there to sign a letter, but I guarantee you, unequivocally and without a doubt, my community, as a whole, is totally opposed - totally opposed - to this facility - totally opposed. And I'm going to tell you, I met with the Flood Brothers personally, and they do intend, Senator Raica, they do intend to expand. They told me they intend to expand. They intend to expand. There is no doubt about it. No doubt whatsoever. And I was not trying to say, Senator Walsh, that these people are the John Christophers, but I'm telling all of you, John Christopher had a permit at one time, or John DeVito, or John Whichever-Name-He-Wanted-To-Use-Today, he had a permit at one time, he had a license at one time, right now he's in protective custody.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Well, thank you, Mr. President. I wasn't planning on speaking on this -- on this bill, but after hearing Senator Walsh mention the letters that he received or he has in his possession from the community organizations, churches and city agencies, I asked if I could see them, and somehow I'm getting the wrong messages here. I'll -- from one side I hear that people support the -- the Flood

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Brothers and on the other side I hear that people are unalterably and unanimously opposed. When I start going through these letters I -- I look at letters dated April of '93, where the 31st Ward is thanking the Flood Brothers for -- for their cooperation in the recycling. I get -- I'm looking at a letter from the Safer Foundation, dozens of churches, even from Genevieve Brown, Director of the Mayor's Office of Inquiry and Information, dated October 17th of 1995, where -- where the letter starts out by saying Mayor Daley was delighted to see your group on the list of new participants in the City's "Adopt-A-Street" program, commending them for their activity. A letter -- there's a letter in here from Alderman Chandler, and other -- or, other political and business and religious leaders from the community who are apparently supporting this -- this organization, and so I'm going to vote for this -- this bill, because I think that the facts are a little bit more clear now.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, Senator Karpziel, to close.

SENATOR KARPIEL:

Well, thank you, Mr. President. I'm sorry that this is such an emotional kind of a controversial issue; it really shouldn't be. We're talking about a facility that is there. We're not talking about siting a new facility. And as far as talking about bringing all the garbage into your district, Senator, the same -- the same company owns a facility in the town that I live in, not too far from where I live, and I live from one of the -- about -- a few blocks from one of the largest landfills in the State. I know about garbage and recycling centers, and it's not all in somebody else's backyard. It's in mine as well. As far as the community support, I don't usually go into these kinds of things, but let me just read to you some of the things that have been

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said. Now this comes from the principal of the school that is next to this facility. It says, "The business operation of Mr. Brian Flood and C & S Recycling Company, located on property adjacent to our school, represents a great improvement to our school's environment. Up until its rehabilitation, the property had been abandoned and posed a serious hazard to our students and to community residents. The property is now well maintained and represents an asset to the community. As well, Mr. Flood has made an effort to return resources to the community." He donates basketball outfits to these schoolkids. He gives out turkeys at Thanksgiving. There have been clean-up days in the neighborhood, which Senator Walsh has pictures up there of what the neighborhood looked like before the -- the recycling center located there and cleaned up the neighborhood. And it is a vast different, let me tell you, of the before and after. There's a letter from the Shiloh Missionary Baptist Church. "You run a wonderful operation. Thank you for letting us tour your facility. And it was nice to see all those young African-American men working for you." This place hires and employs people in the neighborhood, at high-paying sums of sixty-thousand-dollar-a-year jobs. I mean, this is not anything that is a deterrent to this neighborhood, believe me. Another letter from Grace Memorial Baptist Church. "Dear Brian, In times as we are in with all the drug selling and prostitution, it is nice to see a company like C & S Recycling operating in our ward. Our Alderman, Michael Chandler, should support what you are doing. If he doesn't, we will have to look into what is his hidden agenda." And I -- colleagues, I don't usually stand up and talk about things like hidden agendas, but believe me, there is one in this case. I ask for your Aye vote to keep this small family business in operation in this neighborhood. It is, in fact, welcomed by the community. And by the way, I have boxes of these. These are all letters from churches, businesses, two ward

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aldermen - the 29th and 31st - Danny Davis is supportive of them, all kinds of letters in support of this recycling center staying on this site. In addition to two hundred and seventy other letters that I have sitting in my office. Anyone who cares to see any of these is welcome to. I ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 1089 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 35 voting Yes, 17 voting No, 1 voting Present. House Bill 1089, having received the required constitutional majority, is declared passed.
Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1267, offered by Senators Maitland, Weaver and Madigan.

(Secretary reads title of bill)

Senate Bill 1268, offered by Senators Syverson and Burzynski.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WATSON)

Resolutions.

SECRETARY HARRY:

Senate Resolution 136, offered by Senator Cullerton.
It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Consent Calendar. Senator Cronin? Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

Thank you, Mr. President. For purposes of an announcement. The Senate Education Committee will meet one-half hour after we finish business here on the Senate Floor. I'd like to invite the

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Republican Members of that committee to meet in our usual room for a premeeting meeting. We'll meet one-half hour after we leave here in Room A-1.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver, for what purpose do you rise?

SENATOR WEAVER:

For the purpose of an announcement. There'll be a Rules Committee meeting at 4 o'clock in my office.

PRESIDING OFFICER: (SENATOR WATSON)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 1684, offered by Senator Cronin.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

To inform the Members: It's our intention to leave -- leave us open, but we will go ahead and proceed to our announced meetings, and at a future point in time later this afternoon, we will probably conclude our business. The need will be to read the committee reports. No other formal business or substantive business. It's the anticipation of adjournment that we would then adjourn until 10 o'clock tomorrow morning, but we are not adjourning at this point in time - 10 o'clock tomorrow morning. Senator Demuzio.

SENATOR DEMUZIO:

So, for clarification, we are -- in effect, we're done with our business on the Floor, we don't come back until tomorrow morning at 10 o'clock, no other business other than reading the messages will take place, and a Rules Committee at 4 o'clock. Is that right?

PRESIDING OFFICER: (SENATOR WATSON)

That's correct. We'll now recess till the call of the Chair.

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(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

...will come to order. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measure has been assigned: Referred to the Committee on Executive - Conference Committee Report 1 to House Bill 1523.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Mr. President, I'd like for the record to reflect that we have two Members absent due to illness today: Senator Shaw and Senator -- Senator del Valle. And I would also ask to correct the record on House Bill 965. Someone inadvertently pushed the switch for Senator del Valle. I'd like the record to reflect that that was in error.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record shall so reflect. For the information of the Members, the Senate Executive Committee will meet at 8:30 in Room 212. Tomorrow morning at 8:30. Is there any further business to come before the Senate? If not, Senator Butler moves the Senate stand adjourned until 10 a.m., Thursday, January 11th.

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