

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

66th Legislative Day

November 12, 1997

PRESIDENT PHILIP:

The regular Session of the 90th 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 Randall Thacker, Principal, Decatur Christian School, Decatur, Illinois. Reverend Thacker.

THE REVEREND RANDALL THACKER:

(Prayer by the Reverend Randall Thacker)

PRESIDENT PHILIP:

Will you please remain standing for the Pledge of Allegiance, led by Senator Sieben?

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Tuesday, October 28th; Wednesday, October 29th; and Thursday, October 30th, 1997.

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 objection, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Lauzen, Chair of the Committee on Commerce and Industry, reports House Bill 932 Do Pass, as Amended.

Senator Sieben, Chair of the Committee on Agriculture and Conservation, reports House Bills 1158 and 1547 Do Pass, as

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Amended.

PRESIDENT PHILIP:

Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. The following Members have filed motions with respect to the following bills: House Bill 27, Senator Fawell; House Bill 496, Senator Myers; House Bill 1840, Senator Philip; House Bill 581, Senator Hawkinson; House Bill 767, Senator Rauschenberger; House Bill 1051, Senator Myers; House Bill 2161, Senator Klemm; House Bill 154, Senator Parker; House Bill 345 {sic}, Senator Radogno; House Bill 968, Senator Parker; House Bill 1105, Senator Sieben; House Bill 1210, Senator Dillard; House Bill 2161, Senator Klemm; and House Bill 2179, Senator Lauzen.

PRESIDENT PHILIP:

Mr. Secretary, the Chair requests these motions be printed on the Calendar. So ordered. If I might have your attention for a minute. I'm going to put Senator Bomke in the Chair to introduce a soccer team from Springfield High School. Senator Bomke. I'm sorry. There's a request from the parents to take videotapes. Is leave granted? Leave is granted.

SENATOR BOMKE:

...you. Thank you. It's a pleasure to welcome to the Illinois State Senate, and appropriately so, the Springfield Senators, the 1997 Illinois State Soccer Champion. Just let me give you a few facts, if I may. Jason Vijil broke the State record for most goals scored in a State tournament and has been named to the Chicago Tribune's All State Soccer Team. Brian Bond broke the State record for assists in a State tournament. Springfield High School soccer team broke the State record for most goals scored in a championship game. We have with us today team members Grant Carter, Scott Oberreiter, Brent Borah, Mike Berg, Mike Nelson, Brian Bond, Ryan Stoddart, Jack Pierson, Mike

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Gulley, Jason Vijil, Brian Smith, Dan Bartolomucci, Jess {sic} (Cress) Maddox, Ryan Steinkamp, Nick Schaffer, Todd Moore, Johnny Williams, Jason Cox, Drew Dickerson, Brian Beck, A. G. {sic} (A. J.) Peterson, and Eric Kjellander; coached by Phil Eck; Assistant Coach, Alan Loken and Rhett Mays. Coach, I don't know if you want to say anything. I'll turn it over to Coach Eck.

COACH PHIL ECK:

(Remarks by Coach Phil Eck)

SENATOR BOMKE:

Thank you, Coach. This is a -- been a great team, and I'm -- I'm certain they're going to repeat next year. Right? I'm going to hold you to it. Please help me welcome the Springfield Senators, the 1997 State Soccer Champions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Message from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1120, with House Amendments 1, 7, and 8. Passed the House, as amended, October 20th {sic} (30th), 1997.

Another Message from Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 1685.

We have a like Message on House Bill 2363.

Both passed the House, October 30th, 1997; House Bill 2363, by a three-fifths vote.

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Messages.

SECRETARY HARRY:

A Message for the Governor by Deno Perdiou, Director of Legislative Affairs, November 10th, 1997.

Mr. President - The Governor directs me to lay before the Senate the following Message:

To the Honorable Members of the Senate, 90th General Assembly - I have nominated and appointed the following named person to the office enumerated below and respectfully ask concurrence in and confirmation of this appointment of your Honorable Body.

PRESIDING OFFICER: (SENATOR MAITLAND)

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1214, offered by Senators Welch and Larry Walsh.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Resolutions.

SECRETARY HARRY:

Senate Resolution -- or, Senate Joint Resolution 42, offered by Senator Lauzen.

It's substantive.

PRESIDING OFFICER: (SENATOR MAITLAND)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 2363, offered by Senator Peterson.

(Secretary reads title of bill)

House Bill 2364, by Senator Weaver.

(Secretary reads title of bill)

Senator Cronin offers House Bill 1685.

(Secretary reads title of bill)

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And Senate {sic} Bill 2328, presented by Senator Madigan.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR LUECHTEFELD:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR LUECHTEFELD:

In the gallery behind the Democratic -- in the -- in the Democratic Gallery, I have three very important people in my little town. I'd like them to stand to be recognized. Gary Stricker, Dennis Hesker and Clifford Kuhn. If you'd give them a warm welcome, I'd appreciate it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Would our guests please rise and be welcomed by the Senate? Welcome to Springfield. ...Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. The following Members have filed motions with respect to the following bills: House Bill 221, by Senator Dudycz; House Bill 282, Senator Sieben; House Bill 752, Senator Cronin; House Bill 1118, Senator Peterson; and House Bill 2030, Senator Cronin.

PRESIDING OFFICER: (SENATOR MAITLAND)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. All right. Ladies and Gentlemen, we're going to go to the Order -- on page 7 of today's Calendar is the Order of a Constitutional Amendment 2nd Reading, SJR 15. Senator Dillard. Mr. Secretary, please read SJR 15.

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SECRETARY HARRY:

Senate Joint Resolution, Constitutional Amendment, 15.

(Secretary reads SJRCA No. 15)

2nd Reading of the resolution.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Ladies and Gentlemen, on page 2 of today's Calendar is the Order of Senate Bills 2nd Reading. Senate Bill 122. Senator Hawkinson. ...the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 122.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

No further amendments reports.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. ...right. Bottom of page 2, House Bills 2nd Reading. House Bill 452. Senator Radogno. Senator Radogno on the Floor? All right. With leave of the Body, we'll come back to that. House Bill 654. Senator Watson. Senator Watson on the Floor? Senator Watson on the Floor? Top of page 3, House Bill 887. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 887.

(Secretary reads title of bill)

2nd Reading of the bill. The commission -- or, the Committee on Judiciary adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for

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consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 1005. Senator Dillard. Senator Dillard on the Floor? With... Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1005.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Education adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 1098. Senator Watson. Senator Watson? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1098.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Education adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 1214. Senator Dillard. Read -- read the bill, Mr. Secretary.

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SECRETARY HARRY:

House Bill 1214.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Licensed Activities adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Earlier we had leave of the Body to go back to House Bill 452. Senator Radogno. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 452.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Education adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 654. Senator Watson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 654.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Education adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)



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Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. All right. Ladies and Gentlemen, we'll go to page 7, Secretary's Desk, for Concurrence. On Senate Bill -- on Senate Bill 1031 is Senator Burzynski. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I move to nonconcur with House Amendment No. 1 to Senate Bill 1031.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski moves to nonconcur in House Amendment No. 1 to Senate Bill 1031. All those in favor, signify by saying Aye. Opposed, same sign. Motion carries. Nonconcur in the Senate; Secretary shall so inform the House. ...Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Executive - House Bill 2364; to the Committee on Judiciary - the Motion to Concur with House Amendment 2 to Senate Bill 9, and Senate Amendments 2 and 3 to House Bill 887; and Be Approved for Consideration - Senate Bill 9 and House Bill 483.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR BOMKE:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Please state your point.

SENATOR BOMKE:

Mr. President, I would like to welcome to the Senate Major General Wallace, Commander of the ROTC Army Cadet Command out of

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Fort Monroe, Virginia, and all of the ROTC cadets representing each of the universities with a ROTC unit in this State. They're here today at the Statehouse for ROTC Recognition Day, which is being hosted by the Illinois Department of Veterans' Affairs, and they're directly behind you, Mr. President. And please help me welcome the ROTC.

PRESIDING OFFICER: (SENATOR MAITLAND)

Will our guests in the gallery please rise and be welcomed? Welcome to Springfield. Ladies and Gentlemen, on -- on page 7 is -- Senator Cronin -- is Senate Joint Resolution 28. Senator Cronin. Madam Secretary, have there been any amendments approved for consideration?

ACTING SECRETARY HAWKER:

Senate Joint Resolution 28.

No committee amendments. Senators Cronin and Berman offered Amendment No. 2.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the mandate waiver mechanism, the law, that permits us to review various requests that have been made. And with all the requests to waive various mandates, we have decided jointly - my colleague, Senator Berman - to -- to deny three of those such waivers, and they are -- those waiver requests, and they are as follows: Number one, the request from the Prairie Hills Elementary School District 144, in Markham, to allow them to hire licensed practical nurses as school nurses. The LPN, as they're known, does not meet the same standard as a registered nurse and certainly doesn't meet the same standard as a certified school nurse. While we have lots of respect for the licensed practical nurses, we thought that as a policy matter, we didn't want to

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grant a request to waive for purposes of a nurse that has less training than a registered nurse. Secondly, the -- the second and third requests come from special education cooperatives. The Exceptional Children Have Opportunities Joint Agreement in Cook County and the Special Education District in Lake County, the two co-ops asked to be allowed to hire RNs instead of certified school nurses. We have permitted waiver requests to go through allowing school districts to hire RNs in lieu of certified school nurses. We did not think it was wise to permit cooperatives at this point, and the only reason is because we think the way the law is currently crafted that there may be an issue, constitutional or otherwise. So we denied this request, but I make the commitment to these cooperatives that we will pursue an agenda, a legislative proposal, next spring that would permit cooperatives to benefit from the mandate waiver law, just like other school districts. I'd be happy to answer any questions. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, Senator Cronin has moved the adoption of Floor Amendment No. 2 to Senate Joint Resolution 28. All those in favor, say Aye. Opposed, same sign. Motion carried. The amendment is adopted. Have there been any other -- any further amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. On page 7 of the Calendar is House {sic} Joint Resolution 28. Senator Cronin, do you wish this resolution to be considered?

SENATOR CRONIN:

Yes. Thank you, Mr. President. I just explained it in detail

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during the amendment stage, and I ask for your favorable consideration. Be happy to try to answer questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, Senator Cronin has moved the adoption of Senate Joint Resolution 28. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. Senate Joint Resolution 28 is adopted. Top of page 10, Motions in Writing to Accept the Specific Recommendations for Change. Senator Radogno, on House Bill 345. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 345, in manner and form as follows:

Amendment to House Bill 345

in Acceptance of Governor's Recommendations

Offered by Senator Radogno.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Radogno.

SENATOR RADOGNO:

Thank you. This bill, as it was passed, amends the Chicago Police Pension Code to include duty availability pay. The Governor's amendatory veto related to some problems with the dates within that Act and simply corrects those. It's agreed upon with all parties involved, so I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Radogno has moved to accept the specific recommendations of the Governor as to House Bill 345. Is there any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as

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-- as to House Bill 345, in the manner and form just stated by Senator Radogno. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 55 Ayes, 1 Nay, 1 Member voting Present. The -- the specific recommendations of the Governor as to House Bill 345, having received the required constitutional majority vote of Senators elected, are duly accepted. Top of page 10 is House Bill 382 on the Order of Motions in Writing to -- to Accept the Specific Recommendations for Change. Senator Lauzen, on House Bill 382. Read -- read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 382, in manner and form as follows:

Amendment to House Bill 382

in Acceptance of Governor's Recommendations

Offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. The Governor's objection to this bill, although the Governor supports the ban on partial-birth abortions, he does not approve of the provision which gives biological fathers a cause of action against a physician who uses the procedure. The Governor says that allowing fathers to sue independently could create the precedent of giving them legal standing in matters of abortion. For practical purposes, the issue which the Governor does not agree is in a very minor portion of the bill. Most doctors are going to be sufficiently deterred by the criminal penalties involved in the bill that no lawsuit will be needed. I would recommend acceptance in order to get the ban enacted.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen has moved to accept the specific recommendations of the Governor as to House Bill 382. Is there any discussion? Is there discussion? Senator Berman.

SENATOR BERMAN:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Berman.

SENATOR BERMAN:

What is the position of the pro-choice organizations on your motion?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Senator, I don't know the answer to that question. We have not been contacted by that group -- or, I have not been contacted by that group.

PRESIDING OFFICER: (SENATOR MAITLAND)

...discussion? ...not -- if not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 382, in the manner and form just stated by Senator Lauzen. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 44 Ayes, 5 Nays, no Members voting Present. The specific recommendations of the Governor as to House Bill 382, having received the required constitutional majority vote of Senators elected, are declared accepted. Senator Hendon, for what purpose do you arise, sir?

SENATOR HENDON:

Thank you, Mr. Chairman. I was out of my -- away from my desk when this last bill came up. If I had been in attendance, I would

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have voted Aye, with Senator Lauzen.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon, the record will so indicate what your intent would have been. Ladies and Gentlemen, you have received Supplemental Calendar No. 1. It has been distributed. I would direct you to the bottom of page 2. Since we are already on that agenda - Motions in Writing - we will move to House Bill 581, on the Order of Motions in Writing to -- to Accept Specific Recommendations for Change. Senator Hawkinson, on House Bill 581. Read the motion, Madam Secretary. Ladies and Gentlemen, if I could, please. I know we haven't seen one another for a couple of weeks and we want to visit, but let's keep it down to a dull roar, please, so the Members can hear what's going on. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 581, in manner and form as follows:

Amendment to House Bill 581

in Acceptance of Governor's Recommendations

Offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I move that we accept the Governor's specific recommendations for change in House Bill 581. The Governor removed only one portion of this bill, which was -- which had passed this Body 56 to nothing. That portion would have expanded the Senior Citizens Real Estate Tax Deferral program. It would have had a cost to the State of approximately 2.1 million. And although I support that program, the other parts of this bill are also important, and I would move that we accept the Governor's specific recommendations for change in House Bill 581.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Is there discussion? Is there discussion? If not, the question is -- is, shall the Senate accept the specific recommendations of the Governor as to House Bill 581, in the manner and form just stated by Senator Hawkinson. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 54 Ayes, 1 Nay, no Members voting Present. House -- the specific recommendation of the Governor as to House Bill 581, having received the required constitutional majority vote of Senators elected, are declared accepted. House Bill 767. Senator Rauschenberger. Motion in Writing to Accept the Specific Recommendation for Change. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 767, in manner and form as follows:

Amendment to House Bill 767

in Acceptance of Governor's Recommendations

Offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The Governor's Office deleted two words, which were inadvertently added to the bill, because he thought it raised confusion about the Illinois Environmental Protection Agency's ability to regulate waste transportation. This cleans up the bill. It passed the Senate overwhelmingly. I appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 767, in the manner and form just



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stated by Senator Rauschenberger. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. The specific recommendation of the Governor as to House Bill 767, having received the required constitutional majority vote of Senators elected, are declared accepted. House Bill 1051, Senator Myers, on Motions in Writing to Accept the Specific Recommendations for Change. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1051, in manner and form as follows:

Amendment to House Bill 1051

in Acceptance of Governor's Recommendations

Offered by Senator Myers.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Myers.

SENATOR MYERS:

Yes. The Governor has omitted the reference to Site M and now in -- in this law is the Hunter Interference Prohibition Act, a cleanup of the definitive language of that bill, and it is basically that: just a changing -- in the definition of that law. And I would ask for your favorable vote on this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Myers has moved to accept the specific recommendation of the Governor as to House Bill 1051. Is there any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendation of the Governor as to House Bill 1051, in the manner and form just stated by Senator Myers. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have

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all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. The specific recommendation of the Governor as to House Bill 1051, having received the required constitutional majority vote of Senators elected, are declared accepted. House Bill 2161. Motions in Writing to Accept the Specific Recommendations for Change to House Bill 2161. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 2161, in manner and form as follows:

Amendment to House Bill 2161

in Acceptance of Governor's Recommendations

Offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR MAITLAND):

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. House Bill 2161 makes some technical changes in Sections concerning cash bonds that was agreed to. They were just incorrect Sections. The other change the Governor did at our recommendation in allowing a change in the sanitary district selling or leasing land that was acquired by condemnation to allow the original buyer -- or, owner to have first choice if -- case the local taxing district could not use that property. It's agreed to by all parties, and I do ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Welch.

SENATOR WELCH:

Have a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Welch.

SENATOR WELCH:

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Senator Klemm, the Governor's Veto Message talks about the bill bans sanitary districts from selling or leasing property acquired through condemnation proceedings. Apparently there was some particular situation that led to this legislation. Can you tell me what that was and -- and why you're now agreeing with the Governor?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Well, the original legislation was in a conference committee report which passed out of here 57 to nothing. What happened is that a -- a developer tried to buy some property from a -- a property owner. The property owner said, "No, I didn't want to sell it to you." They went to a sanitary district and said, "Would you condemn it and sell it to me because the property owner doesn't want to do it?" There was discussion and concern about that. It was felt that that would have been close to fraud and it would have been close to an unconscionable thing for that taxing district to take away a person's property to sell to a developer. We prevented that, that if they're going to go through condemnation, that at least it be done carefully, but we felt that if they did not need that property after ten years for some reason, that at least that property owner that owned it before gets the first choice of buying it back. And that's what was agreed to, and I think everybody agrees with that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch, could you hear the answer over there? Okay. Very fine. Thank you. Any further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2161, in the manner and form just stated by Senator Klemm. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. The specific recommendation of the Governor as to House Bill 2161, having received the required constitutional majority vote of Senators elected, are declared accepted. Top of page 2 of the Supplemental Calendar, House Bills 2nd Reading. House Bill 932. Senator Lauzen. Senator Lauzen. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 932.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Industry adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No -- no amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. WCIA-Channel 3 requests permission to videotape. Is permission granted? Permission's granted. House Bill 1158. Senator Shadid. Senator Shadid. Senator Hawkinson handling the bill for Senator Shadid. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1158.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Agriculture and Conservation adopted Committee Amendment No. 2 {sic} (1 and 2).

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

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No amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 1147. {sic} (1547) Senator Sieben.  
Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

...Bill 1547.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Agriculture and  
Conservation adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments that have been approved  
for consideration?

ACTING SECRETARY HAWKER:

No amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senator Karpiel, for what purpose do you arise,  
ma'am?

SENATOR KARPIEL:

Thank you, Mr. President. To announce a Republican Caucus  
immediately in Senator Philip's Office.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. There will be a Republican Caucus immediately in  
Senator Philip's Office. Senator Klemm, for what purpose do you  
arise, sir?

SENATOR KLEMM:

Well, announcement for the Executive Committee. I guess we'll  
be meeting upon adjournment of the -- of the Senate, and I guess  
that would probably be after the caucus. I don't know what time  
it will be, to be honest with you. We do have a Subcommittee  
meeting of Constitutional Amendments that you, Mr. President, are  
part of, and then we'll have a very short Executive meeting  
afterwards, immediately after.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm has announced that the Senate Executive Committee will meet in Room 212 immediately following the Republican Caucus. Senator Bowles, for what purpose do you arise?

SENATOR BOWLES:

Thank you, Mr. President. I rise to table Senate Bill 1120, of which I am listed as the chief sponsor. I have been advised it has come over from the House, and at this point, I would like to table it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Bowles has moved to table...

SENATOR BOWLES:

Senate Bill 1120.

PRESIDING OFFICER: (SENATOR MAITLAND)

...Senate Bill 1120. Those in favor, signify by saying Aye. Opposed, same sign. Motion passes, and the bill is tabled. Ladies and Gentlemen on the Democratic side, I -- I don't think you're going to caucus, but -- but we will be coming back to the Floor and attend to business after the caucus is finished. Is there any -- are there any other announcements? Senator Demuzio.

SENATOR DEMUZIO:

Can you give us some idea as to how long the caucus may be - ballpark?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio, I would guess an hour. We'll do our best to stay within that time frame. Is there any further business to come before the Senate? If not, the Senate stands in recess until the call of the Chair.

(SENATE STANDS IN RECESS)

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(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to wit:

House Bill 597, with Senate Amendment 1.

Nonconcurrred in by the House, November 12th, 1997.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Resolution 127, offered by Senator Link and all Members.

Senate Resolution 128, offered by Senators Demuzio and Jones and all Members.

They're both death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Agriculture and Conservation - Senate Amendment 3 to House Bill 1158; and to the Committee on Transportation - Senate Amendment 1 to House Bill 483.

PRESIDING OFFICER: (SENATOR WEAVER)

Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

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Yes, Mr. President. Senator Cronin has filed a motion with respect to House Bill 752 {sic}, and Senator Berman has filed a motion with respect to Senate Bill 645.

PRESIDING OFFICER: (SENATOR WEAVER)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. There any further business to come before the Senate? ...Fitzgerald, an announcement?

SENATOR FITZGERALD:

Yes. Mr. President, Ladies and Gentlemen of the Senate, there will be a State Government Operations Committee hearing in Room A-1. We have to wait until the Revenue Committee considers three bills. Right after the Revenue Committee meets, State Government Operations will meet in Room A-1. We just have one bill. We'll be quick. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Sieben arise?

SENATOR SIEBEN:

Thank you, Mr. President. Purpose of an announcement. The Ag Committee will meet tomorrow morning at 8:30 in Room A-1. That'll be Thursday morning, in -- 8:30 in Room A-1, for the purposes of a Floor amendment, for the Ag Committee.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Fawell arise? Senator Fawell? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Just to announce that the Senate Executive Committee will meet in Room 212 immediately upon adjournment.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell, did you seek recognition? Senator Fawell.

SENATOR FAWELL:

This is an announcement to -- that the Transportation



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Committee is to meet at 10 o'clock in Room 400, tomorrow morning.  
10 o'clock. Should be quick.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further business? If not, Senator Dudycz moves that  
the Senate stand adjourned until 11 a.m., Thursday, October the 13  
-- November the 13th. Excuse me. Senate stands adjourned.

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