

83RD GENERAL ASSEMBLY

REGULAR SESSION

February 8, 1984

PRESIDENT:

The hour of eleven having arrived, the Senate will please come to order. Will the members please be at their desks and will our guests in the gallery please rise. Our prayer this morning by the Reverend John P. Beveridge, Cathedral of the Immaculate Conception, Springfield, Illinois. Father.

BEVEREND JOHN P. BEVERIDGE:

(Prayer given by Reverend Beveridge)

PRESIDENT:

Thank you, Father. Reading of the Journal. Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Mr. President, I move that the Journal of Tuesday, February 7, 1984, be postponed pending arrival of the printed Journal.

PRESIDENT:

You've heard the motion as placed by Senator Luft. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. Motion carries. It's so ordered. Senator Hall, for what purpose do you arise?

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd liked the record to show that Senator Chew was called back to Chicago for a death in the family and he will not...

PRESIDENT:

The record will so indicate. If I can have the attention of the membership, I understand that an amendment is being distributed which we will deal with shortly. In the meantime, the Senate is graced with the presence of a very lovely young lady, a special visitor, and I'd...the Chair will yield to Senator Demuzio for an introduction.

SENATOR DEMUZIO:

Thank you, very much, Senate President Rock. Ladies and Gentlemen, it is indeed a special privilege for me today to

have the opportunity to introduce someone from my district, and finally from west central Illinois, we have the opportunity in this State, this year, to have the Illinois County Fair Queen from Pike County who is here with us today, and I'd like to introduce Wendy Craven who is here also with her father Bill and Representative Tom Ryder from our district. At this time, Wendy Craven, I'd like to introduce the Illinois Fair Queen. Wendy.

WENDY CRAVEN:

(Remarks by Wendy Craven)

PRESIDENT:

Resolutions.

SECRETARY:

Senate Resolution 438 offered by Senator Lechowicz and all members, and it's congratulatory.

Senate Resolution 439 offered by Senator Vadalabene, and it's congratulatory.

Senate Resolution 440 offered by Senator Vadalabene...Lechowicz and Nedza and all members, and it's a death resolution.

Senate Joint Resolution 86 offered by Senator MacDonald, and it's congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Joint Resolution Constitutional Amendment 87 offered by Senator Sangmeister.

And Senate Joint Resolution 88 offered by Senator Vadalabene and Donahue.

PRESIDENT:

Executive. If I can have the attention of the membership, you'll recall we are due to convene in Joint Session at the hour of noon. Immediately after the Session, we will reconvene back here in the Senate to finish up our business. We

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Recalled

will have the adoption of the Consent Calendar and introduction of bills. In the meantime, there is a matter of some urgency. Senator Carroll. On page 3 on the Calendar...if I can have the attention of the membership; on page 3 on the Calendar, Senator Carroll has asked leave of the Body to go to the Order of House Bills 3rd Reading for House Bill 531. Is leave granted? Leave is granted. On the Order of House Bills 3rd Reading...Senator Carroll. 531, Mr. Secretary.

SENATOR CARROLL:

Thank you, Mr. President. I have a motion in writing to bring this bill back for 2nd reading...reading for purposes of an amendment.

PRESIDENT:

Alright. The motion is to suspend temporary Rule 5c to allow us to consider this bill and to move the bill back to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 531, Mr. Secretary. 531.

SECRETARY:

Amendment No. 1 offered by Senator Carroll...Senator Grotberg.

PRESIDENT:

...alright, Senator Grotberg has Amendment No. 1, and Senator Grotberg and Senator Philip request leave to show Senator Grotberg as the hyphenated cosponsor. Is leave granted? Leave is granted. Senator Grotberg.

SENATOR GROTBURG:

Thank you, Mr. President and fellow Senators. This emergency bill has to do with the famous cyanide chip problem from the film industry, the one hundred and seventy trailer truck loads of potentially dangerous and hazardous materials that have been popular in the press and among the people of Illinois for sometime. They are essentially centered in Cook and Lee Counties and there's been much concern about how to

handle them. And first of all, the testing of them itself has been a controversial subject. In the interest of time, I do move you therefore, fellow Senators, for the adoption of Amendment No. 1 to House Bill 531 which does appropriate a four million dollar sum to handle this problem, its testing and its ultimate disposal in one format or another, none of which can be done until the General Assembly goes through this process. This number, four million dollars, is the average of several estimated manners of disposal and...including incineration, treatment of it, fixation or landfill. And the Executive Department, the Attorney General of Illinois, the courts, and the engineering experts with the Federal Department...Federal EPA, State EPA are struggling every day long hours trying to determine the best method. And with the passage of this bill, it would be free when we leave town...today that they could proceed with whatever it is they are about to do to solve this tremendous problem in the State of Illinois. I move for the adoption, Mr. President, of Senate Amendment No. 1.

PRESIDENT:

Senator Grotberg has moved the adoption of Amendment No. 1 to House Bill 531. Any discussion? Senator Lemke.

SENATOR LENKE:

I'd like to be added as a sponsor to this since...the majority of the dumping area is in Senator Becker's and my area with the cyanide chips. It seems like we got the dumps of everybody, and I would like to join with you as a sponsor of this amendment and also sponsor of this bill; because it's a vital thing to our community, whether it be in Cicero or McCook or Bridgeview or La Grange or all over in our area, it seems like they deposited them. So, I would like to jointly sponsor this with you, Senator Grotherg, if that's okay.

PRESIDENT:

Alright. Senator Lemke has requested leave to be shown as

an additional cosponsor of Amendment No. 1. Leave granted?
Leave is granted. Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator, what has been done to find the people who were responsible for these chips, if anything.

PRESIDENT:

Senator...Senator Grotberg.

SENATOR GROTBERG:

I can't hear you.

PRESIDENT:

Alright. Could we have some attention. Can we ask the staff to take the conferences off the Floor. Will the members please be in their seats. Senator Welch.

SENATOR WELCH:

Senator, my question is, what, if anything, have we done to try to find the people who created this problem?

PRESIDENT:

Senator Grotberg.

SENATOR GROTBERG:

They have been sought out. They are not fiscally responsible enough to depend on the emergency situation of doing anything about it, not unlike the Ottawa radiation problem in downtown Ottawa that we did a few weeks ago.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

What...my understanding, Senator, was that this was involved in the lawsuit with Judge Green handling the case. Is this...didn't the judge come up with a recommendation to settle this somehow? And, if so, what was the recommendation?

PRESIDENT:

Senator Grotberg.

SENATOR GROTBORG:

The judge...Judge Al Green has before him the responsibility through his own order of allowing a test for the appropriate disposal and the ultimate disposal with no resources for fund, except the ten thousand dollars for test burn and a forty or fifty thousand dollar research project that went into that. Everybody involved in this is bankrupt at this point in time, Senator, and this...this should get the job done, and that's what it's all about.

PRESIDENT:

Senator Welch:

SENATOR WELCH:

Senator Grotberg, isn't it possible though that after we give this money to the EPA that they will decide that burning the chips at Naperville is still the best solution to this problem?

PRESIDENT:

Senator Grotberg.

SENATOR GROTBORG:

I would certainly hope not, Senator. The...the concept of...there are about five alternative methods, and I think one of the problems of rushing into a single method was done rather preemptorily by a lot of people and probably well-meaning people. The reaction in Naperville has been significant as the whole world knows at this point.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

...one final question, Senator. Would you be in favor of an amendment restricting the EPA from burning these chips at Naperville?

PRESIDENT:

Senator Grothberg.

SENATOR GROTBORG:

I don't really think that's necessary in the spirit of this amendment. The...they're going to go back to the book and find a safer way to do it. I would be delighted to put into Statute to do nothing in Illinois with anything, including Naperville, except that it doesn't work that way. The engineers that are researching this all over these United States, the Governor has made a commitment that he will find the best solution and it will not be burning in Naperville, and I think that is shared by the Attorney General, and I don't know what Judge Green can do except to help us to solve this problem with the three branches of government. This is our job today to put up the money.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I've asked for a leave from the sponsor to be added as a co-sponsor and he has granted it, if it's alright with the Assembly.

PRESIDENT:

Alright. Senator Geo-Karis also asks leave to be shown as a cosponsor. Leave is granted. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Will the sponsor yield to a question or two?

PRESIDENT:

Senator Grothberg, indicates he will yield, Senator Lechowicz.

SENATOR LECHOWICZ:

If I...reading the interpretation of the amendment, your're asking for four million dollars out of the GRF, is that correct?

PRESIDENT:

Senator Grotherg.

SENATOR GROTERBERG:

That's correct.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Can I ask you why the money is not being requested from the Superfund and letting the Federal Government absorb a good portion of these costs instead of the taxpayers of Illinois on this horrendous proposal?

PRESIDENT:

Senator Grotherg.

SENATOR GROTERBERG:

Thank you. I'm duly informed, Senator Lechowicz, that this buys us the time to get at the Superfund and when that...if and when that is accomplished, this would not be utilized. Superfund takes awhile if you've noticed...from the action of that shot, but the urgency for the State of Illinois falls in this domain, and this would be the front-end commitment and the Superfund is being thoroughly explored at this point in time and would offset this.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, I believe that the Superfund money is there. Do I understand you correctly that an application has been made for four million dollars...for an expenditure of four million dollars from the Superfund for the cleanup of this problem?

PRESIDENT:

Senator Grotherg.

SENATOR GROTERBERG:

You...thank you, Senator. You are correct. The application has been made. The court order is to do something by

the 24th of February. In this good faith gesture all of the above should happen; Superfund, a reasonable court order and the commitment of the State of Illinois to do their share should the Superfund not be there.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, has anybody contacted the senior Senator from Illinois, Senator Percy, and...what exactly...what is his commitment on this four million dollars in Superfund money?

PRESIDENT:

Senator Grotberg.

SENATOR GROTBERG:

I have talked to Senator Percy...Percy personally...Senator Person personally for over a month. He is doing everything within his power to spring the Superfund for the State of Illinois.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Do you mean you've been talking to him for a month and we don't have an answer yet?

PRESIDENT:

Senator Grotberg.

SENATOR GROTBERG:

There you go again.

PRESIDENT:

Further discussion? Senator Joyce. Oh, I beg your pardon, Senator Lechowicz.

SENATOR LECHOWICZ:

Well, you know, this is really a very serious situation, and it's a situation that I'm glad to see that we're addressing; not that I agree with the funding mechanism, but in order to show good faith, I will strongly...support this mea-

sure, but hopefully, this money should come from the Superfund the way Congress intended it, not from the General Revenue Fund of this State. Thank you.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Ask leave of the sponsor...make the same motion as Senator Geo-Karis, Senator Lemke, join as a cosponsor on this.

PRESIDENT:

Alright, you've heard the request. Is leave granted? I would guess that virtually all would wish to be shown as cosponsors, and we can probably just take the roll call and ask that those who vote affirmatively also be shown as cosponsors. It will save...inordinate amount of time. Any further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. There is an issue here that I believe has to be clarified for the record, and it is the one that Senator Lechowicz touched upon and Senator Groberg attempted to answer. The issue here is how we dispose of these cyanide-laden chips, the responsibility of which appears to rest in part with that gentleman in Utah who the Governor there will not extradite and a company in which there are no assets to seek recovery. Governor had requested the extradition, and this may have played into it. Judge Green has been hearing this case for quite some time. We...and had indicated to Illinois that if we did not do something by February 24th he would take appropriate judicial legal remedies. The answer had been to do a test burn in Illinois which would have been in Naperville. That test burn would have allowed us, if successful, to strike into the Superfund and get the four million from the Federal Government from USEPA from the Superfund. I had talked to the Chief of Staff of the

Governor this morning as well as the Attorney General this morning, to find out what jeopardy we were raising by coming up with the money out of our pocket, out of General Revenue Funds, because this could be deemed to be the future solution, that instead of getting Superfund monies, they say, well, you did it once before, go do it again, use General Revenue Funds for something that is and should be a responsibility of the Federal USEPA Superfund proposal. I have received from Jim Beilly as Chief of Staff, with the verbal approval of the Governor that I also recieved today, an indication that what they are going to do is not to propose a spending of this four million for the cleanup of the cyanide chips but rather to bring this before Judge Green as a good-faith effort so that a permit can be had in Arkansas for the Federal testing site to, in fact, attempt to incinerate in Arkansas; and if that test is successful, then get USEPA Superfund four million to take care of the disposal of the rest of the cyanide chips. It is the written commitment of the Governor that this will not be spent unless and until all Superfund efforts have dried up. It is the intent of the Governor and the Attorney General to seek a sixty-day extension from Judge Green in order to proceed with the testing in Arkansas. They cannot do the test until probably April and maybe May, and that the indication of the General Assembly is that this is a back-up money. If nothing...else happens, we are assuring the circuit court that we will put the money there, but that there is the written commitment of the Governor that we will not be doing this as a proposal for this and future usage but, rather, because he could not do the test in Naperville, he's trying to buy the sixty days to do it in Arkansas by showing the court that if the US Superfunds do not come, we will do it here.

PRESIDENT:

Any further discussion? Further discussion? Senator

Grotberg make close.

SENATOR GROTBORG:

Well, thank you, Mr. President. This is an amendment to a House bill that needs to be handled today, and I don't know that anyone in this Body is going to vote No. The whole State has been concerned about this matter; it surfaced in Naperville. I got into it when the fact that Mr...Senator Demuzio and I seemed to have had a track record in hazardous waste, et cetera and people started turning to me to see what could be done about it. We've checked, we've...worked long and hard to find this kind of ultimate solution. I...solicit your Aye vote for all of the people of Illinois, Lee County and Cook County in particular, and the citizens of Naperville.

PRESIDENT:

Alright. Senator Grotberg has moved the adoption of Amendment No. 1 to House Bill 531. All in favor of the adoption of the amendment indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading, and we will at Senator Carroll and Grotberg's request get right back to it. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, thank you, Mr. President. It will....only take a minute. I've just talked to Senator Egan where House Joint Resolution CA2 resides in Executive Committee, and I would like to have that resolution referred to the Veteran's Committee, House Joint Resolution CA2.

PRESIDENT:

Alright. Senator Vadalabene has moved to discharged the

Executive Committee from further consideration of House Joint Resolution CA2 and asked that it be rereferred to the Committee on Executive Appointments and Veteran Affairs. All in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it's so ordered. Resolutions. Why don't we do the adjournment resolution, we can get that over to the House. Resolutions. Senator Demuzio.

SECRETARY:

Senate Joint Resolution 85.

(Secretary reads SJR 85)

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Yes, thank you, Mr. President. This is adjournment resolution. It calls for us to come back February 28th at noon, and I would move adoption.

PRESIDENT:

Alright. Senator Demuzio has moved the...to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 85. Any discussion? If not, all in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The motion to suspend carries. All in favor of the adoption of Senate Joint Resolution 85 indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. On the Order of House Bills 3rd Reading. Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

Thank you, Mr. President. We have with us today Senator John Gilbert from Galesburg, who as you know is a twelve-term...twelve-year...Carbondale, excuse me.

PRESIDENT:

Not Galesburg,...

SENATOR PHILIP:

Excuse me.

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SENATOR GROTEBERG:

Galesburg would be mad.

SENATOR PHILIP:

Right. Well, I'm not sure about that, John. But he was a distinguished member of this Body for twelve years, and I'd just like to have him be acknowledged by the Senate. Is my speaker still on? Fine...Mr. President, I'd also like the record to show that Senator Ray Hudson had an accident and had a operation to put back together a tendon, and he's convalescing in a hospital, and everything is well. I'd like the record to indicate that.

PRESIDENT:

The record will show indicate, Senator Philip. Senator Buzbee, for what purpose do you arise?

SENATOR BUZBEE:

Well, I just kind of felt like, Mr. President, that maybe I ought to introduce Senator Gilbert since Senator Philip had him in the wrong city and had him serving the wrong number of years. John Gilbert is my predecessor and my good friend, and welcome back to this Chamber, John Gilbert.

PRESIDENT:

Alright. On the Order of House Bills 3rd Reading is House Bill 531. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 531.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the bill that we had just amended; it's the only thing in it now. It is for the backup money to show to Judge Green that it will be available. We still expect it to

be Federal Superfund money. This would however suggest that the back-up of four million dollars to dispose of the cyanide-laden chips. And I would ask for a favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 531 as amended pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, no Nays, none voting Present. House Bill 531 having received the required constitutional majority is declared passed. Pursuant to the joint resolution that was passed yesterday, we are to immediately gather together at the Well of the House to await the Governor and the State of State Message. So, the Senate will stand in Recess until immediately after the Governor's message. And I would ask the members to please convene right outside the House doors so that we can march upon the House. Alright, the Senators Geokaris and Davidson, Senators Luft, Holmberg and Ken Hall will be the Escort Committee for the Governor. I am told that you'll meet the Governor right again at the House door. So, if we can all...the Senate will stand in Recess until immediately after the Governor's message, and I'd asked the members to be as prompt as possible meeting across the Rotunda. The Governor is going to be on live T.V. or live radio, and we have to start right on time, right after the commercial message. So, try to get over there right quick. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I'd asked leave of the Body to be listed as a cosponsor on Senate Bills 1408, 1389, and 1426.

PRESIDENT:

Alright. Will you leave that list with the Secretary to make sure they have it. Senator Lechowicz has asked leave to be shown as a cosponsor of those three Senate Bills. Leave granted? Leave is granted. Alright, the Senate will stand in Recess. Please immediately go to the Well of the House door so that we can march upon the House again. Senate stands in Recess.

RECESS

AFTER RECESS

PRESIDING OFFICER: (Senator Bruce)

The Senate will come to order. Resolutions.

SECRETARY:

Senate Resolution 441 offered by Senator Coffey, and it's congratulatory.

PRESIDING OFFICER: (Senator Bruce)

Consent Calendar.

SECRETARY:

Senate Resolution 442 offered by Senator Netsch.

PRESIDING OFFICER: (Senator Bruce)

Executive Committee. Is there leave to go the introduction of bills? Leave is granted. Introduction.

SECRETARY:

Senate Bill 1429 introduced by Senators Newhouse and Schaffer.

(Secretary reads title of bill)

Senate Bill 1430, Senator Holmberg.

(Secretary reads title of bill)

1431, Senator Holmberg.

(Secretary reads title of bill)

Senate Bill 1432, Senators Holmberg and Jerome Joyce.

(Secretary reads title of bill)

1430....Senate Bill 1433, Senator Degnan.

(Secretary reads title of bill)

1434, Senator DeAngelis.

(Secretary reads title of bill)

Senate Bill 1435, Senators Philip and Savickas.

(Secretary reads title of bill)

Senate Bill 1436, Senators Darrow and Welch.

(Secretary reads title of bill)

Senate Bill 1437, Senator Savickas.

(Secretary reads title of bill)

Senate Bill 1438, Senators Berman and Rock.

(Secretary reads title of bill)

Senate Bill 1439, Senators Marovitz and D'Arco.

(Secretary reads title of bill)

Senate Bill 1440, Senator Kustra.

(Secretary reads title of bill)

1st reading of the bills.

PRESIDING OFFICER: (Senator Bruce)

Rules Committee. Is there leave to go to the Order of Resolutions Consent Calendar? Leave is granted. Is there leave to add Resolutions 438, 39, 40 and 41 and Senate Joint Resolution 86 to the Resolution Consent Calendar? Hearing no objections, that will be the order. Senator Darrow moves the adoption of...any objections been filed, Mr. Secretary?

SECRETARY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (Senator Bruce)

No objection having been filed, Senator Darrow moves the adoption of the Resolution Consent Calendar. All those in favor say Aye. Opposed Nay. The Ayes have it, and the resolutions are deemed adopted. Is there any further business...to come before the Senate? Any further business? In my...I have your attention, please. This is a death resolution. I would like to have the attention of the Body. If the members would be their seats, and if our guests would please be seated around the Chamber, Secretary will read the resolution.

SECRETARY:

Senate Resolution 443 offered by Senator Sangmeister and all Senators.

(Secretary reads SR 443)

PRESIDING OFFICER: (Senator Bruce)

Senator Sangmeister moves the adoption of the resolution and the suspension of the rules. Those in favor of the adoption please stand. Resolution is adopted. Senate stands ajourned until February the 28th at the hour of noon.