

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

July 9, 1991

PRESIDENT ROCK:

The hour of eleven-thirty having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Our prayer this morning by the Reverend Thomas Radtke, Trinity Lutheran Church, Springfield, Illinois. Reverend.

THE REVEREND THOMAS RADTKE:

(Prayer by the Reverend Thomas Radtke)

PRESIDENT ROCK:

Thank you, Reverend. Reading of the Journal, Madam Secretary. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I move that the reading and approval of the Journals of Thursday, June 27th; Friday, June 28th; Saturday, June 29th; Sunday, June 30th; Monday, July 1st; Tuesday, July 2nd; Wednesday, July 3rd; Thursday, July 4th; Friday, July 5th; Saturday, July 6th; Sunday, July 7th and Monday, July 8th, in the year 1991, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Kelly. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. If I can have the attention of the Members, WAND-TV, WCIA-TV, WICS-TV, WGN-TV, WLS-TV, WMAQ-TV have all requested permission to shoot some videotape, and the State Journal-Register had requested permission to take some pictures from the press box. Without objection, leave is granted. Messages from the House.

SECRETARY HAWKER:

A Message from the House, by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to adopt the First

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Corrected Conference Committee Report on House Bill 2 and requests a second committee of conference to consider the differences between the two Houses in regards their Amendment No. 1.

Action taken by the House, July 5, 1991.

PRESIDENT ROCK:

All right. Senator Lechowicz will move that the Senate accede to the request of the House for a second conference committee. All in favor of that motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. It's so ordered. Messages from the House.

SECRETARY HAWKER:

A Message from the House, by Mr. O'Brien, 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'm instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 74.

Adopted by the House, July 3, 1991.

It's a death resolution.

PRESIDENT ROCK:

Senator Brookins, this is the death resolution that you indicated the funeral is today - we wanted to get that up there. House Joint Resolution 74, Ladies and Gentlemen. Senator Brookins.

SENATOR BROOKINS:

Thank you. Mr. President, this is a death resolution for Yvonne Daniels, who was a great personality in Chicago in radio for years - played jazz and et cetera. She is the daughter of the great Billy Daniels. You may remember "Black Magic". And we ask that -- leave it pass -- adoption of this death resolution.

PRESIDENT ROCK:

All right. The Gentleman has moved to suspend the rules for

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the immediate consideration and adoption of House Joint Resolution 74. Discussion on the Motion to Suspend? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Brookins now moves the adoption of House Joint Resolution 74. All in favor, indicate by saying Aye. All opposed. The Ayes have it, and the resolution is adopted. All right. We'll begin again on Page 10 and 11 on the Calendar. On the Order of Secretary's Desk, Concurrence, Page 10 on the Calendar. If any Member has anything they wish to bring to the attention of the Body on Page 10, on the Order of Secretary's Desk, Concurrence. Page 11, Secretary's Desk, Concurrence. Page 11. Secretary's Desk, Non-concurrence. Page 11. On the Order of Conference Committee Reports. There are some twenty-seven reports on file. The Chair has been informed there are probably ten or fifteen more that are in the pipeline or due to be filed shortly. Page 11. Any Member have a conference committee report he wishes to bring to the attention of the Body? Senator Jacobs. All right. On the Order of Conference Committee Reports, bottom of Page 11, there's a report with respect to House Bill 6-7-9, Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 6-7-9.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We would concur with Senate Amendment 1, which permits a pawnbroker to charge for specified purposes on a one-time fee. This is back to the original form where it passed out of this Body almost unanimously and did pass out in this form 118 to nothing on the Floor of the House. It does take the fee for insurance and storage to a one-time fee only. And I know of -- known

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opposition, and be happy to support...

PRESIDENT ROCK:

Gentleman has moved the adoption of the Second Conference Committee Report on House Bill 6-7-9. Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT ROCK:

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Then all the excess fees were taken out. Is that right, Senator Jacobs? In that case, I support the bill.

PRESIDENT ROCK:

Senator Jacobs. Senator Jacobs.

SENATOR JACOBS:

Yes.

PRESIDENT ROCK:

Thank you. Further discussion? Further discussion? If not, the question is, shall the Senate adopt the -- Second Conference Committee Report on House Bill 6-7-9. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 48 Ayes, 5 Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 6-7-9, and the bill, having received the required constitutional majority, is declared passed. Page 12 on the Calendar. Page 12 on the Calendar. Does any Member have a conference committee report he wishes to bring to our attention? Senator Jones, the number is?

SENATOR JONES:

1604.

PRESIDENT ROCK:

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All right. Middle of the page, Ladies and Gentlemen. The middle of Page 12. On the Order of Conference Committee Reports is a report with respect to House Bill 1604, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1604.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. I move that we do not adopt the Conference Committee Report. It was drafted in error, and -- but the House has acted on it, so we need a negative vote on this Conference Committee Report.

PRESIDENT ROCK:

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 1604. Those in favor, vote Aye. Opposed, vote Nay, and the voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 4 Ayes, 42 Nays, 2 voting Present. The Conference Committee Report on House Bill 1604 is not adopted, and the Secretary shall so inform the House. And Senator Jones requests that a second committee of conference be appointed. Any other Member on Page 12? All right. Middle of the page, Ladies and Gentlemen. Page 12. In the middle. There's a Conference Committee Report on House Bill 1109, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1109.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I ask for concurrence in the First Conference Committee on House

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Bill 1109. It -- it is a request of some of the -- Zeke Giorgi, and I think that Pate Philip has one in here, which allows -- or adds provisions allowing for a licensee to rent out a facility as much as four times per year to other licensees and for auxiliary organizations of veteran organizations to be eligible for licenses to conduct charitable games. I know of no known opposition and ask for its support.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the First Conference Committee Report on House Bill 1109. Is there any discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 1109. Those in favor, vote Aye. Opposed, vote Nay, and the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 2 Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 1109, and the bill, having received the required constitutional majority, is declared passed. Senator Lechowicz, for what purpose do you arise?

SENATOR LECHOWICZ:

Mr. President, can we go to Page 11 - Conference Committee Report on House Bill 2?

PRESIDENT ROCK:

Any other Member have one on Page 12? Senator Berman, your number is? All right. Bottom of Page 12. We'll get back to you, Senator Lechowicz. On the Order of Conference Committee Reports, there's a report on House Bill 2208. Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 2208.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

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Thank you. The Conference Committee Report on House Bill 2208, I move that we adopt. The bill, originally and at the present time, addresses the difficulty in making service on defendants who purposely avoid being served. There were two parts of the bill. One part was objected to. We've taken that out. What it provides is that upon affidavit to the court, within the realm of due process, the court can provide for alternate means of service upon petition by the plaintiff's attorney. I'd be glad to respond to any questions and solicit your Aye vote.

PRESIDENT ROCK:

The Gentleman has moved the adoption of the First Conference Committee Report on House -- Second Conference Committee Report on House Bill 2208. Is there any discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill -- House Bill 2208. Those in favor, vote Aye. Opposed, 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 52 Ayes, 2 Nays, none voting Present. The Senate does adopt the Second Conference Committee Report on House Bill 2208, and the bill, having received the required constitutional majority, is declared passed. Any other Member on Page 12? Senator Lechowicz.

SENATOR LECHOWICZ:

Yes. Mr. President, on Page 12, House Bill 945.

PRESIDENT ROCK:

945. Top of the page, Ladies and Gentlemen. On the Order of Conference Committee Reports, there's a report with respect to House Bill 9-4-5, Madam Secretary, please.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 9-4-5.

PRESIDENT ROCK:

Senator Lechowicz.

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SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 945, the Second Conference Committee Report -- we passed the first one, which had a different effective date. The Second Conference Committee Report is basically the same. It just has an -- effective date -- would be July of '92. It adds the purchasing as one of the factors of the Metropolitan Water Reclamation District purchasing agent may take into account in determining responsibility of any bidder whether equipment or material is manufactured in North America. We passed this same provision last week. The only difference was the effective date. And I ask that the Second Conference Committee Report be adopted.

PRESIDENT ROCK:

Gentleman has moved the adoption of the Second Conference Committee Report on House Bill 9-4-5. Discussion? Senator Schaffer.

SENATOR SCHAFFER:

I was just going to ask why there were no Republican signatures on this particular conference committee report.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Probably because it was the third time around. The House really couldn't make a decision as far as what the effective date that they wanted. That was the reason for it, Jack.

PRESIDENT ROCK:

Discussion? Further discussion? If not, the question is, shall the Senate adopt the Second Conference Committee Report on House Bill 945. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 3 Nays, one voting Present. The

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Senate does adopt the Second Conference Committee Report on House Bill 9-4-5, and the bill, having received the required constitutional majority, is declared passed. All right. Back to Page 11, Ladies and Gentlemen. Middle of Page 11. On the Order of Conference Committee Reports, is a report with respect to House Bill 2, Madam Secretary, please.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 2.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

This also is a change as far as the effective date of the bill. The one that we passed was effective 1/1/92. Basically what they want to do is have the Governor sign this bill into law, I guess, at the State Fair. We'll probably all be there, as well. Second Conference Committee Report, besides changing the immediate effective date of the -- of the conference committee report, restores to counties the authority to set Veterans' Assistance Commission salaries and makes a technical correction, as the bill was originally passed, and it adds an immediate effective date. This bill and the conference committee report is supported by about eighteen different veterans' organizations. I know of no opposition. Ask for your favorable support.

PRESIDENT ROCK:

Gentleman has moved the adoption of the Second Conference Committee Report on House Bill 2. Is there any discussion? Any discussion? If not, the question is, shall the Senate adopt the Second Conference Committee Report on House Bill 2. Those in favor will vote Aye. Opposed, vote Nay, and 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 55 Ayes, no Nays, none voting Present. The Senate does adopt the Second

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Conference Committee Report on House Bill 2, and the bill, having received the required constitutional majority, is declared passed. Page 13 on the Calendar. Ladies and Gentlemen, if you'll take a look on Page 13 of the Calendar. The number of conference committee reports on Senate Bills. If no one has anything on Page 13, there's been a request to go back to Page 10. If I can direct your attention to the Order of Secretary's Desk, Concurrence. Secretary's Desk, Concurrence, the bottom of Page 10. Senate Bill 4-4-5, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 30 to Senate Bill 4-4-5.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. I move to non-concur and send it back to the House.

PRESIDENT ROCK:

All right. Senator Joyce has moved to non-concur in House Amendment No. 30 to Senate Bill 4-4-5. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Secretary shall so inform the House. The middle of Page 13, Ladies and Gentlemen, there's been a request to go back to the conference committee report on Page 13. Senate Bill 9-2-3. Middle of Page 13. On the Order of Conference Committee Reports, there's a conference committee with respect to Senate Bill 923. Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 923.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'm moving to concur with the

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Conference Committee Report on Senate Bill 923. The Conference Committee Report contains two bills that we've already passed; one requested by the Attorney General prohibiting distribution of water from a public water supply. This bill was so that the Attorney General could enforce the law more adequately. That also passed the House. The next amendment was a similar amendment affecting the water supply, and also it says that, "sludge from a waste water treatment plant shall be exempt from State and local waste disposal fees, provided the waste water treatment plant is operating pursuant to and in accordance with a permit from the Illinois EPA." And the additional provision added in the conference committee report creates a -- creates a pilot program for recycling at the Illinois State University concerning a proposed attempt to start recycling at universities throughout the State. I would be glad to answer any questions.

PRESIDENT ROCK:

The Gentleman has moved the adoption of the Conference Committee Report on Senate Bill 923. Discussion? Senator Macdonald.

SENATOR MACDONALD:

What -- what -- will sponsor yield for a question?

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Macdonald.

SENATOR MACDONALD:

What university is the pilot project going to effect?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

It would be Illinois State University.

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

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Why, particularly, have we chosen Illinois State?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Illinois State University does do some recycling currently; secondly, it is one of the more major universities. Third, it's a university I'm somewhat familiar with, and I think that instead of going to the largest university, we should go to one that is more moderate in the number of students that they have. I think we have to start somewhere, and I think that's probably a good place to start.

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

Well, Senator, you're from the DeKalb area and Northern Illinois University is there, which is a bigger university. And why -- why would you not have chosen Northern Illinois?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Well, I'm very familiar with Northern Illinois University, and because of that familiarity, I don't think they could handle this. So, I've decided to try to do it at Illinois State. I know that there is some interest down at Illinois State, and I thought that they might be best able to handle this.

PRESIDENT ROCK:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. I wonder if the sponsor would yield for a question.

PRESIDENT ROCK:

Sponsor indicates he'll yield, Senator Maitland.

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SENATOR MAITLAND:

Senator, as you know this caught me by surprise - and Illinois State University does happen to be in my district - and I'm just wondering, who asked you to -- to put this at Illinois State. Is there someone that asked you to do this?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Well, I'm not going to mention any particular names. Let's just leave it at the point that this is a program we've been talking about, and I've been talking about putting throughout the State. What happened was, I -- I don't think it could work at every single university without a pilot project, and decided on Illinois State University to -- to be the pilot of the ship.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Well, Senator, as you know, the night that I found this on my desk and realized what was happening, I -- I did ask you if the University knew anything about it and I think you implied that someone was going to share some thoughts with them. I did call the President that night about eleven o'clock, and I think, quite frankly, maybe got him up, but I thought it was necessary to call him, and he knew nothing of this project - quite frankly, told me that he wasn't interested in it, would like for the -- the conference committee report, as long as this was in it, to be defeated and further called me back the next day after thinking about it more in detail and was, frankly, upset as I was that this was being chosen for Illinois State University without them knowing it or without the local Legislators. And I, based -- it may be a good project, Senator Welch, I don't know. But I think, at this late hour, in this Session, with all the other problems we

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have, to bring something like this before the Body, of this magnitude, is absolutely wrong, and I would ask my -- my colleagues on both sides of the aisle to reject this conference committee report.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Senator, it would occur to me that a more logical way to approach this would be to direct the Board of Higher Ed to select an appropriate university that would be a willing recipient. I think all of us want to promote recycling, but to foist it on a university by surprise, without prior consultation, pretty well dooms your project. I would strongly suggest that we go to another conference committee and ask the Board of Higher Ed to negotiate with the several universities and find a volunteer that would get into the program with some enthusiasm, or you may, in fact, doom what you're trying to do.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Welch, to close.

SENATOR WELCH:

Well, I think Senator Schaffer makes a good point, but I have to respond to Senator Maitland. Senator, to say that this is such a late date and such a major project as this - this is just a project to get a university to recycle paper and aluminum and cardboard. This isn't going to be an earth-shattering program. This is a very small program. To say that the President of the University was shocked, well, maybe when you woke him up at eleven o'clock he was. He never bothered to call me when they decided to put a branch office in Peoria. I think that kind of surprised me too, and since I'm the one -- since I'm the one sponsoring their budget bill, it would have been nice of the President to call me to let me know, because frankly - well, I'll

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use the word that I'm shocked, too, I guess, since that's the word of the day. But let me just say that I think that it's a -- it's a bit absurd to rail against a pilot recycling project at a university where they should all be doing it anyway, and say that this is a major innovation in legislation in a conference ... I mean, this is a little bit of overkill, Senator Maitland. I would ask that we dump this conference committee report and ask for a second conference committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 923. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Gentleman would like to have this Conference Committee Report dumped. Please take the record. On this question, there are 13 Ayes, 38 Nays, and the First Conference Committee Report is not adopted, and a Second Conference Committee Report is requested -- second conference committee is requested. All right. Senate Bill 446. Conference Committee Report on Senate Bill 446. Senator Cullerton. Read the bill. Read the Conference Committee Report.

SECRETARY HAWKER:

First Corrected Conference Committee Report on Senate Bill 4-4-6.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Knox, Senator Hawkinson, what purpose you seek recognition?

SENATOR HAWKINSON:

Inquiry of the -- the sponsor. Less than two minutes ago, I signed another corrected version of this conference committee. So I assume that it's -- there's a technical problem with it and it has -- it's being redone.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Cullerton.

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SENATOR CULLERTON:

Yes. And that's why I'm -- I'm asking that the conference committee be rejected, and I thought that was the proper action.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Fine. Gentleman moves that the First Conference Committee Report on Senate Bill 4-4-6 be adopted. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Please take the record. On this question, there are 3 Ayes, 27 Nays, and the First Conference Committee Report is not adopted. The Gentleman requests a second conference committee be appointed. Hearing no objection, a second conference committee will be appointed. Senate Bill 1147. Senator Severns. Read the conference committee report.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1147.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Want to clear the -- clear the board. Okay. The Lady from Macon, Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Senate Bill 1147 -- or Conference Committee Report on 1147 is now the agreed-upon language of a bill earlier passed out of here by Senator O'Daniel. It makes it unlawful to charge interest on first class claims, including burial expenses, for a period of sixty days. I know of no -- no opposition. It passed out, I think, without opposition in the House. And I'll be happy to answer any questions. Would urge a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1147. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record.

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On this question, there are 54 Ayes, no Nays, none recorded as Present, and the Senate does adopt the Conference Committee Report on Senate Bill 1147. This bill, having received the constitutional majority, is declared passed. Is there anyone else that wants to have their conference committee reports called on Page 13? On Page 12? Page 11?

PRESIDENT ROCK:

All right. Any other Member on Pages 12, 13, 11, 10? Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes. Thank you, Mr. President. On purpose of an announcement. There will be a Democratic Caucus in Room 212, immediately after adjournment. 212.

PRESIDENT ROCK:

All right. 212 immediately -- 212 immediately after adjournment, Ladies and Gentlemen, for a Democratic Caucus. Senator Philip, for what purpose do you arise, sir?

SENATOR PHILIP:

I'd like to be invited. On a more serious point, Mr. President, I'd like the record to indicate that Senator Keats is not here today. He has, as you know, had a terrible automobile accident. I think he's at home, I hope, convalescing. And Senator Schuneman's had some tests, and he is not here today.

PRESIDENT ROCK:

The record will so reflect. Further business to come before the Senate? If not, Senator Vadalabene moves that the Senate stand adjourned until Wednesday, July 10th. July 10th, Senator DeAngelis, are you paying attention? July 10th at the hour of eleven o'clock. Eleven o'clock tomorrow morning, Ladies and Gentlemen. Senate stands adjourned. There'll be a Democratic Caucus, immediately in 212. Senate stands adjourned.

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