

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

May 23, 1997

PRESIDENT PHILIP:

The regular Session of the 90th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise. Our prayer today will be given by Senator Geo-Karis. Senator Geo-Karis.

SENATOR GEO-KARIS:

(Prayer by Senator Geo-Karis)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Friday, May 16th; and Monday, May 19th; Tuesday, May 20th; Wednesday, May 21st; and Thursday, May 22nd, in the year 1997, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Fitzgerald, Chair of the Committee on State Government Operations, reports Senate Bill 537, the Motion to Concur with House Amendment 1 Be Adopted.

Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Bill 778, the Motion to Concur with House Amendment 1 Be Adopted.

And Senator Peterson, Chair of the Committee on Revenue, reports House Bill 526, the Motion to Recede from Senate Amendment

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2 Be Adopted.

PRESIDENT PHILIP:

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 recede from their Amendment No. 1 to a bill of the following title, to wit:

Senate Bill 120.

I am further directed to inform the Senate that the House of Representatives requests a first committee of conference. Action taken by the House, May 20th, 1997.

We have a like Message on Senate Bill 469, Senate Bill 596, Senate Bill 603, Senate Bill 680, Senate Bill 713, Senate Bill 806 and Senate Bill 859.

PRESIDENT PHILIP:

Without objection, the Senate accedes to the request of the House for conference committees on these bills just read by the Secretary. Is leave granted? Leave is granted. Resolutions.

SECRETARY HARRY:

Senate Resolution 83, offered by Senator Syverson.

Senate Resolutions 84 and 85, both by Senator Karpiel.

They're all substantive, Mr. President.

PRESIDING OFFICER: (SENATOR KARPIEL)

If the Members will be in their seats and go to page 10 on the Calendar. Secretary's Desk, Nonconcurrency on House bills. Toward the top of page 10 is House Bill 182. Senator Hawkinson, on House Bill 182. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to refuse to recede from Senate Amendment No. 1 to House Bill 182, and request that a conference committee be appointed.

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Offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, Senator Hawkinson moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 182, and that a conference committee be appointed. All in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senator Madigan, for what reason do you rise?

SENATOR MADIGAN:

Purpose of an announcement. Point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR MADIGAN:

Thank you, Madam President, Members of the Senate. On the Democrat side of the gallery visiting with us today is approximately ninety students from the student councils from Elkhart Grade School and Mt. Pulaski Grade School, and I'd like them to be welcomed to the Senate.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to the Senate. Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. If my memory serves me right, it's that time of year we have our most distinguished Senator from Champaign's birthday today. Now, as you know, he has a hard time telling the truth or remembering his age, but it is his birthday and we would like to wish him a very, very happy birthday.

PRESIDING OFFICER: (SENATOR KARPIEL)

Happy birthday, Senator Weaver. Senator Weaver, for what reason do you rise?

SENATOR WEAVER:

Point of personal privilege.

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PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR WEAVER:

On Monday our Leader has a birthday, President Philip. Unfortunately, we -- or, fortunately, we won't be here, but we wish you a happy birthday on Monday, Senator Philip.

PRESIDING OFFICER: (SENATOR KARPIEL)

Happy birthday. All right. Back to page 10 and House Bill 228. Senator Lauzen. Out of the record. Oh! Out of the record. House Bill 310. Senator Lauzen. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to refuse to recede from Senate Amendment No. 1 to House Bill 310, and request that a conference committee be appointed.

Offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator -- is there any discussion? If not, Senator Lauzen moves that the Senate refuse to recede from the adoption of Senate Amendment 1 to House Bill 310, and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. There's a motion on House Bill 353. Senator Rauschenberger. Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to refuse to recede from Senate Amendment No. 1 to House Bill 353, and request that a conference committee be appointed.

Offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, Senator Rauschenberger moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 353, and that a conference committee be appointed.

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All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. On page 11 there is a motion on House Bill 1641. Senator O'Malley. Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to refuse to recede from Senate Amendment No. 3 to House Bill 1641, and request that a conference committee be appointed.

Offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, Senator O'Malley moves that the Senate refuse to recede from the adoption of Senate Amendment No. 3 to House Bill 1641, and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The motion carries, and the -- the Ayes have it. The motion carries, and the Secretary shall so inform the House. Senator Cronin, on a motion on Senate Bill 1651. Senator Cronin. Out of the record. We are now going to the Order of Concurrence. On page 8 of -- of today's Calendar is the Order of Secretary's Desk, Concurrence on Senate bills. This is final action, so I think you should all be in your seats paying attention. This is final action. Senate Bill 285. Out of the record. Senate Bill 709. Senator Dillard. 709. Out of the record. Supplemental Calendar No. 1 is on your desks, and we will go on the Supplemental Calendar No. 1. Senate Bill 537. Senator Walsh. Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 537.

Offered by Senator Thomas Walsh.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Walsh.

SENATOR T. WALSH:

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Thank you, Madam President. House Amendment No. 1 to Senate Bill 537 is -- is noncontroversial. It just removes a provision requiring organizations desiring to be designated as a qualified organization under the bill to provide and annual audit, Internal Revenue Service Form 990, and an annual report of the organization's activities. This is something that was agreed upon with the Comptroller's Office. I don't know of any opposition, and I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 537. All those in favor will vote Aye. Opposed will 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 58 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 537, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 778. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 718 {sic} (778).

Offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate -- House Amendment No. 1 to Senate Bill 778 simply removes the requirement that DCCA file a written explanation for its decision not to conduct an economic impact study.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 778. All

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those in favor will vote Aye. Opposed will 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 58 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 778, and the bill, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR KARPIEL)

Continuing on Supplemental No. 1 to Secretary's Desk, Non-concurrence, House Bills is a motion to recede, which is final action. And on the Order of Non-concurrence, House Bill 526. Senator Peterson. Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to recede from Senate Amendment No. 2 to House Bill 526.

Offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President. Senate Amendment 2 amended the Sales and Use Tax Acts to exempt industrial gases used or consumed in the manufacturing process. The House did not concur with the amendment, and rather put -- rather than put it into a conference committee report, I move that we recede from Senate Amendment 2.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, Senator Peterson has moved that the Senate recede from Senate Amendment No. 2 from House Bill 526, and this is final action. The question is, shall the Senate recede from Senate Amendment No. 2 to House Bill 526. Those in favor, vote Aye. Those 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, Madam Secretary. On this question, there

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are 56 voting Aye, none voting Nay, none voting Present. And the bill, having received the -- the Senate recedes from Amendment 2 to House Bill 526, and the bill, having received the required constitutional majority, is declared passed. Senator Myers.

SENATOR MYERS:

Yes. I had meant to vote Present on that last bill and I inadvertently pushed Yes. If you could please record that.

PRESIDING OFFICER: (SENATOR KARPIEL)

The record will show -- show that.

SENATOR MYERS:

Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

On your regular Calendar on the bottom of page 7 are resolutions. We have -- the first one is Senate Resolution 61. Senator O'Malley. Senate Resolution 61. All right. Read the resolution, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Resolution 61, offered by Senator O'Malley.

There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President, Members of the Senate. Senate Resolution 61 resolves that the -- in the process of reviewing academic standards that the State Board of Education will open up the public comment period for any standards that have not been reviewed specifically during the public comment period. Over the summer they're expected to adopt their standards. I'd be happy to answer any questions there may be, and would request your support.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion? Any discussion? If not, Senator O'Malley moves the adoption of Senate Resolution 61. Those in

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favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. On the top of page 8. Senate Resolution 68. Senator Radogno. Read the resolution, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Resolution 68, offered by Senator Radogno.
There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President. As many people are aware, we have a number of residents in Illinois of Polish descent, and they've asked for our assistance in passing this resolution, which urges the President and the Congress to support the Republic of Poland's petition for admission to the North Atlantic Treaty Organization.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, Senator Radogno moves the adoption of Senate Resolution 68. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senate Resolution 71. Senator Rea. Read the resolution, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Resolution 71, offered by Senator Rea.
There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rea.

SENATOR REA:

Thank you, Madam President and Members of the Senate. Senate Resolution 71 would request our Illinois Congressional Delegation to work towards developing a Federal Charter for the National Coal Museum located at West Frankfort. It's a unique coal museum where they do have the -- it's only one of its type in the United States where people can go underground and see the actual mining operation and learn the history of coal, its heritage. There are

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other museum's, but -- but this one is unique in -- in that sense, and it will attract many people to the area, as far as tourists and economic development and would ask for your adoption.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. Senator Rea and I have discussed this point. I just want to applaud him for his resolution, but also remind everyone that we do you have a museum, as you acknowledged, in Moweaqua. Talking about not only the importance of coal mining in Illinois, but recognizing the coal miners who lost their lives several years ago in a coal mining accident. I'm also in support of the resolution. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any further discussion? If not, Senator Rea moves the adoption of Senate Resolution 71. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senate Resolution 73. Senator Carroll. Read the resolution, Madam Secretary

ACTING SECRETARY HAWKER:

Senate Resolution 73, offered by Senator Carroll.

There -- there are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President, Ladies and Gentlemen of the Senate. As many of you know, about a year ago I had the great honor to spend about an hour and a half with Mother Teresa at the -- at her missionary house in Calcutta. She identified to me that she has twenty hospices here in the United States where she sends over approximately three to four of her sisters to work these

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hospices, obviously at no compensation. About probably twenty of them come in a year and they're being charged a work permit fee by the United States. She had asked to see if we could have that work permit fee waived so that it wasn't costing her several thousand dollars a year, money she could use to feed the poor and hungry. The legislation has been introduced in Congress -- United States Congress. It has been bottled up. This would request of Congress that they act on that legislation to waive the fees for the nuns who are coming to work these hospices without any compensation so that she may continue to do her great missionary work. And I would answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion? If not, Senator Carroll moves the adoption of Senate Resolution 73. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senate Resolution 76. Senator Philip. Out of the record. Senate -- House Joint Resolution 18. Senator Carroll. Read the resolution, Madam Secretary.

ACTING SECRETARY HAWKER:

House Joint Resolution 18, offered by Senator Carroll.
There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This resolution is identical to what had been Senate Joint Resolution 24, but I had written both and this has now come over from the House. It basically calls upon the Swiss government to follow the recommendations of the U.S. Department of Commerce report on requiring the Swiss banks to account for those funds that they have been holding that belong to victims of the Holocaust, Jew and Gentile alike. It has been well established

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that the government -- or, the banks of Switzerland understood the amounts that were in the Reisch Bank at the time of the beginning of the war, and the fact that they allowed monies to be drawn out that were far in excess of the amounts that the Nazi government could have had within its control without having raided the central banks of the countries they had conquered, and without having taken the jewelry and gold and teeth and so on from the various victims. So this would call upon the government of Switzerland to give a full accounting, and I would answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, Senator Carroll moves the adoption of House Joint Resolution 18. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senate Joint Resolution 28. Senator Cronin. Out of the record. Senate Joint Resolution 31. Senator Mahar. Read the -- read the resolution, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 31, offered by Senator Mahar. The Committee on Executive adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. Senate Joint Resolution 31 creates the Joint Committee on Natural Gas Utility Regulatory Reform. It is very similar, if not exact, to what we have done with electricity regulatory reform. I don't anticipate this committee having to go through near the time to study it. The only element -- only consumer group in Illinois that doesn't have choice in natural gas is the residential consumers. I think that we can probably review this and have a report to the Legislature in six months. I would move its adoption.

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PRESIDING OFFICER: (SENATOR KARPIEL)

We seem to have sort of a party atmosphere back there. Could we kind of break it up? Senator Mahar moves the adoption of Senate Joint Resolution 31. All those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are -- take the record, Madam Secretary. On this question, there are 58 voting Aye, none voting Nay, none voting Present, and the resolution is adopted. Senate Joint Resolution 34. Senator Jones. Read the resolution, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 34, offered by Senator Jones.
No committee or Floor amendments were reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Jones.

SENATOR JONES:

Thank you, Madam President. Senate Joint Resolution 34 recognizes the - the issue we have before us, and that issue is getting people prepared to go into the workforce. What we have is a situation where many of our local units of government have been in jobs and job training programs. This resolution memorializes Congress to -- to consider the value of our local elected officials as we move to getting people off welfare and getting them into the workforce. All the job training that is necessary, we want that to continue, that partnership between local government, State government and the federal government, as we try to boost our economy and getting persons employed. That's all it does, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, Senator Jones moves the adoption of Senate Joint Resolution 34. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senate

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Joint Resolution 35. Senator Parker. Read the resolution, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 35, offered by Senator Parker. The Committee on Executive adopted one committee amendment.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Cancer clinical trials are designed to compare the effectiveness of the standard medical treatment with a new therapy that researchers believe will prove more effective based on scientific evidence and that such research provides the foundation for improved patient care and decreased health care costs. What this resolution does is create a Cancer Clinical Trials Task Force which will meet and submit a report identifying and explaining any incremental costs to the insurance industry that results from cancer patients' participation in valid cancer clinical trials. That will be presented to the Governor and General Assembly not later than February {sic} {January} 1st, 1999. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, Senator Parker moves the adoption of Senate Joint Resolution 35. Those in -- 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, Madam Secretary. On that question, there are 58 Ayes, none voting Nay, none voting Present, and the resolution is adopted. Messages from the House.

ACTING SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that

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the House of Representatives has -- has refused to recede from their Amendment No. 1 to a bill of following title, to wit:

Senate Bill 3.

I am further directed to inform the Senate that the House of Representatives has requests -- requested a first conference committee.

And I have like Messages on Senate Bill 240, Senate Bill 460, Senate Bill 465, Senate Bill 493, Senate Bill 569, and Senate Bill 670, and Senate Bill 789.

Action taken by the House, May 22nd, 1997.

PRESIDING OFFICER: (SENATOR KARPIEL)

Without objection, the Senate accedes to the request of the House for conference committees on those bills just read by the Secretary. Leave is granted. We'll now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all of those read in today will be added to the Consent Calendar. Madam Secretary, have there been any objections filed to any resolution on the Consent Calendar?

ACTING SECRETARY HAWKER:

There have been no objections filed, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Refer to Executive Committee - Senate Resolutions 81, 83, 84, 85 and House Joint Resolution 12.

PRESIDING OFFICER: (SENATOR KARPIEL)

Resolutions.

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ACTING SECRETARY HAWKER:

Senate Joint -- Senate Joint Resolution 40, offered by Senator Donahue.

(Secretary reads SJR No. 40)

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Donahue moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 40. Those in favor will say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Now Senator Donahue has moved for the adoption of Senate Joint Resolution 40. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Any further business to come before the Senate? If not, Senator Butler moves the Senate stand adjourned until 1 p.m., Tuesday, May 27th.

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