

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

115th Legislative Day

November 19, 1998

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 the Reverend Michael Deutsch, First Baptist Church, Ashland, Illinois. Reverend Deutsch.

THE REVEREND MICHAEL DEUTSCH:

(Prayer by the Reverend Michael Deutsch)

PRESIDENT PHILIP:

Will you please remain standing for the Pledge of Allegiance? Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Tuesday, November 17th, 1998.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

Senator Butler moves to approve the Journal just read. There being no objection, so ordered. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journal of Wednesday, November 18th, in the year 1998, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval

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of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Tom Angelos has requested the taping of this Session. Is there any objections? If there's no objections, leave is granted.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Committee Reports.

SECRETARY HARRY:

Senator Madigan, Chair of the Committee on Insurance and Pensions, reports Senate Bill 1901, the Motion to Concur with House Amendment 1, Be Adopted.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Members of the Senate, will you please turn to page 5 on today's Calendar? Can we have your attention, please? Please turn to page 5 of today's Calendar. In the Order of Motions in Writing Accepting Specific Recommendations for Change, Senate Bill 1755. Senator Clayborne. Mr. Secretary, will you please read the motion?

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to Senate Bill 1755, in manner and form as follows:

Amendment to Senate Bill 1755

in Acceptance of Governor's Recommendations

The motion filed by Senator Clayborne.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Just a moment, Senator Clayborne. Could we give attention to the Senator stating his motion? Thank you.

SENATOR CLAYBORNE:

Thank you, Madam President. Senate Bill 55 {sic} (1755)

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passed out of here 53 to -- to no votes. Basically what it does, it removes gender as a factor for intestate inheritance after the death of an illegitimate child regarding that child's personal and real property, substituting other factors regarding what they're eligible for. What the Governor -- the Governor's recommendation was that he wanted language that -- specifically that parents who are in arrears in excess of one year child support shall not inherit from the descendant {sic} (decedent) unless the court determines the effect of such arrearage on the descendant and allows a reduced benefit. So I clearly accept this recommendation. There's no substantive change to the original bill that was passed out, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Any discussion? Any discussion? Hearing none, Senator Clayborne has moved to accept the specific recommendations of the Governor as to Senate Bill 1755. The question is, shall the Senate accept the specific recommendations of the Governor as to that bill. Those in favor, vote Aye. Those who vote -- who oppose are vote -- shall vote No. And the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Mr. Secretary. On that question, there are 55 voting Yea, none voting No, none voting Present. And this bill, having received the required constitutional majority of three-fifths votes of Senators elected, are declared accepted. Senator Butler, for what purpose do you rise? Turn to your Supplemental Calendar No. 1. It's been distributed. It's a concurrence matter. Senate Bill 1901. Mr. Secretary, will you read the motion?

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1901.  
The motion filed by Senator Madigan.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President, Members of the Senate. Senate Bill 1901 with House Amendment No. 1, first of all, contains the underlying language that accelerated benefits from life insurance policies. House Amendment No. 1 to Senate Bill 1901 creates new legislation that gives more freedom to mutual insurance companies that are domiciled in the State of Illinois. In 1994, the General Assembly passed legislation allowing companies to de-mutualize. This legislation follows legislation that has been passed in twenty-one other states that allows a partial de-mutualization of mutual insurance companies. Currently, as I said, there are twenty-one states that allow mutual insurance companies to follow this process by creating a -- a holding company that allows them to remain competitive by issuing stock and raising capital and remain competitive in the insurance industry. Our neighbors, Wisconsin, Iowa, Missouri, have -- and Kentucky, I believe, have passed this legislation. And the approximate two dozen mutual insurance companies in the State of Illinois that would be affected by this legislation could relocate or re-domicile if they so desire, causing loss of jobs and loss of money to the State of Illinois economy. That is basically what this Senate Bill 1901, as amended, does. And I would be happy to answer any questions. In addition, Madam President, I want to point out that there are some consumer groups that remain opposed to this. The House negotiators had several meetings with this group, as well as Senator Berman and I had, I believe, at least three meetings, along with staff -- the appropriate staff, in an attempt to bring to some conclusion or address their concerns. As a result of those meetings, we have made eight changes in this -- from the original bill that addressed eleven of their concerns. We were

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not able to address all of their concerns because, in my opinion, some of their remaining concerns has to do with accepted corporate business -- existing business practice in the State of Illinois and we just could not reach those accommodations with that group. Other -- now I would be glad to answer any questions on Senate Bill 1901, as amended.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam President. If the sponsor would yield, please.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will yield.

SENATOR DEMUZIO:

I don't really understand why we are -- why we're doing this. Perhaps you could explain why we are attempting to change the definition of an insurance company even if it's domiciled in Illinois as a mutual and therefore -- will -- will the new operation -- is there some need for new capitalization of -- of -- of money? And if so, will this be a partial -- partial stock -- new stock company that's being created?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Well, there's several points there, Senator Demuzio, and I'll try to address those. First of all, this codifies - puts in Statute form - what currently can be done by the -- by the companies with the permission of the Director of the Department of Insurance. It does allow them to issue stock to raise capital, preserving... ...can only issue forty-nine percent of the total company in stock. Now, this does not reduce any interest that a current policyholder may have, because this stock that is issued

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goes on top of the current assets of the mutual insurance company's. It would almost -- in effect, almost double the assets of the insurance company, but not reduce any interest, or current interest, of -- of the company.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

So, then, it would be my understanding that a company, mutual company, domiciled in Illinois could take the percent -- could take forty-nine percent of its total -- of its total what in order to -- what's the determining factor on the amount of stock to be issued, and is that publicly traded stock?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. Senator Demuzio, it is public-traded stock. That is an amount that they could go up to, as far as forty-nine percent, depending on what the company or board would determine by how much capital do they need to raise, up to the forty-nine percent - anywhere from, I assume, one percent to forty-nine percent.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Can we please have your attention? Senator Demuzio.

SENATOR DEMUZIO:

How many Illinois companies now under this domicile Act -- I assume they have to be a hundred percent domiciled within the -- within the borders of the State of Illinois. How many companies in Illinois now intend to issue new stock to recapitalize their -- their companies? And then if, in fact, they are issuing forty-nine percent, they still remain mutual companies rather than stock companies. Is that correct?

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Senator Madigan.

SENATOR MADIGAN:

Okay. Thank you, Madam President. Senator Demuzio, currently there are about, as I said previously, approximately two dozen mutual companies domiciled in the State of Illinois and there are about two hundred stock companies domiciled in the State of Illinois. Stock companies are issuing stock, you know, all the time. This legislation -- the company remains mutual; we're forming a mutual holding company by this legislation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio. You finished?

SENATOR DEMUZIO:

No. I just don't understand what -- what we're doing. I understand the -- to recapitalize and I understand the need for additional -- for cash, particularly if you're putting more business on the books. I understand that. This obviously would be very profitable stock, particularly if it's a -- from -- from a reputable company. I was just wondering what percentage -- how do you get to the forty-nine percent? Forty-nine percent means what? Forty-nine percent of the assets of the -- of the -- of the -- of the company and that's the determining factor, that they could go up to that? And is this all Class A? Is there any B stock to be issued?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

It's -- thank you, Madam President. Senator Demuzio, the mutual holding company is formed. A hundred percent of the insurance company's assets go into that mutual holding company. The mutual holding company then, in turn, can only issue up to forty-nine percent of what's there in the mutual holding company.

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Senator Demuzio.

SENATOR DEMUZIO:

On a point of clarification, then. I -- I didn't have an opportunity to read this bill. So, then, the stock is issued in the name of the -- of the holding company and not in the name of the insurance company, per se.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan. Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. That's correct.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. I stand in strong support of this legislation. We've hashed this over for better than a year. The current law has -- or, the current amendment made some changes, which I think that Senator Madigan has alluded to quite well. It's a good bill. I think it saves Illinois companies. And ask for support on this side of the aisle.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR HENDON:

Senator Madigan, I voted and supported you on the original legislation, which was a fine piece of legislation. I'm currently with an insurance company and periodically I receive a check from the insurance company, which is very nice since I have to send them one once a month. My question to you is: Under this proposal, how would I, as a shareholder, be protected, as far as



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-- as receiving dividends back from the insurance company? Would I now be taking -- those few dollars that they send back to me as a shareholder be negatively affected under this legislation?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. Senator Hendon, this would not affect any stock company, if that's what you're referring to.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

Okay. The... What about the -- the surplus that -- that is held by the insurance companies? Would -- would that be shared with the policyholders or would the surplus then be a part of the -- the new stock option?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. Senator Hendon, any surplus that's held by the insurance company, by the mutual insurance company, remains with the company and does not move to the mutual holding company.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I want to declare that a couple of my law partners have clients that have a specific interest in this bill. Therefore, I have a conflict of interest and will be voting Present.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Further discussion? Senator Madigan, to close.

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SENATOR MADIGAN:

Well, thank you, Madam President. I think we've had a good debate on this bill. I would ask the Members of the Senate for their support on this concurrence motion to House Amendment No. 1 to Senate Bill 1901.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you. This is final action. The question is, shall the Senate concur in House Amendment 1 to Senate Bill 1901. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Take the record. On that question, there are -- 45 voting Aye, 7 voting Nay, 2 voting Present. And this bill, having received the required three-fifths majority, is declared passed. Supplemental Calendar No. 2 is being distributed. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Thank -- thank you, Madam President. Behind the President of the Senate, in the gallery, we have two of East Moline's finest: Reggie Freeman and Shawn Roselieb. And I'd like to have them stand and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Welcome to the Senate. ...personal privilege. Senator Shaw, for what purpose do you rise?

SENATOR SHAW:

Thank you, Madam Speaker. I would like the record to indicate that I was on the telephone when 1901 came up and I didn't vote on it, but I'd like the record to indicate that I would have voted Yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

So noted. ...Supplemental Calendar No. 2, Non-Concurrence, Senate Bill 1707. Senator Sieben. Mr. Secretary, will you read the motion?

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SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendments 1, 4 and 5 to Senate Bill 1707.

The motion filed by Senator Sieben.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben. Senator Shadid, for what purpose do you rise?

SENATOR SHADID:

At the proper time, I want to ask for a roll call vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben.

SENATOR SIEBEN:

Thank...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Just a moment, Senator Sieben. Can we give Senator Sieben our attention? If you wish to speak, speak in a very low whisper so that I don't hear you. Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. My motion is to nonconcur with Amendments 1, 4 and 5 to Senate Bill 1707. We passed legislation here in -- in the spring dealing with enhanced regulations of the confinement livestock feeding operations in Illinois. We sent that to the House. They stripped the bill that we sent them and they added Amendments 1, 4 and 5, which was the House version of approach to these regulations. And what I'd like to do now is nonconcur, send this back to the House, so we can move it into a conference committee. And we have a significant amount of language that we've been negotiating since last May, on numerous occasions, all the interested parties. I'd like to keep that negotiation process going now, so that when we come back in two weeks, we can pass a conference committee report and send it to the Governor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Any further discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Indicates he'll yield.

SENATOR WELCH:

Could you tell us what the difference is between the House Amendments 1, 4 and 5 and the bill that was sent over to them?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben.

SENATOR SIEBEN:

Many of the concepts are embodied in both of the bills, dealing with the issue of common ownership of facilities, triggering target levels -- or, threshold levels for filing plans, expanding the construction standards to apply to all types of manure holding facilities, not just lagoons, and also to deal with public informational meetings for all types of facilities. Many of the concepts are embodied. In fact, we were negotiating on about thirteen substantive points that were similar in the two bills. The House version has -- has changed the construction standards section to require that these be established by the Pollution Control Board. We already have in place three documents - the Midwest Plan Service, the NRCS guide, and the -- or, the American Society of Ag Engineers guidelines for construction standards - which are recognized as the standards in the industry. And I think the feeling is: Why do we now need to take those through the Pollution Control Board? The informational meeting section: The House version drops the threshold level for that from a thousand animal unit down to five hundred animal unit, adding an additional regulatory burden on the small family farm producer. It also drops the level for the owner, to require them to develop a comprehensive waste management plan from a thousand

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animal units to five hundred animal units, a lowering, again, of that threshold, which is, again, additional regulatory burdens on the small farmer. There's a very -- very broad section dealing with prohibition of where the facilities can be constructed. And we -- we'd like to tighten that up a little bit and use some enhanced construction standards in some of those but, yet, still retain the concept there need to be prohibitions. So these are some of the differences in the two bill(s) and that's why I'm moving to nonconcur, so we can -- so we can resolve those differences.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Is there anything in these House amendments that allows for local control by county boards as to the siting authority of these mega-hog farms?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben.

SENATOR SIEBEN:

No, there's not.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Shadid.

SENATOR SHADID:

Madam -- Madam Chairman, I just wanted to ask for a roll call vote on this.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

A roll call vote is requested. Senator Welch, for a second time.

SENATOR WELCH:

Well -- well, I had my light on; I just wasn't recognized.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I wasn't doing it deliberately either.

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SENATOR WELCH:

Senator, do these amendments have any additional setback requirements from neighbors, in the House amendments?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben.

SENATOR SIEBEN:

I do not believe there's any change in the setback requirements in the House version.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are you done? You have the Floor, Senator Welch. Are you done?

SENATOR WELCH:

Mike isn't -- there it is. Thank you. Senator, is there another bill? Why can't we just pass this out and put these changes on another bill that is currently in the Legislature?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben.

SENATOR SIEBEN:

Well, I think what we've been trying to do since last May is negotiate between the House version and the Senate version, negotiate between the livestock industry's issues or concerns or -- or regulatory questions in this area, along with what the Stewardship Alliance has been proposing. We've had discussions. We had lengthy discussions last May that involved all the interested groups here except the Stewardship Alliance, who refused to come to the table and refused the invitation to negotiate the process. Also, this legislation was discussed with the Department of Agriculture, and they've indicated that there are some problems with administrability of the Act the way the House version is written. They have participated, as the agency that administers the Livestock Management Act, in trying to improve the language and get it in -- in better form. We -- we

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had done that in May and that's why we want to continue the process, to bring this to closure with a negotiated compromise, similar to what we do on a lot of legislation here.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Well, this bill seems to be kind of unique, because unlike other legislation, we got sandbagged here last year, last spring, when we passed two bills on this issue. One was meant to be more the Agriculture Department's bill. One was meant to lean more towards the Environmental Protection Agency approach. Kind of a -- a two different step process. And the idea was that when it was going to go to the House, there would be negotiations and it would come back. And what happened in the House is they killed the bill that was more favorable towards the environmental viewpoint. So it seems to me that we've already been burned once by the House. I'm not sure I agree with the idea of letting them do it to us twice. It seems to me that what we can do is pass this now and let's negotiate either on another bill between now and January or let's pass a different bill this spring. So I would urge a -- a No vote on the nonconcurrency.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. Senator Welch has covered some of the points. But this version of the bill was a -- was a version put together by Senator Shadid, myself and four other central Illinois Representatives. The proposals in here we felt were reasonable. The -- the one, perhaps, hasn't been mentioned that is a difference is that our bill has a most limiting nutrient factor in it which would bring in phosphorus, that there's been no agreement over. But Senator Welch is right: The idea was that

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the House was going to send our bill over here, that Senator Shadid and I would have. Senator Sieben's bill would go over to the House, and both bills would be alive. Unfortunately, the House got involved in some partisan bickering over unrelated issues and let their deadline pass without sending our bill over here. So we feel we've never been given a vote on our bill, and that's why I'm urging a No vote on this and would urge Senator Sieben to offer us a vote to concur. If there are technical problems, those can be dealt with by the Governor. And so I would urge a No vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Please, please give the courtesy to the Members to be heard on their bills. Further discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Madam President, Members of the Assembly. I think this is an important nonconcurrency vote. And I hope -- I would ask my colleagues to support this. You're absolutely right: There's been a lot of bickering and a lot of one-upsmanship and whatever going on with this issue - politics, partisan politics, whatever - while the industry and things are happening in our counties, where hog farms are moving in, and we need rules and regulations on the books. And I think it's time that we get something. We have negotiated in good faith, numerous weeks, in meetings last year on this whole issue. And, yes, we sent two good versions of legislation over to the House to get killed and didn't move, or whatever. They -- they negotiated with us with those bills and then they backed down and sent us this bill. We are so close on so many things. The phosphorus, the most limiting nutrient, is a very serious issue, and one that we do not -- phosphorus, the most limiting nutrient, is a very serious issue and one that we are waiting for the federal government to set a standard. There is no standard on phosphorus. And I think that



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that is an issue that the farmers, or the producers, or the industry, itself, have absolutely no problem with, as long as we have a standard. But don't pick one out of the air. Have one that really works. And these -- the type of language that we're trying to work on will help the industry and help the people that we're also trying to serve back home. Please support a nonconcurrency motion. Let us get the -- the plan in place. Let us get it on the books so it works right now, so we can have these rules in place for these facilities that are moving into our area. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank -- thank you, Madam President, Members of the Senate. I urge my -- all of my colleagues to support the nonconcurrency with this, and -- and we'll send it back over to the House. We're getting very close to coming to an agreement on this very important legislation. You know, the last thing we want to do is -- is to drive this industry out of this State. It's so important to us. And we're getting very close. And I've always been of the opinion that reasonable people can work out their differences, and I think we're getting very close to coming to an agreement with all parties. And I think if we can do just a little more, make a -- just a few more minor changes, we're going to do something that -- we're going to protect the environment and -- and clean up this problem and -- and still be able to raise livestock in this State. And I -- I urge my colleagues to support this.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Shadid.

SENATOR SHADID:

Yes. Thank you, Madam President. Last year, Senator Sieben, you'll -- you're aware that Hawkinson and myself voted for your

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bill to get it out. And we were of the impression we had some kind of an agreement. We tried to get our bill out. All we ever asked for was for our bill to be given the opportunity to be voted on so that we could work out any kind of disagreements down the road. I can't -- I can't help what happened over in the House; I had no control over that. But all we ever asked you for, and I'm asking you now, to give our bill an opportunity to be voted on, whether it goes up or down, so that we can sit down and have some good reasonable discussions. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Senator Sieben, to close.

SENATOR SIEBEN:

Well, thank you very much. I appreciate the comments of the previous speakers, and I think they've all indicated that we have a controversial issue here, that we need to continue negotiations to find a reasonable and responsible compromise that allows the livestock industry in this State to continue and to prosper and, yet, at the same time, put in place some sensible, science-based environmental regulations that protect the environment and the waters of the State of Illinois. So in order to do that, we need a Yes vote, as we do on most legislation that's in a negotiating status. We need your Yes vote this morning to nonconcur with the House amendments. And there are many good things that are in this House version, and many of those are going to end up in what we've got drafted here as a potential conference committee report on that. Many of the provisions that the "Central Illinois Six" have asked for are agreed to now. And we've tweaked the language to make -- make it clearer what those elements will be. So I'm asking now for your Yes vote to nonconcur so we can continue the process of negotiation. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Senator Shadid had requested a roll call vote to Senate Bill 1707, nonconcurrence. All those in favor will say Aye. Those opposed will say Nay. I'm sorry. All right. Roll call vote. All those in favor will vote Aye. And all those against will vote Nay. And the roll -- the voting is open. Have all voted who wished? Had all -- have all voted who wished? Have all voted who wished? Mr. Secretary, take the record. There are 31 voting Aye; there are 25 voting Nay; 1 voting Present. And the -- this bill -- the nonconcurrence motion carries and the Secretary shall so inform the House. Verification has been requested. Senator Shadid has requested a verification. Will all Senators be in their seats? ...Secretary will read the affirmative votes.

SECRETARY HARRY:

Following Members voted in the affirmative...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Can we have your attention, please?

SECRETARY HARRY:

Bomke, Burzynski, Butler, Dillard, Donahue, Dudycz, Farley, Fawell, Geo-Karis, Karpiel, Klemm, Lauzen, Luechtefeld, Madigan, Mahar, Maitland, Myers, O'Daniel, O'Malley, Parker, Peterson, Radogno, Rauschenberger, Rea, Sieben, Syverson, L. Walsh, T. Walsh, Watson, Weaver and Mr. President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Shadid?

SENATOR SHADID:

Senator Mahar.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar?

SENATOR SHADID:

Mahar.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar in his seat? Senator Mahar? Senator Mahar?

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Take him off the roll call. Strike his name.

SENATOR SHADID:

Senator Syverson.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Syverson is right back there, sir.

SENATOR SHADID:

Oh, I'm sorry. Weaver. Senator Weaver.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Weaver is right in his seat.

SENATOR SHADID:

Okay. O'Malley.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

O'Malley's right back there.

SENATOR SHADID:

I missed your beautiful face. How about -- oh, Dudycz. I see Dudycz.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further?

SENATOR SHADID:

Cronin.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

On a verified roll call...

SENATOR SHADID:

Cronin.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

There he is.

SENATOR SHADID:

Where is Cronin? Where's Cronin?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

On a verified roll call, the Ayes are 30, the Nays are 25, Present is 1. And this bill, having received the majority vote, the motion passes -- the motion -- and the -- the nonconcurrence

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motion carries. Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Resolutions 264, 265, 266 and 267, by Senator Kehoe and all Members.

Senate Resolution 268, by Senator Lauzen and all Members. They're all death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Consent Calendar. Messages.

SECRETARY HARRY:

Message for the Governor by Deno Perdiou, Director of Legislative Affairs, November 19th, 1998.

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 persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Messages from the House, Mr. Secretary.

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 passed a bill of the following title, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 2370.

We have a like Message on House Bill 1151. Both passed the House, November 17th, 1998, by a three-fifths vote.

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 accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 2367.

We have a like Message on House Bill 3129. Both adopted by the House, November 17th, 1998.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Madam President. Senator Cullerton has filed a motion with respect to House Bill 1151 and Senator Peterson has filed a motion with respect to House Bill 2367.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. Resolutions Consent Calendar. We'll now proceed to the Order of Resolutions Consent Calendar. With leave of the Body - Can we have your attention, please? - all of those read in today will be added to the Consent Calendar. Ladies and Gentlemen of the Senate, it would be appreciated if you could cut down your conversations, please. Mr. Senate -- Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. All opposed, say Nay. The motion carries. The resolutions are adopted. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

House Joint Resolution 71.

(Secretary reads HJR No. 71)

Adopted by the House, November 18th, 1998.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz moves to suspend the rules for the purpose of the immediate consideration and adoption of House Joint Resolution 71. Those in favor will say Aye. Those opposed will say Nay. The -- the Ayes have it. The rules are suspended. Senator Dudycz has moved for the adoption of House Joint Resolution 71. Those in favor, say Aye. Those opposed, Nay. The Ayes have it. And the resolution's adopted. Senator Demuzio, you -- for what purpose do you rise, sir?

SENATOR DEMUZIO:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point of personal privilege.

SENATOR DEMUZIO:

You know, today is -- is the last day for one of our -- our -- our great and wonderful staff members, Gideon Baum, who's now arrived on my right. You know, he has left a tremendous mark here in the -- in the Illinois Senate on our side of the aisle, and we're certainly going to miss him. He's going to be in Chicago working for the -- for Dick Devine's office, the State's Attorney. And I, for one, hate to see him go, but he's had a going-away party every night now for the last three weeks. I've shook his hand and said good-bye eighteen times. And -- and sometimes I feel like maybe it is going to be good for you to go. But we are, indeed, going to miss him. He's someone else who we will hear

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from in the future, I am sure. He's done a fantastic job on the Democratic side of the aisle, and please join me in recognizing the fact that he is now leaving us and going on to higher -- higher things. And...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

And he -- and he hasn't given up. He would like one more party. So if we could find a saloon, we could all go there and make him pay the bill. Thank you very much.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

We wish him well, and perhaps you can pay his bill. Senator Parker, for what purpose do you rise?

SENATOR PARKER:

Thank you, Madam President. For personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point.

SENATOR PARKER:

I would like to introduce, up in the gallery, Chuck Paxton, the Mayor of Zion, who is with us today. Would we please welcome him?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Welcome, Chuck Paxton, and Tom Angelos with him. Anything further to come before the Senate? If not, pursuant to the adjournment resolution, Senator Weaver moves the Senate stand adjourned until Tuesday, December 1. The Senate stands adjourned. Happy Thanksgiving to all of you.



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