

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

164th Legislative Day

June 28, 1992

Speaker Giorgi: "The House will be in order. The Members will be in their seats. The Chaplain for today is Dr. Don Jones, pastor of Grace United Methodist Church in Decatur. Dr. Jones is a guest of Representative Noland. Our guests in the gallery may wish to rise for the invocation. Dr. Jones."

Dr. Jones: "May we be in the spirit and the attitude of reverence? 'Gracious God, Creator, sustainer of all of life, in our most authentic moments, we are sensitive to a power far beyond our own. All around us there is beauty that we did not design. There are natural resources, including air and water, which we have discovered and used. But they are not here because of our genius. Within the State of Illinois we are most blessed and we are very grateful. We are grateful too for persons who wanted and accepted responsibility to be managers and stewards of the resources within our State. We are grateful for our Legislators. These women and men struggle with great human and environmental issues on behalf of the 11 million people living within our boundaries and even affecting the lives of folks around our globe. These issues are education, and human services, and funding, and many more. There are no simple solutions. And, yet, we see these very special people as a bridge between reality and dreams. May these, our Legislators, be able to embody the highest qualities of life, vision and integrity, wisdom and selflessness, toughness and forgiveness, compromise and, of course, faith, hope, and love. Draw them together in unity of purpose as they face the tasks before them in this Session. And may they constantly be sensitive to the Supreme provider. And, finally, for all of us who peer in from the outside and expect these miracle workers to do everything

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right according to our criteria, grant unto them a willingness to grow in patience and understanding that together we may work toward a state where peace, and justice, and opportunity prevail for all. To this end, we pray. Amen'."

Speaker Giorgi: "Thank you, Dr. Jones. We'll be led in the Pledge of Allegiance by Representative Deering."

Deering - et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Giorgi: "Roll Call for Attendance. Representative Kubik, any announcements? Representative Kubik. Representative Kubik."

Kubik: "Yes, Mr. Speaker. Let the record reflect that Representative Frederick is excused due to an illness, and Representative Petka due to a family...due to family."

Speaker Giorgi: "Representative Matijeovich."

Matijeovich: "Mr. Speaker, Ladies and Gentlemen of the House. I would ask the attention of the Body. I am sorry to announce that Andy McGann's wife passed away, and he is excused until further notice. The arrangements are pending, and we will receive notice of those arrangements. That is the only excused absence."

Speaker Giorgi: "Take the Roll, Mr. Clerk. There are 113 being present. There's a quorum present. Concurrences, on State and Local Government. Is Representative Hicks in the chambers? Representative Hicks. Representative Keane...Representative Keane, do you want to call 3673. Representative Parcells...Parcells do you want to call 4163? Obrzut. Is he in the chamber? Representative Obrzut. Granberg you want to call...Representative

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Granberg, do you want to call internships? (House Bill) 3252, read the Bill, Mr. Clerk. Representative Granberg. Read the Bill, Mr. Clerk. (House Bill) 3252."

Granberg: "Thank you, Mr. Speaker...Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3252 was amended in the Senate by two Amendments. Amendment #1 makes technical changes to the underlying Bill. Amendment #2 incorporates the provisions of House Bill 3347 which also amends the Board of Higher Education Act. This legislation requires the Board to develop a comprehensive, international education policy to facilitate coordination and integration of international academic programming and activities into the teaching research and service missions. It was passed by the House 115 to nothing. And that is Amendment #2. And I would move to concur in both Amendments #1 and 2 to House Bill 3252."

Speaker Giorgi: "Representative Wennlund, on...House Bill 3252."

Wennlund: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Giorgi: "Indicates, he will."

Wennlund: "First thing is that I don't think any Members of the Body are impressed by the fact that it passed out of the Senate 55 to nothing. A lot of things do. Could we slow this down just a little bit, and tell us what Senate Amendments #1 and 2 really do?"

Granberg: "Representative Wennlund, I just did. But..."

Wennlund: "Yeah. Well, that was pretty quick. I mean, I know you're in fast-track tonight, but, I mean, could we slow down just a little bit and find out exactly what it does, who's opposed to it, who's for it, who's against it?"

Granberg: "Amendment #1. There were just technical changes made, Representative, at the recommendation of the Citizen's Assembly. Amendment #2 incorporates the provisions of

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House Bill 3347, previously sponsored by Representative DeJaegher. That...this legislation requires the Board of Education - Higher Ed.- to develop a comprehensive international education policy to facilitate the coordination and integration of international academic programming and activities into the teaching, research, and service missions of Illinois institutions of higher education and to facilitate development of a competitive international workforce within Illinois. That Bill was passed 115 to nothing previously."

Wennlund: "Is the Board of Higher Ed. on board with this one?"

Granberg: "There are no opponents as far as I know, Representative."

Wennlund: "Thank you very much."

Speaker Giorgi: "There being no further requests for debate, the question...the House concur to House Bill 3252 with Senate Amendments 1 and 2. All in favor signify by voting 'aye' those opposed by voting 'nay'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Take the roll, Mr. Clerk. On this question, there are 112 'ayes', none voting 'nay', none voting 'present'. And the House concurs in Senate Amendment 1 and 2 to House Bill 3252. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Ronan. Is Ronan in the chambers? Stange. Representative Stange in the chambers? Representative Kirkland. Kirkland. Out of the record. Representative Currie. Representative Stange, do you want to call your Bill? (House Bill) 1118, out of the record. Representative Giglio. Representative Kulas, on House Bill...Do you want to call that Bill? Mr. Clerk, read House Bill 4025. (House Bill) 4 - 0 - 2 - 5."

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Clerk O'Brien: "House Bill 4025, a Bill for an Act to amend the Environmental Protection Act, together with Senate Amendment #1."

Speaker Giorgi: "Representative Kulas, on House Bill 4025."

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move that the House nonconcur to Senate Amendment #1 and a conference committee be appointed."

Speaker Giorgi: "You heard the Gentleman's motion to nonconcur to Senate Amendment #1 to House Bill 4025 Representative Black, on this issue."

Black: "Yeah. Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Giorgi: "He indicates he will."

Black: "Representative, this seems like a good Bill to me. But our notes indicate the IEPA is opposed to this. Why in the world would they oppose this legislation?"

Kulas: "Well, I don't know if they're opposed. That's why I want to nonconcur and put this into Conference Committee."

Black: "Oh, you want to nonconcur. I thought you were concurring."

Kulas: "No, I want to nonconcur."

Black: "I'm sorry. I'm sorry."

Speaker Giorgi: "You heard the Gentleman's motion. All in favor will signify by saying 'aye', those opposed, 'nay'. And the 'ayes' have it. And the House does nonconcur to Senate Amendment #1 to House Bill 4025. Representative Giglio, in the Chair."

Speaker Giglio: "On the Order of Concurrence, under Civil and Criminal Law, appears House Bill 3284. Representative Giorgi. The Gentleman from Rockford, Representative Giorgi."

Giorgi: "Mr. Speaker, I move we concur to Senate Amendment #1 to

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House Bill 3284 which has to do with the mechanic's lien law. And it was a technical change in the Senate. Doesn't make much change in the Bill. And I urge the adoption of the Amendment."

Speaker Giglio: "Any discussion? The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Giglio: "Indicates, he will."

Wennlund: "Good afternoon, Representative Giorgi. In classic style, I would like to ask what it is that the Senate Amendment #1 did?"

Giorgi: "There was...Representative Wennlund, there was some doubt about the language as to what we're trying to do with the Bill. So the language specifically validates contract provisions which direct payment from a contractor to a subcontractor based on payments to the contractor. States that such a contract provision is not defense to a mechanic's lien.

Wennlund: "How does this affect the Mechanic's Lien Act?"

Giorgi: "What happened is the original Bill allowed a subcontractor to waive his rights to his remun...remuneration from a general contractor. But in signing that waiver, it didn't preclude him going into court in case he was never fully satisfied. So they'd had to correct the language, so that's the original intent is still in the Bill."

Wennlund: "So, even though a subcontractor when he enters into a subcontract may waive his lien rights."

Giorgi: "Yes."

Wennlund: "That waiver is not good as to a third party who may be supplying goods for..."

Giorgi: "If he doesn't receive his pay for his services, it

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doesn't preclude him from going into court, in spite of the fact that he signed a waiver. Up front, he signs a waiver for the general contractor. And if he isn't satisfied...If he doesn't get his money in the end, he can go into court notwithstanding the fact that he signed the waiver."

Wennlund: "Sounds like a good idea to me. Thank you."

Giorgi: "I think it's a great idea. A great Bill."

Speaker Giglio: "Gentleman from Macon, Representative Dunn."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill came before Judiciary I, and at that time I asked the Sponsor why we need this Bill. What this Bill does, is provide for a situation where a party has the right to file a mechanic's lien claim and to get a piece of business the party signs a contract saying, 'I'll give up my right to a mechanic's lien claim,' and this Bill says, if you do that you can still have a mechanic's lien claim. It's nonsense. This is a bad Bill and should be defeated."

Speaker Giglio: "Representative Giorgi, to close."

Giorgi: "As usual, the Representative tries to confuse the issue. What the Bill does is what it...its original intent and that is to see that a subcontract gets paid in the end in the spite of the legal fees involved. I urge the adoption of this concurrence."

Speaker Giglio: "Heard the Gentleman's motion. All those in favor signify by voting 'aye', opposed, 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative Giorgi, 'aye'. On this question, there are 82...81 voting 'yes', 22 voting 'no'. And the House does concur in Senate Amendment #1 to House Bill 3284. And this Bill, having received the required Constitutional Majority, is hereby declared

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passed. Representative Giorgi, on House Bill 3315. The Gentleman from Rockford, Representative Giorgi."

Giorgi: "Mr. Chair...Mr. Speaker, I move that we do nonconcur to Senate Amendment #1 to House Bill 3315, because this Bill needs some more work and the Senate Sponsor asked me not concur to this Amendment."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye', opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment #1 to 3315. Representative Williams. Is Representative Williams in the chamber? House Bill 3986, do you wish to call this? Out of the record. Representative Cowlshaw, House Bill 4030. The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House. House Bill 4030 now consists entirely of simply what was formerly House Bill 3768 sponsored by Representative Petka which passed out of this House by a margin of 115 to nothing. What this does is to remove from the statutes certain reporting procedures for circuit clerks that are no longer needed. It is truly nothing more than a clean-up provision, so that circuit clerks do not have to report twice on the same transaction. That's all the Bill does. And I move that we concur in Senate Amendment #1 to House Bill 4030."

Speaker Giglio: "Any discussion? Hearing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4030?' And on that question, all those in favor signify by voting 'aye', opposed, 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 112

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voting 'yes', none voting 'no'. And the House does concur in Senate Amendment #1 to House Bill 4030. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Williams, House Bill 3986. The Gentleman from Cook, Representative Williams."

Williams: "Yes. I'd like to nonconcur in Senate Amendment #1...The purpose is that there's still negotiations going on. On exactly, how we can resolve questions between the House and the Senate."

Speaker Giglio: "Any discussion? Hearing none...Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Giglio: "Indicates, he will."

Wennlund: "Pretty noisy here in the House tonight and with the low volume of the microphone we really didn't here the Amendment...we really didn't hear the explanation of the Senate Amendment."

Williams: "We moved to nonconcur. The reason is that there was some problems that the city had with the Bill. And they didn't really...hadn't worked it out when they sent it back. We're going to try to throw it into a conference and then see if we can come up with some workable language that would be expendable to everyone."

Wennlund: "Is...At this point in time, the Bill's a shell Bill?"

Williams: "Basically, yes."

Wennlund: "Okay. It looks like the Amendment was nonsubstantive."

Williams: "The Amendment was nonsubstantive."

Wennlund: "What's the purpose of the conference committee then?"

Williams: "Well, to see if we can find out some language that would, in fact, be going along with what the

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original...what we originally intended to do dealing with battered spouses. Now because there was some problems with how the Bill was going to be, basically, carried out, some of the terms that were used, the city had some problems with it, and so...or the County...and so, we brought it back. And we hope to throw it in the conference committee to continue talking about it. If we come to no agreement, we'll have no Bill."

Wennlund: "If you come to no agreement with whom?"

Williams: "With the county, Cook County."

Wennlund: "With Cook County."

Williams: "Correct."

Wennlund: "So unless there's an agreement with Cook County, then there won't be a Bill or a Conference Committee Report coming through?"

Williams: "But then we'll just let out...If I don't come to an agreement, then my understanding is that the Bill will probably die."

Wennlund: "Who's the proponent at this point in time?"

Williams: "At this point, it's the public defender's office."

Wennlund: "The Cook County Public Defender's office?"

Williams: "Correct."

Wennlund: "Okay. Thank you very much."

Speaker Giglio: "Further discussion. Hearing none, all those in favor of the nonconcurrency motion signify by saying 'aye', opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcurrency in Senate Amendment #1 to House Bill 3986. On page 7, of the Calendar under Nonconcurrency, appears Senate Bill 1622. Representative Weller. Representative Weller, in the chamber? The Gentleman from Grundy County, Representative Weller."

Weller: "Thank you, Mr. Speaker. I move to...I refuse to recede

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from House Amendment #1 and ask that a Conference Committee be appointed."

Speaker Giglio: "Any discussion? Hearing none, the question is, 'Shall the House nonconcur in Senate Amendment...Oh, excuse me. The Gentleman refuses to recede from House Amendment #1 to Senate Bill 1622 and requests a Conference Committee. All those in favor...All those in favor signify by saying 'aye', opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it. And the Houses refuses to recede from Amendment #1 to Senate Bill 1622. And a Conference Committee will be requested. Representative Churchill, Senate Bill 1625. Representative Churchill in the chamber? The Gentleman from Lake, Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to recede from House Amendment #9 on this Bill. That would leave it in the sole form as it pass the committee which would be to put in a position that a municipality would be able to abolish a working cash fund and then not create another working cash fund for 4 years after that."

Speaker Giglio: "The Gentleman moves to recede from House Amendment #9 to Senate Bill 1625. Any discussion? Hearing none, all those in favor signify by voting 'aye', opposed, 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 113 voting 'yes', none voting 'no'. And the House recedes from House Amendment #9 to Senate Bill 1625. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Schakowsky, on Senate Bill 2075. Page 7 of the original Calendar, Nonconcurrency. Do you wish to call this Bill? Representative Schakowsky."

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Out of the record. All right. Back to the Special Order, on State and Local Government, appears House Bill 3188, Representative Hicks. You wish to call...Out of the record. Representative Keane. Representative Keane in the chamber? Out of the record. Representative Obrzut, House Bill 4027. Out of the record. Representative Stange in the chamber? Stange, do you wish to call House Bill 1181? Out of the record. Representative Kirkland, do you wish to call House Bill 2694? Out of the record. Page 7, under Nonconcurrency, appears Senate Bill 2075. The Lady from Cook, Representative Schakowsky. Representative Schakowsky moves that the House refuse to recede from Amendments #1 and 2 to Senate Bill 2075 and a Conference Committee be requested. All those in favor signify by saying 'aye', opposed, 'no'. In the opinion of the Chair, the 'ayes' have it. And the motion carries. Representative Black, for what purpose do you rise, Sir?"

Black: "Yes. Thank you very much, Mr. Speaker. An inquiry of the Chair, I haven't had a chance to put my laundry away. I just got in from going home to get some laundry done. I notice that we've been through the Calendar now three times, three times in 33 minutes. I congratulate you on your efforts to bring us through the Calendar in a speedy fashion. People are not calling their Bills. I just wonder if we're ready to go to Agreed Resolutions?"

Speaker Giglio: "Well, the...the Clerk just gave me a...criss-cross signal and I don't believe we're ready for the Agreed Resolutions. But your point is well taken, and we'll see if we can speed up the printing, Representative Black."

Black: "Well, I know we've had problems with that printing press before so I hope the speaker's on down there and that they

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get those wheels turning get those Amendments and so forth up here. Let's conduct our business and adjourn at a reasonable hour."

Speaker Giglio: "I agree. And I think a lot of credit has to go to the Dean of the House who opened up the session tonight, Representative Giorgi, who ran through the Calendar.

Black: "An outstanding job. Outstanding."

Speaker Giglio: "Representative Giorgi ran through the Calendar at an expeditious rate and we ought to put him in the Chair more often."

Black: "He appears to be rather busy right now."

Speaker Giglio: "Yeah. I think I would be too. Representative Capparelli. Is Representative Capparelli in the chamber? Page 2, of the Calendar, under Senate Bills. Third Reading. Representative Capparelli, Senate Bill 1519. The Gentleman from Cook, Representative Capparelli. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1519, a Bill for an Act to amend the Illinois Banking Act. Third Reading of the Bill."

Capparelli: "I'd like to have leave to move it back to Second Reading for an Amendment."

Speaker Giglio: "Heard the Gentleman's Motion. Does The Gentleman have leave by the Attendance Roll Call? Hearing none, leave is granted. The Bill's on the Order of Second Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1519, the Bill's been read a second time previously. Floor Amendment #1, offered by Representative Capparelli - Leitch - Santiago and McAuliffe."

Speaker Giglio: "Representative Capparelli."

Capparelli: "Thank you, Mr. Speaker. Last week we passed House Bill 3674 out of here by 113 votes. We have to make some

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corrections on 1519. We authorize the Illinois savings and loans to convert, along with mergers, changes the effective date from June 1st to August 1st, and it also, where banks are commonly owned at least for two years. I understand this is agreed on both sides. I'll ask for a favorable Roll Call."

Speaker Giglio: "Any discussion on the Gentleman's Amendment? Representative Hultgren? Do you have a question, Sir?"

Hultgren: "No."

Speaker Giglio: "Hearing none. All those in favor of the Amendment signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Representative Wennlund, for what purpose do you rise, Sir?"

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. During the lull of the moment here, it's a great pleasure to introduce to the, Ladies and Gentlemen of the House, Representatives, the new mayor of the City of Orland Park, Illinois, Rich Nogle, his wife Mary Jane, and their daughter are here tonight joining us on the House floor. Would you all welcome. Thank you. Representative Hoffman, Representative Barnes, and Senator Mahar all welcome them, because it's all part of our districts. And we're glad to have them here on the House floor and hope everyone will extend a warm welcome to them. Thank you."

Speaker Giglio: "The Gentleman from Cook, Representative Santiago on House Bill 3746. (House Bill) 3746."

Santiago: "Thank you, Mr. Speaker. I move to nonconcur on Senate Amendment #1 to House Bill 3746."

Speaker Giglio: "Any discussion? Hearing none, all those in

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favor...Representative..."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Giglio: "Indicates, he will."

Black: "Representative, you want a nonconcur in both Amendments?"

Santiago: "Just Amendment #1."

Black: "Just Amendment #1?"

Santiago: "Right."

Black: "That's still going to keep what you and I have been talking about alive, I hope?"

Santiago: "Right. What you're interested in is in Amendment #2."

Black: "Okay. Great. Thank you."

Speaker Giglio: "Representative Santiago, can you take this Bill out of the record for a minute?"

Santiago: "Out of the record."

Speaker Giglio: "Out of the record, Mr. Clerk. House Bill 3746, Representative Santiago. The Gentleman from Cook, Representative Santiago."

Santiago: "Thank you, Mr. Speaker. I move to nonconcur on Senate Amendment #1 and #2 to House Bill 3746."

Speaker Giglio: "Heard the Gentleman's Motion, all those in favor signify by saying 'aye', opposed, 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendments #1 and 2 to House Bill 3746. Will the following Reps come to the podium, please: Larry Hicks, Representative LeFlore, and Gary Hannig. Hicks, LeFlore and Hannig. The Chair is prepared to adjourn. Any further business, Mr. Clerk? Agreed Resolutions."

Clerk O'Brien: "House Resolution 2268, offered by Representative Matijevich; House Resolution 2269, offered by Representative Matijevich; House Resolution 2270, offered by Representative Matijevich."

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Speaker Giglio: "Representative Matijevec moves for the Adoption of Agreed Resolutions. All those in favor signify by saying 'aye', opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it. The Resolutions are adopted. Representative Churchill."

Churchill: "Thank you, Mr. Speaker. All Members of the House were invited to a little soiree before...I think on yesterday...and that party is still going on over at Carol Frederick's house which is on the west side of the Visitor's Center, which is across from the Stratton Office Building. There's food and some libation. And you'll be able to listen to the fine music of Representative Dan Burke, who will be on the keyboard. So go to Carol Frederick's house when you get done, for a little friendship and food."

Speaker Giglio: "All right. The Chair would like to remind the Members, if they have Bills that they want in Conference Committee drafted, that they talk with the staff members so they can get the paperwork rolling, so we can do the House's business tomorrow morning. Mr. Clerk, is there any Perfunct, or further announcements? Representative McPike now moves that the House stands adjourned until 11:00 a.m. tomorrow morning. All those in favor signify by saying 'aye', opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it. The House stands adjourned."

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