

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

81st Legislative Day

July 4, 1991

Speaker McPike: "The House will come to order. The guests in the balcony may wish to rise and join us for today's invocation. We'll be led in prayer by Nelson Rice."

Rice: "Let us bow our heads. Our Father in Heaven, we are gathered here again and ask you on behalf of the citizens of Illinois to give our Leaders wisdom, to set aside any personal egos, that we rectify the problems that we have, that this might be a great Independence Day for you, the citizens, the citizens of this great State of Illinois. We ask this simple prayer in your name and Your son's name.....Amen."

Speaker McPike: "We'll be led in the Pledge by the Gentleman with the red, white and blue tie on, Manny Hoffman."

Hoffman:- 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 McPike: "Roll Call for Attendance. Representative Kubik."

Kubik: "Yes, Mr. Speaker. Let the record reflect that Representative Klemm, Harris and Ewing are excused today."

Speaker McPike: "Representative Matijevich."

Matijevich: "Mr. Speaker, on this side of the aisle excused absence today is Shirley Jones."

Speaker McPike: "Mr. Clerk, take the record. 114 Members answering a Roll Call, a quorum is present. If the Chair could have your attention for a minute. If the Chair could have your attention for a minute, the Clerk has forms for those individuals that traveled home last night or this morning, and returned. You have to sign these forms. They're up front. Yes, Mr. Clerk, I believe you explained this Rule once. Why don't you explain the Rule again?"

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Clerk O'Brien: "The Comptroller's Office has advised that Members are authorized one round trip to Springfield and home per week. The week starts on Sunday. You're authorized one round trip for a week. If you returned from the weekend on Sunday, you've used half of your trip, you're authorized one way left. If you used the round trip yesterday and this morning and we would conclude our legislative work by Saturday or prior to Saturday, you would not receive another check for traveling to your district, if you're using a round trip for last night and today."

Speaker McPike: "Page 5 of the Calendar. Senate Bill 907, Representative Bugielski."

Bugielski: "Thank you Mr. Speaker, Members of the House. I move that the House accept the Second Conference Committee Report on Senate Bill 907. Senate Bill 907, the primary purpose of this Bill is to simplify the distribution of traffic fines and costs. The current system of add ons and surcharges has created a chaotic situation across the State. This report substitutes for the existing system, a system that divides amounts collected by percentages. It would allow any county other than Cook to opt out if it prefers the existing system. The report also increases court filing fees for counties from 180,000 to 650,000 population. The report exempts units of local government and school districts from increasing filing fees previously passed for Cook County. The report authorizes counties to increase court automation and document storage fees from \$3.00 to \$5.00. I ask for your favorable Roll Call."

Speaker McPike: "And on that, Representative Myron Olson."

Olson: "Good afternoon. Thank you Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the adoption of the Second Conference Committee Report. Having been a Circuit Clerk in a small county, and recognizing the

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concerns of the counties of 180,000 or over for the addition of new equipment, the addition of personnel to handle the significant case load, it is important that we give them the option to do this with regard to their fees. I move the adoption of 907."

Speaker McPike: "Representative Hasara."

Hasara: "Thank you, Mr. Speaker. I very reluctantly rise in opposition to Senate Bill 907 for a couple of reasons. First of all, let me tell you that in almost all counties in the State, if this Bill passes, that it will cost \$150.00 to file a civil case. In the counties of Madison, Peoria, Will, Kane, Winnebago, Lake, McHenry and St. Clair, that is a raise of \$110.00. The fee was \$40.00, it will go to \$150.00. In my opinion, we have priced the average citizen out of access to the court system, by raising fees this high. The other problem that I have with the Bill and I understand the attempt is the way we have tried to make it easier for the Circuit Clerks by, instead of having all these different fees and fines, we have used a percentage. But unfortunately, it was handled very poorly. It only now applies to Chapters 3, 4, 6 and 11 of the Vehicle Code instead of to all offenses and instead of using a simple percentage like 10%, it is divided like this: 47% will be disbursed to the entity authorized to receive the fine, 12% to the State Treasurer, and 41% to the County General Fund. Unfortunately, I do not think we have solved the problem that we went about trying to solve by instituting this very complicated system of assessing fees and fines. In addition, I would like to ask the Sponsor a question if I might, Mr. Speaker."

Speaker McPike: "Representative Bugielski."

Hasara: "Representative, on Page 42 of the Bill, it states that if 110% of the amounts deposited into those special funds

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in fiscal year '99 is reached, then we go to another disbursement fee. Is that 110% of each county or 110% of the aggregate amount that has gone into those funds for the previous years?"

Bugielski: "It's a total of those three funds that are listed right above it. The Violent Crimes Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, and the Drivers Education Fund."

Hasara: "Does that mean that in Cook County if I have put in 110% over last year then I start changing, or is it 110% of the total amount from all over the State that went to the State Treasurer the year before?"

Bugielski: "It's a total of 110% received from all three of those funds."

Hasara: "From all counties combined?"

Bugielski: "Yes, from all counties combined."

Hasara: "My question is, how is the county going to know that when in the total State of Illinois 110% has been reached?"

Bugielski: "The Treasurer administrates that."

Hasara: "The problem I have with that is that the Treasurer has never felt that he has been getting all the money he has been entitled to by the counties and how is he going to know?"

Bugielski: "Previously, he was not able to. Under this Bill, he now will be able to keep track of it, because it's going to be easier to keep track of it. Previously, he couldn't. That's why it was a guessing game before and everything was done with pencil figures. And the purpose of the Bill now is to put it out where now the Treasurer will be able to keep better control and have all the figures right there in front of him."

Hasara: "I don't read anything in the Bill that makes it easier for him to track them."

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Bugielski: "Well, the Treasurer, the State Treasurer will be able to keep track of it because now the County Clerks will be able to track it better and report to him. The Circuit Court Clerks."

Hasara: "You mean because of the percentage they're going..."

Bugielski: "Correct. It's easier for the Circuit Court Clerks now to keep track to report to the State Treasurer."

Hasara: "I understand very well what the objection was to the previous method, but I do not think this system has improved it at all. Lastly, I would like to state that the fee for a jury has gone way up in most counties. It will now cost \$180.00 to have access to a jury in a jury trial in a civil case, so I reluctantly again rise in opposition to this Bill. I think it still has a lot of work to make it a good Bill. Thank you."

Speaker McPike: "Representative Lang."

Lang: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Second Conference Committee Report. Most of this report mirrors a Bill that we already passed in the House and in the Senate and is on the Governor's desk. In fact, the fees that the counties wanted were dramatically higher than those that appear in this Bill and that appeared in the Bill we passed. This Bill, this Conference Committee Report, lowers two of the fees that we already agreed to raise and had some other language in it that exempts municipalities and exempts school districts from paying these additional fees in court. The counties need these fees. This is the way they survive. As we know, the fees that are paid in the courthouse don't support the court system. For instance, in the Circuit Court of Cook County, even after all of the fees, millions of dollars are lost by the court system. Cook County was attempting to raise \$80 or \$90 million

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dollars additional through the raising of these filing fees. Through negotiation, we were able to knock it way down. And these are raised fees to be sure, but certainly fair. The county needs the fees and even those of us who are attorneys recognize the need to raise the fees. I suggest you vote 'aye'."

Speaker McPike: "Mr. Hultgren."

Hultgren: "Thank you. Mr. Speaker, Ladies and Gentlemen of the House. In case you missed the prior discussion, I think it is important to point out that this is not just increasing fees and limiting access to the court system in the metro area. But indeed, it reaches throughout the State of Illinois, because of the way the Bill is written. Not only does it raise the fees in Cook County, as has been previously discussed, but it also raises the fees in a number of downstate counties: Winnebago, Peoria, St. Clair, Madison, in addition to the collar counties of Will, Lake, Kane, DuPage. If you want to limit access to the courts, if you want to limit access to the means to resolve disputes peacefully, then this is the Bill to vote for. On the other hand, if you believe that everyone, rich and poor alike, should have access to the court system so that they can resolve disputes in a peaceful manner, this is a bad Bill."

Speaker McPike: "Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. I move the previous question."

Speaker McPike: "The question is, 'Shall the previous question be put?' All in favor say 'aye', opposed 'no'. The 'ayes' have it. The previous question is put. Representative Bugielski."

Bugielski: "We heard the debate on this previously. I just ask for a favorable Roll Call."

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Speaker McPike: "The question is, 'Shall the House adopt the Second Conference Committee Report to Senate Bill 907?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there are 71 'ayes' and 31 'nos' and the House does adopt the Second Conference Committee Report to Senate Bill 907 and this Bill having received the Three-Fifths Constitutional Majority is hereby declared passed. Senate Bill 616, Representative Keane. Take this Bill out of the record. Page 4 of the Calendar. Conference Committee Reports. House Bill 121, Representative Currie. House Bill 945, Representative Capparelli. House Bill 971, Representative Wolf. House Bill 1415, Representative Homer. 1415?"

Homer: "Thank you Mr. Speaker. The Bill has a few parts. The first part, Section 1, allows the administrator of a drug and bona fide student assistance program to have access... limited access to juvenile court records when approved by the probation and court services department. Section 2 of the Bill would allow for the recording or listening by businesses of employees or agents for on site telephone conversations for the purpose of... for the limited purpose of employee evaluation, quality control or training, provided that the employees have first been informed of the policy, and Section 3 of the Bill is the request of the Department of Corrections, which would authorize the utilization of a third drug to be used in the case of capitol punishment cases. I move the adoption of the report."

Speaker McPike: "Representative Homer, did you explain the First Corrected Conference Committee Report?"

Homer: "Mr. Speaker, I think I did explain the...what was the question, Speaker?"

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Speaker McPike: "Mr. Clerk, do we have a corrected version of this Conference Committee?"

Clerk O'Brien: "The corrected version is not on the Calendar or we don't have the corrected version printed and distributed."

Homer: "Perhaps we should take the Bill from the record."

Speaker McPike: "Senate Bill 14...correction, House Bill 1415, Mr. Homer."

Homer: "Thank you Mr. Speaker. I presented the Bill. It has the three parts, the student assistance, the listening device and the lethal injection, and would try to answer any questions. I would move the adoption of the report."

Speaker McPike: "On the adoption, Representative Williams."

Williams: "Thank you, Mr. Speaker. I'd like to point out that on page 5 of the Conference Committee Report is certain language dealing with the recording or listening, with the aid of various devices, of employees by employers during telephone conversations. Now, true enough, I just want... first of all, as I last understood this, was opposed by the unions, the AFL-CIO opposed this section and on that basis opposed this Bill, but I think there's some questions that you have to ask yourself. If in fact it is proper for an employer to listen to the telephone conversations of his employees... to listen in...now they do say with the advice with consent, or with his knowledge, is to question though. What is the nature of the notice that is given that particular employee? Is it a small statement at the end of an employment agreement? And secondly, what is the protection given to an employee,...a third party, who has no notice, who has no understanding that his telephone conversation is being both recorded and/or listened to? I believe that this piece of legislation does trample upon the civil liberties of quite a few individuals. It's

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something that I think is a little bit ahead of its time, and I think that we ought to at least...this is the sort of idea that at least we take some close scrutiny. So I would advise that we all take a close look at this piece of legislation. It has some parts... and I want to remind you, this is opposed by the AFL-CIO and I would hope that you all would be aware of what we're doing is invading the rights of the employee."

Speaker McPike: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. May I ask the Sponsor a question? Will the Sponsor yield?"

Speaker McPike: "Mr. Homer? Yes, Mr. Homer will yield. Mr. Homer will yield to Representative Schoenberg."

Homer: "Yes, I'll yield."

Schoenberg: "Representative Homer, as the previous Speaker indicated... as the previous Speaker indicated, there's language within this Conference Committee Report which seems to infringe upon the civil liberties of employees. What is your professional view on the constitutionality of an employer's capacity to listen in on the employee's telephone conversations without their knowledge or consent?"

Homer: "Well, if you look at the last sentence of the provision, it requires that the employer have notified the employee of the practice of the business, so it is not being done without the knowledge of the employee and therefore does not involve a constitutional question."

Schoenberg: "Are there any legal precedents to this which make this permissive?"

Homer: "I'm not sure I understand the question, a legal precedent. I think it is the practice of some businesses to monitor customer relations calls now to make certain that their employees are being courteous and professional

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with the customer and also in order to evaluate the employee in that capacity. I think it is being done by some businesses now and this would simply clarify that if it's done under these limited circumstances that it is legal."

Schoenberg: "What is the ultimate purpose? This is my final question. What is the ultimate purpose to broadening the scope of the employer's capacity to listen in on employee telephone conversations?"

Homer: "The purpose is to ensure that the employees are treating customers in a courteous, professional manner and also to let businesses evaluate those employees who are involved in customer relations, so that it's common practice in many businesses to periodically listen in to conversations that employees are having with customers to make sure that those customers are being dealt with in a courteous and professional manner and so that the employer can evaluate and help assist the employee in the performance of those duties."

Schoenberg: "Thank you. To the Report, Mr. Speaker. I would just like to echo the statements of the previous speaker in that it appears that 'big brother' is looming a little too largely with respect to this legislation and I would urge a negative vote with this language."

Speaker McPike: "Representative Matijevich."

Matijevich: "Speaker, Ladies and Gentlemen of the House. Earlier, the Sponsor had taken this Conference Committee Report out of the record and many of us were under the impression that he was taking it out of the record and that this provision would be removed. I think that every one of us has some sense of feeling and some sense of regard over eavesdropping, whether it be in employment or not. Let's put ourselves in the position of any employee. Let's say

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that you have applied for a job. In that job application they may put in there that the company has a policy to overhear conversations and so that you can expect that. That could be the formal notice that is all that's required in this Bill. Now, let's say that you're an employee and you know you either ran over that on your application because you're more interested in getting the job than anything, or let's say you forgot about it and let's say, then, that they put in their policy. You know darn well that they're just going to eavesdrop whenever they feel like it. Let's say that your wife or your husband calls you at work and let's say you haven't been getting along with your Supervisor, and your wife may say, 'Is that so and so still doing this and that to you?' And finds out about that relationship, that feeling that you have towards your Supervisor, and believe me, that's going to be against your record and you'll get fired, probably. They'll find a way to fire you. Now, the matter of the right to privacy, I think, is one that all of us hold dearly. All of us hold dearly. I don't think that we ought to be providing employers the right to eavesdrop over their employees, in effect, what'll be whenever they want. It will be whenever they want. I don't think that you are for that. I surely am not. The... All of the labor organizations are adamantly, adamantly opposed to this provision. We all thought it was going to be taken out of the Bill and I would urge the Membership, on both sides of the aisle, to give a resounding 'no' to this Conference Committee Report because of that provision. Protect the right to privacy."

Speaker McPike: "Representative John Dunn."

Dunn: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in opposition to this Conference Committee Report. The Report indicates that eavesdropping is

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authorized when the employee is told about it, it doesn't say the employee has to consent. Once the employee is told, conversations can be monitored without the knowledge of the employee. Each one of us in here is an employee of the State of Illinois. If we are told that our conversations can be monitored, then those down on the Second Floor, including the Governor of this State, could listen in on our conversations. For that matter, if Edgar was told about this provision, that he might be listened to, I suppose we could listen to him, maybe that would be a good idea. We haven't authorized listening back and forth on other people's conversations in the past, we shouldn't do it now. This is a bad Conference Committee Report. We should urge the Sponsor to go back and redraft and take this provision out of this report. I urge a 'no' vote by everyone on this Conference Committee Report."

Speaker McPike: "Representative Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair. There was some talk about a First Corrected Conference Committee Report. I assume we're debating the First Conference Committee Report, not a First Corrected copy. Is that correct?"

Speaker McPike: "Yes. You are correct."

Black: "Alright. In that case I would like to ask the Sponsor a question."

Speaker McPike: "Proceed."

Black: "Representative Homer, is there any judicial protection on the eavesdropping provision in this Conference Committee Report? In other words, would an employer have to have some kind of permission, let's say, or direction from a court, or could this eavesdropping be carried on in the normal course of an employee's duty?"

Homer: "The only way that it could be done would be where the

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employee has been notified or informed that the business utilizes the practice of quality control listening to customer relation conversations and the Bill further provides a limitation that that's the sole purpose for which the information can be elicited. If there is any violation of that by the employer, then there is a judicial remedy by the employee and the employer would be in violation of the eavesdropping statute."

Black: "Thank you very much Representative. Mr. Speaker and Ladies and Gentlemen of the House, this Bill sets some very dangerous precedents. When you leave here today and go to your office and call a constituent or whatever, stop and think if, even with your permission, if you want the Leader of your Party to listen in on that phone conversation to see how you're carrying out your duties. Now, I realize that's a gross exaggeration, but I don't think this Bill will be embraced by anyone in the work place and I don't think it's a good message to send at this time. A 'no' vote would be an advisable vote on this Bill."

Speaker McPike: "Representative Anthony Young."

Young: "Thank you Mr. Speaker. I rise for a parliamentary inquiry. I'd like to know how many votes it takes to pass this Bill and also, if it appears to get those number of votes, I would ask for a verification."

Speaker McPike: "Thank you. Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House. It is extremely difficult to hear in here and I hope I'm not repeating, but Representative Homer, even though there may have been some permission given by the employee to allow for the monitoring, is there any kind of notification given to the other party in the conversation?"

Speaker McPike: "Mr. Homer."

Homer: "Speaker, in my years of service here I learned to try to

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gauge the support a Bill has by the debate as it unfolds. It's my assessment that my Bill isn't doing too well and rather than prolong the debate, I would ask to take the Bill from the record. I would move that we not adopt Conference Committee Report #1 by a voice vote and that we appoint a Second Conference Committee. Speaker, I'm asking that we refuse to accept Conference Committee Report #1 and that we appoint a Second Conference Committee."

Speaker McPike: "Mr. Homer, it may be possible to have a First corrected on this. That's your choice, Sir."

Homer: "I see. Since it hasn't received a Roll Call?"

Speaker McPike: "Yes."

Homer: "Well, then let me just simply ask that it be taken from the record."

Speaker McPike: "Alright, this Bill will be taken from the record. House Bill 1604, Representative Mautino. Mr. Mautino, your light is on, if you're prepared."

Mautino: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. I move to adopt Conference Committee #1 to House Bill 1604. Conference Committee #1 does only one thing. It is at the request of the John Deere Insurance Company whose policies for insurance are written nationwide. What this Conference Committee does is to exempt from the nationwide, but include in Illinois, the provisions on in vitro fertilization. That's all the Conference Committee does and I know of no opposition."

Speaker McPike: "Is there any discussion? There being none the question is, 'Shall the House adopt the First Conference Committee Report to House Bill 1604?' All in favor, vote 'aye', opposed vote 'no'. Representative...Have all voted? Have all voted who wish? The Clerk will take the record. Take the record, Mr. Clerk. On this Motion there are 95 'ayes' and 2 'nos' and the House does adopt the First

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Conference Committee Report to House Bill 1604 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 1955, Representative Weller."

Weller: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I move that we adopt Conference Committee Report #1 to House Bill 1955. Enactment of this legislation will implement a recommendation of the National Conference Commissioners on Uniform State Laws to place Illinois in compliance with federal laws which require state laws to mirror the Federal Control Substances Act. By further adding antibiotic steroids to the Control Substances Act we are closing a legal loophole which now permits the possession of falsified antibiotic steroid prescriptions without penalty. That portion of the Conference Committee Report passed the House earlier with unanimous votes. The second part deals with some legislation that was passed this year which the General Assembly passed, the Governor signed, two Bills which made conflicting changes to Section 402 of the Controlled Substances Act in relation to possession and distribution of LSD. House Bill 1101, Senate Bill 151 were introduced this year in an effort to reconcile those conflicting changes and there was no opposition to these Bills. House Bill 1955, as included in this Conference Committee Report also amends Section 402 of the Controlled Substances Act, although not in relation to LSD. As the Bill moved through the Legislative process, we discovered that it was necessary to bring it into conformance with the two other Bills and this Conference Committee Report accomplishes this. I ask for an 'aye' vote and move that we adopt Conference Committee Report #1."

Speaker McPike: "Is there any discussion on the Gentlemen's Motion? Being none, the question is, 'Shall the House

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adopt the First Conference Committee Report to House Bill 1955?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are ...on this Motion there are 107 'ayes' and no 'nays' and the House does adopt the First Conference Committee Report to House Bill 1955 and this Bill having received the Three-Fifths Constitutional Majority is hereby declared passed. House Bill 1970, Representative Steczo."

Steczko: "Thank you Mr. Speaker, Members of the House. I would move for the adoption of the First corrected Conference Committee Report on House Bill 1970. This Bill contains language that was requested as technical changes by the Department of Professional Regulation. I would answer any questions you might have or would ask for a favorable vote."

Speaker McPike: "Representative Steczo, the Calendar and the Clerk do not have a corrected Conference Committee."

Steczko: "Then we'll take it out of the record, Mr. Speaker."

Speaker McPike: "Alright, take it out of the record. Senate Bill 37, Representative Granberg. Out of the record. Senate Bill 271, Representative Martinez, 271."

Martinez: "Thank you Mr. Speaker. This Bill was moved yesterday."

Speaker McPike: "This Bill...Mr. Clerk, has this Bill already passed? Mr. Clerk, what is the Bill doing on the Calendar? It's a printer's error, the Clerk says. The Bill has passed previously. Senate Bill 446, Representative Burke. Senate Bill 659, Representative Williams. Senate Bill 678. Mr. Williams on 659?"

Williams: "Yes. I'd like to ask for a Second Conference Committee Report having that the First Conference Committee Report just failed in the Senate and I'd like to have a

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Second Conference Committee appointed. It just failed...Well, it failed in the Senate."

Speaker McPike: "Mr. Clerk why does the Calendar say the Second Conference Committee Report?"

Williams: "I understand that that just failed in the Senate."

Speaker McPike: "The Second one failed? Are you requesting a third one?"

Williams: "Wait a minute. Wait a minute. Second corrected. Take it out of the record. Let's find out where this Bill is at."

Speaker McPike: "Alright. Representative Williams, it's a Calendar error. This is a First corrected. This is the First Conference Committee went down in the Senate and you'd like to request a Second Conference Committee?"

Williams: "That is correct."

Speaker McPike: "Alright, the Gentleman has requested a Second Conference Committee on this Bill. Senate Bill 844 has been tabled. Senate Bill 1393, Representative Preston. Mr. Preston?"

Preston: "Mr. Speaker, may I proceed on this?"

Speaker McPike: "Yes."

Preston: "Thank you Mr. Speaker and Ladies and Gentleman of the House. This Conference Committee Report on Senate Bill 1393 completely rewrites the Bill and makes the Bill identical with what was House Bill 273 that was sponsored by Representative White and passed, I believe, almost unanimously out of this House. It creates a nutrition outreach and public education act and requires the Department of Public Health to establish the Nutrition Outreach Public Education Program in cooperation with various other State Agencies to ensure maximum participation in federal and state food assistance programs. This effort must give particular attention to

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high risk areas and at risk populations and I'd be glad to answer any questions and urge your 'aye' vote. I believe it passed out of here originally something like 92 to 2."

Speaker McPike: "And on the Gentleman's Motion, Mr. Black."

Black: "Thank you very much Mr. Speaker, Ladies and Gentlemen of the House. In a year when we are not paying Medicaid providers, in a year when we owe more than \$500,000,000 to hospitals, doctors, dentists, and nursing homes, no matter how good the idea is... and it is a good idea... how in the world can we in good conscience create a new program? No matter how worthy. How can we do that? This program will cost over \$270,000 a year, in a year when we are grappling to balance a budget one and a half billion dollars short. I don't quarrel with the Gentleman's idea. You all know the budget crisis that the state is in. You can't in good conscience pass a program that you know darn good and well we don't have the money to fund. I would further point out that no Republican Member signed this Conference Committee Report, either in the House or in the Senate. That doesn't mean that we're opposed to the idea, it simply means that we're facing the very hard, factual truth... there is no money. And until we clear up the budget, let's don't create more false promises for people. Let's take care of the programs we have. Let's pay the Bills that are past due and then let's come back and talk about a program like this. A good program, but a program we cannot fund and all of you in here know that. I would ask a 'no' vote on this Conference Committee Report."

Speaker McPike: "Mr. Preston to close."

Preston: "Thank you Mr. Speaker. Just a couple of items in response to the previous speaker. First of all, this Bill costs a minimal amount of money and it's for high risk populations at risk of not having proper nutrition. Now

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think of that, this is to coordinate existing state programs, existing federal programs, to let poor people who are at risk know that they have assistance coming. This doesn't provide more assistance than exists right now for these people, this is just to educate them and say, 'Here's a state program to benefit you, but you don't know anything about it, so we pass a state program that does no good because we don't even let you know about it'. This says coordinate those programs and let people know that there are programs of assistance available to them, that's all it does. It has a minimal, very minimal cost, to coordinate the education of already existing state assistance programs for high at risk individuals about available nutrition. That seems pretty simple and I'd ask for your 'aye' vote."

Speaker McPike: "The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 1393?' All those in favor vote 'aye', opposed vote 'no'. Mr. Ryder to explain his vote."

Ryder: "Thank you, Mr. Speaker. I rise to explain my vote on this Bill. I should indicate that one of the toughest jobs the legislators are going to have to do this year, and we all know that we are going to have to do it, is we're going to be voting to cut programs. Now, we've already done it once, we're going to continue to do it, because the budget is not balanced as it currently stands. In a year in which we have money we might be able to afford to do what it is this Bill suggests, but I for one cannot in good conscience go on record by suggesting that this Bill is more important than the other Bills that we're going to be called upon to eliminate or to cut. That's why I believe that it's important for us to at least start now and suggest, no matter what merit this Bill may have, to indicate that we cannot afford to continue proceeding along the same path

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that has brought us to this point in which we are now a billion and a half dollars in the hole. When it comes time to judge programs, far more worthy programs than this will be cut and I cannot be held accountable for that. Thank you, Mr. Speaker."

Speaker McPike: "Mr. McGann."

McGann: "Thank you Mr. Speaker and Members of the Assembly. This same piece of legislation passed out of this House by a vote of 93 to 6. The rhetoric that you've been listening to from the other side of the aisle is totally incorrect. All this Program does is asking the Department of Public Health and Public Aid to coordinate their programs together. Once they coordinate those programs then they will be able to find that there is an awful lot of eligibility out there that will be able to take and tap those federal funds in order to take care of the hunger in this state. That's all it does. The Department of Public Health said it costs \$275,000 to coordinate. They've got enough heavies over there they could coordinate without any dollars expendable, but at the same time, give us an opportunity to collect the federal dollars. I'd ask you to reconsider the 'red' votes and put 'green' votes. This is a good Program, it should be there."

Speaker McPike: "Have all voted? Have all voted who wish? Mr. Clerk? The Clerk will take the record. Mr. Black."

Black: "Thank you very much, Mr. Speaker. We'd request a verification of this vote."

Speaker McPike: "Very well. On this Motion, there are 62 'ayes' and 39 'nos'. The Gentleman has ask for a verification. Mr. Preston has requested a poll of those not voting."

Clerk O'Brien: "A poll of those not voting. Flowers. Levin. Mautino. Mulcahey and Stern. No further."

Speaker McPike: "Yes, proceed with a poll of the affirmative."

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Balanoff, Brunsvold, Bugielski, Burke, Capparelli,
Curran, Currie, Davis, Deering, DeJaegher, DeLeo,
Dunn, Edley, Farley, Flinn, Giglio, Giorgi,
Granberg, Hartke, Hicks, J. Hoffman, Homer, Lou Jones,
Keane, Kulas, Lang, Laurino, LeFlore, Marinaro,
Martinez, Matijevich, McAfee, McGann, McGuire, McPike,
Morrow, Munizzi, Novak, Obrzut, Phelan, Preston,
Rice, Richmond, Ronan, Rotello, Saltsman, Santiago,
Satterthwaite, Schakowsky, Schoenberg, Shaw, Steczo,
Stepan, Trotter, Turner, Walsh, White, Williams,
Wolf, Anthony Young, Wyvetter Younge and Mr. Speaker."

Speaker McPike: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. Mr. Laurino?"

Speaker McPike: "Mr. Laurino? Representative Laurino? The
Gentleman is not here. Remove him from the Roll."

Black: "Representative Kulas?"

Speaker McPike: "Mr. Kulas? Representative Kulas? The
Gentleman's not here. Remove him from the Roll."

Black: "Representative Giglio."

Speaker McPike: "Mr. Giglio? Mr. Giglio stepped out. Remove him
from the Roll."

Black: "Representative DeLeo?"

Speaker McPike: "Mr. DeLeo? Mr. DeLeo is not here. Remove him
from the Roll."

Black: "Representative Flinn."

Speaker McPike: "Mr. Levin is not voting."

Black: "I'm sorry, Speaker."

Speaker McPike: "He's not voting."

Black: "No, Representative Flinn, I'm sorry."

Speaker McPike: "Oh, Flinn is here. Mr. Preston."

Preston: "Mr. Speaker, could I have...."

Speaker McPike: "Representative Giglio has returned."

Preston: "On the order of consideration postponed..."

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Speaker McPike: "Representative Giglio has returned. Return him to the Roll."

Black: "Representative Obrzut?"

Speaker McPike: "Mr. Black. Obrzut is here. Representative Preston is willing to put this on postponed consideration. Is that acceptable to you?"

Black: "Well, if it's allowable under the Rules, that would be acceptable to me."

Speaker McPike: "Yes, yes. 59 voting 'aye', 39 voting 'no' and the House... and the Gentleman has requested... and this Motion fails and the Gentleman asks for postponed consideration of...the Motion will be put on postponed. House Bill...Senate Bill...Correction, House Bill 945, Representative Bugielski. Mr. Bugielski? Mr. Bugielski?"

Bugielski: "Thank you Mr. Speaker, Members of the House. Due to a technical error in the printing of the First Conference Committee, I ask that we do not adopt the First Conference Committee Report on House Bill 945 and ask for a Second Conference Committee Report."

Speaker McPike: "The Gentleman's Motion is that the House do not adopt the First Conference Committee Report to House Bill 945. All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The Motion carries. The Gentleman has requested a Second Conference Committee. A Second Conference Committee will be appointed. Agreed Resolutions."

Clerk O'Brien: "House Resolution 888, offered by Representative Lou Jones and House Resolution 889, offered by Representative Pullen and Kulas."

Speaker McPike: "Representative Matijevich."

Matijevich: "Speaker, these are both congratulatory. I move the adoption of the Agreed Resolutions."

Speaker McPike: "The Gentleman moves for the adoption of the Agreed Resolutions. All in favor say 'aye', opposed, 'no'."

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The 'ayes' have it and the Agreed Resolutions are adopted.
General Resolutions."

Clerk O'Brien: "House Joint Resolution 75, offered by
Representative Hartke."

Speaker McPike: "Committee on assignment. Representative
Matijevich now moves that the House stand adjourned until
tomorrow at the hour of 12:00 noon. The Senate will be
coming in at 12:00 noon. The House will be coming in at
12:00 noon. All in favor of the Gentleman's Motion say
'aye', opposed 'no'. The 'ayes' have it and the House
stands adjourned. The First Special Session will come to
order. The Attendance Roll Call for the Regular Session
will be used as Roll Call for the Special Session.
Representative Matijevich moves that the First Special
Session stand adjourned until tomorrow at the hour of 12:05
P.M. All in favor say 'aye', opposed 'no'. The 'ayes'
have it. The House stands adjourned."

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