

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE
FOURTH SPECIAL SESSION

2nd Legislative Day

June 29, 2000

Speaker Madigan: "The House shall come to order. We shall be led in prayer today by Lee Crawford, the pastor of the Victory Temple Church in Springfield."

Pastor Crawford: "May we bow our heads and elevate our hearts. Father, most gracious God, kind Father, Father of mercy, Father of grace, we thank You right now for this opportunity to come before You, briefly, but yet sincere in our heart. We ask that You will guide us today, we ask that Your presence would be upon us, let Your wisdom flow through our minds. Let Your understanding flow through our hearts. We ask that You would direct our steps, direct our tongues, guide us as we do what You've called us to do. And we'll be thankful to You. This we pray, amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Hartke."

Hartke - 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 Madigan: "Roll Call for Attendance, Mr. Clerk. Ladies and Gentlemen, we need to maintain a level of order so that the Clerk can hear the responses. So, Mr. Clerk, Roll Call for Attendance."

Clerk Rossi: "Representative Acevedo."

Acevedo: "Here."

Clerk Rossi: "Bassi."

Bassi: "Here."

Clerk Rossi: "Beaubien."

Beaubien: "Here."

Clerk Rossi: "Bellock."

Bellock: "Here."

Clerk Rossi: "Biggins. Biggins (present). Black (excused)."

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Boland (present). Bost."

Bost: "Here."

Clerk Rossi: "Bradley."

Bradley: "Here."

Clerk Rossi: "Brady."

Brady: "Here."

Clerk Rossi: "Brosnahan."

Brosnahan: "Here."

Clerk Rossi: "Brunsvold (present). Bugielski."

Bugielski: "Here."

Clerk Rossi: "Burke."

Burke: "Here."

Clerk Rossi: "Capparelli."

Capparelli: "Here."

Clerk Rossi: "Coulson."

Coulson: "Present."

Clerk Rossi: "Cowlshaw (excused). Cross."

Cross: "Here."

Clerk Rossi: "Crotty."

Crotty: "Here."

Clerk Rossi: "Barbara Currie."

Currie: "Here."

Clerk Rossi: "Julie Curry."

Curry: "Here."

Clerk Rossi: "Daniels (present). Dart (present). Monique Davis
(present). Steve Davis."

Davis, S.: "Here."

Clerk Rossi: "Delgado."

Delgado: "Here."

Clerk Rossi: "Durkin, Durkin (present). Erwin (present).
Feigenholtz."

Feigenholtz: "Present."

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Clerk Rossi: "Flowers (present). Fowler."

Fowler: "Here."

Clerk Rossi: "Franks (present). Fritchey."

Fritchey: "Here."

Clerk Rossi: "Garrett."

Garrett: "Here."

Clerk Rossi: "Gash."

Gash: "Here."

Clerk Rossi: "Giglio."

Giglio: "Here."

Clerk Rossi: "Giles (present). Granberg."

Granberg: "Here."

Clerk Rossi: "Hamos."

Hamos: "Here."

Clerk Rossi: "Hannig (present). Harris."

Harris: "Here."

Clerk Rossi: "Hartke."

Hartke: "Here."

Clerk Rossi: "(Hassert and Hoeft - excused). Hoffman (present).

Holbrook (present). Howard (present). Hultgren."

Hultgren: "Here."

Clerk Rossi: "Tim Johnson (present). Tom Johnson."

Johnson, Tom: "Here."

Clerk Rossi: "John Jones (present). Lou Jones (present).

Shirley Jones."

Jones, S.: "Here."

Clerk Rossi: "Kenner (absent). Klingler."

Klingler: "Here."

Clerk Rossi: "Kosel."

Kosel: "Here."

Clerk Rossi: "Krause (present). Lang."

Lang: "Here."

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Clerk Rossi: "Lawfer."

Lawfer: "Here."

Clerk Rossi: "Leitch (present). Lindner (present). Lopez."

Lopez: "Here."

Clerk Rossi: "Eileen Lyons (present). Joe Lyons."

Lyon, J.: "Here."

Clerk Rossi: "Mathias (present). Mautino (present). McAuliffe
(present). McCarthy."

McCarthy: "Here."

Clerk Rossi: "McGuire (present). McKeon."

McKeon: "Here."

Clerk Rossi: "Jim Meyer (present). Bill Mitchell (present).
Jerry Mitchell (present). Moffitt."

Moffitt: "Here."

Clerk Rossi: "Andrea Moore."

Moore, A.: "Here."

Clerk Rossi: "Morrow."

Morrow: "Here."

Clerk Rossi: "Mulligan (present). Murphy (present). Rich
Myers."

Myers: "Here."

Clerk Rossi: "Novak."

Novak: "Here."

Clerk Rossi: "O'Brien."

O'Brien: "Present."

Clerk Rossi: "O'Connor (present). Osmond (excused). Osterman
(present). Pankau (present). Parke (present). Persico
(present). Poe."

Poe: "Here."

Clerk Rossi: "Pugh (present). Reitz, Reitz."

Reitz: "Here."

Clerk Rossi: "Dale Righter."

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Righter: "Here."

Clerk Rossi: "Rutherford (present). Ryder (present). Saviano
(present). Schmitz."

Schmitz: "Here."

Clerk Rossi: "Schoenberg."

Schoenberg: "Here."

Clerk Rossi: "Scott."

Scott: "Here."

Clerk Rossi: "Scully (present). Sharp (present). Silva
(present). Skinner."

Skinner: "Here."

Clerk Rossi: "Slone."

Slone: "Here."

Clerk Rossi: "Smith."

Smith: "Here."

Clerk Rossi: "Sommer (present). Ron Stephens (present). Stroger
(present). Tenhouse."

Tenhouse: "Here."

Clerk Rossi: "Art Turner (present). John Turner (present). Wait
(present). Winkel."

Winkel: "Here."

Clerk Rossi: "Winters (present). Wirsing."

Wirsing: "Here."

Clerk Rossi: "Wojcik."

Wojcik: "Present."

Clerk Rossi: "Woolard (present). Younge (present). Zickus
(present). Mr. Speaker."

Speaker Madigan: "Here. Representative Currie, are there any
excused absences?"

Currie: "Thank you, Speaker. Please let the record show there
are no excused absences among House Democrats today."

Speaker Madigan: "Mr. Poe, any excused absences. Mr. Poe? Mr.

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Poe?"

Poe: "Mr. Speaker, excused absences today are, Representatives Black, Cowlshaw, Osmond, Hoeft, and Hassert."

Speaker Madigan: "Let the record reflect those excused absences. Mr. Clerk, is there a quorum present?"

Clerk Rossi: "A quorum is present."

Speaker Madigan: "Mr. Clerk, are there any Committee Reports?"

Clerk Rossi: "Committee Reports. Representative Pugh, Chairperson from the Committee on Revenue, to which the following measure was referred, action taken on June 29, 2000, reported the same back with the following recommendation: 'recommends be adopted', Floor Amendment #2 to Senate Bill 1310."

Speaker Madigan: "Mr. Clerk, what is the status of Senate Bill 1310?"

Clerk Rossi: "Senate Bill 1310 has been read a second time, previously. Committee Amendment #1 has been tabled to the Bill. Floor Amendment #2, offered by Representative Daniels, has been approved for consideration."

Speaker Madigan: "All right, Ladies and Gentlemen, Amendment #2 will be presented by Mr. Daniels and we would very much like everyone to find a seat, if everybody could find a seat. People who wish to speak, should take a position next to the microphone. So, let's have everyone take a seat. Mr. Hannig. Again, anyone who wishes to speak should take a position near the microphone. Again, if everyone could find a seat. Those of you who are standing in the rear of the chamber, please find a seat. Mr. Lopez. Mr. Lopez, we have some nice seats for you here. Mr. Johnson. Would you record Mr. Tim Johnson as 'present'. And Mr. Daniels is recognized on the Amendment. Mr. Hannig in the Chair."

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Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to thank each of my colleagues who are here today for giving up a couple of days of your summer to provide Illinois citizens and drivers within Illinois with sorely needed tax relief for the price of gasoline. Senate Bill 1310 temporarily suspends, this is Amendment #2 to Senate Bill 1310, temporarily suspends the state portion of the use and occupation taxes, or as commonly called the sales taxes, on motor fuel and gasohol from July 1, 2000 to December 31, 2000. Senate Bill 1310 provides that of the remaining 1.25% of the sales tax, 20% shall be distributed to the State and Local Sales Tax Reform Fund. This distribution is the same as the current formula for the local share of the use tax. Senate Bill 1310 also provides that of the remaining 1.25% of the occupation tax, 20% shall be distributed to the County and Mass Transit District Fund and 80% shall be distributed into the Local Government Tax Fund. This distribution is the same as the current formula for the local share of the occupation tax. Senate Bill 1310, Amendment #2, lowers the rate to be prepaid by motor fuel retailers to one cent per gallon for both motor fuel and for ethanol. The current prepaid tax of four cents per gallon for motor fuel and three cents per gallon for ethanol is reinstated as of January 1, 2001. Amendment #2 also provides that a sign should be placed on each pump by the motor fuel retailer that states and I quote, 'As of July 1, 2000, the State of Illinois has eliminated the state share of sales tax on motor fuel and gasohol through December 31, 2000. The price on this pump should reflect the elimination of this tax', unquote. This sign shall be at least 4 inches by 8 inches and any retailer failing to display the sign shall be guilty of a

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petty offense and shall be fined \$500 for each retail premises violating the sign requirements. Section 22 ensures that truckers paying Illinois tax through the international fuel tax arrangement will also be subject to 1.25% rate. This proposal does not amend any local tax Acts. Ladies and Gentlemen, I'm joined by Representative Holbrook in sponsoring Amendment #2, which as you know, did pass the Revenue Committee this morning. This is, as I stated earlier, a temporary suspension of the tax which would afford us the opportunity in the interim period to listen to the testimony not only engendered from Congress, from the Federal Trade Commission, hearings throughout the State of Illinois which the House Republicans have started and the Speaker has announced that he is going to appoint a special task force to investigate this, to gather our information and to see whether or not we should take other action to either make this a permanent reduction or change some of the other provisions relating to it. But would afford us the opportunity to do that throughout this six-month suspension. Some have asked and inquired regarding the \$180 million cost that this would be on the state revenue balance, this does, of course, come from the General Revenue Fund. There is estimated to be an end-of-year balance somewhere in the neighborhood of \$1.5 billion that would be the end-of-year balance as of June 30th. This is over an excess what we have estimated the end-of-year balance to have been when we left Session on April 15th. So there is enough money in the state reserves right now and end-of-year balance to absorb this expenditure, and I would think that would be the appropriate thing to do. Let me also make it very clear that there is no intention and never has been to negatively

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impact the COLA increase that we passed last Session or human service providers. There was a rumor going around last week that this may have occurred. The Governor never requested this, does not support it, and would not support it and neither would I, for that matter, and I can't imagine any Member of this House would support any effort like that with the end-of-year balance that we will have. So, I ask your favorable consideration and support for Amendment #2 to House Bill 1310... Senate Bill 1310."

Speaker Hannig: "The Gentleman has moved for the adoption of the Amendment. Is there any discussion? Is there any discussion? You need to come to a microphone."

Novak: "Mr. Speaker, does the Sponsor yield?"

Speaker Hannig: "Excuse me, Representative Novak is recognized."

Novak: "Mr. Daniels, there was some talk the other day about these stickers and trying to, I guess, provide some appropriate language so we could really hit the message home to the marketers, the petroleum people, that this savings will be passed off to the consumers. There was some discussion about fines, I think that was a proposition of yours. What happened to that idea?"

Daniels: "Well, your Leadership rejected it, for one. We proposed this in the... "

Novak: "Were the fines too high, Lee, or what, I don't know?"

Daniels: "Apparently. House Republicans had suggested, as you know, a 1-800 number. They had also suggested a \$10 thousand fine per day, if it was shown that there was an intentional refusal to pass along those savings to taxpayers. There were a number of other suggestions that were brought up yesterday in the meeting, but they were rejected. And the Bill you have in front of us, is the Bill that ultimately was agreed upon for your consideration

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and to the committee earlier this morning."

Novak: "So, as a consequence then, so, if a motorist pulls into a gas station after the adoption of this Bill, when it becomes law, and he or she feels that that particular gas station owner is not passing off, let's say, 7.2 cents per gallon as a result of this legislation, what is their remedy?"

Daniels: "Well, one of the things that I would do, is I would write the Attorney General's Office, I'd write the Department of Revenue."

Novak: "Okay."

Daniels: "I think that the Attorney General's Office has some inherent powers under the Consumer Fraud Act to investigate something of this nature. Although, I'm disappointed to tell you that the law that is being proposed right now doesn't have any actual enforcement or remedy provisions. I believe, for one, that we could have done that. But again, as you know, Representative Novak, in the spirit of where we are legislatively, I believe that what we have in front of us will work for this temporary period of time. Now, in the interim period of time, if we don't see savings being passed along and there are ways of tracking this. There are ways that we now, right now, have evidence and knowledge on how they structure gas prices, for instance, in the City of Chicago, and if we find out that this does not occur, then I think we should consider this in November when we relook at this whole issue as a legislative Body."

Novak: "One other question, Mr. Daniels. I didn't get a chance to go through all the language here, but this 6-month suspension, does the Legislature have to act again to put the tax back on?"

Daniels: "No, it automatically goes back on. This is for a

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temporary period of time to get us through the summer driving months, the holiday period, and to afford some relief to our drivers in the summertime when most people are driving a little bit more. Also, to see whether or not some of the theories that people have advocated that if we reduce our tax there'll be an increase Illinois consumption or people will buy gasoline in Illinois increasing our gallonage here. Let's see if that works and it does afford us the... "

Novak: "Well, I hope it does. I have a district that borders Indiana. Indiana has a lower gas tax, and I don't know if that... I don't... and of course, Governor O'Bannon suspended the sales tax on gas in that state. So, I'm curious to see how some of my constituents are going to react to this."

Daniels: "Now, remember Governor O'Bannon did suspend it under the Energy Emergency Act which he has the authority to do so in Indiana for 60 days. I don't know if he has authority to do that again. There will be a closer correlation of Illinois and Indiana in that 60-day period of time, but if he doesn't renew that, then perhaps we will then get an advantage at the end of that period of time, but let's see what happens."

Novak: "And one other thing, Mr. Daniels, you indicated that if a person wanted to seek redress if they thought they were... if they thought the cost... the tax savings was not going to be passed on to them. Would it be advisable... for the record here, that one of our constituents throughout the entire state, can go to the local State's Attorneys Office and file a complaint. Would that be appropriate, as well, as you indicated to the Attorney General?"

Daniels: "I mean, I don't think that they have any authority to

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act... "

Novak: "No?"

Daniels: "... other than the petty offense for failing to post the notice. But, I will point out to you that the Attorney General has some enforcement powers on price-gouging and price-fixing under the Robinson-Patman Act and the Sherman Antitrust Act. So, to gather that information, it could be that if a constituent of yours were to write the Attorney General and to set this forth, could then help create the file on the investigation as to whether or not there was an intentional price-fixing or antitrust violations. So, it may be worthwhile doing that."

Novak: "Okay, thank you."

Daniels: "You're welcome"

Speaker Hannig: "Is there any further discussion? You need to come... anyone who wants to speak, we need to get them to come to the microphone. Representative Franks, did you indicate you wish to speak?"

Franks: "Yes."

Speaker Hannig: "Please begin."

Franks: "Thank you. I wish to speak in favor of the Amendment to this Bill. I think it's important that we temporarily relieve the 5% tax burden for our citizens in this state. And I'd like to commend the Sponsor on that. I'd also like to commend the Sponsor for coming around since I know that it's about 15 years ago we created this tax, and I think it's important that we roll it back now for those six months. I want to... what's in... I think we need to be very deliberative today. Last year, many of the people in this chamber voted for the largest tax increases in the history of Illinois, \$570 million a year, we raised taxes, not we, many of you did. I voted against it. And the

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reason I voted against it is because we didn't need to raise taxes to fund many of the projects in Illinois First. Now, this year, we've given back \$350 million in tax relief already. Today we're gonna give \$150 million more, for a total of \$500 million. Now, doesn't that go to our argument that we didn't have to raise taxes \$570 million last year? I think that's very important. And I think that when we come back here in November that we should repeal every one of those of tax increases that you voted for last year. I don't think that our citizens should be paying \$78 for their license plate fees. They should go back to \$48 where it belongs, we had no business raising those taxes before. Now, today after we vote to reduce the taxes 5%, what we're basically giving back is a dime per gallon. So, if somebody has a 20 gallon car, when you fill it up, you're gonna save two bucks. And if you fill up once a week, your gonna save about \$105 a year. Now, that's very significant and it is very necessary, and that's why I'm glad we're doing that. But folks, we've got 400 thousand senior citizens being gouged everyday who don't have any prescription drug coverage, who are paying more than anyone. Why aren't we protecting our senior citizens? Why isn't the Senate calling House Bill 3036 today? It wouldn't cost the taxpayers in this state a penny. Our seniors are getting gouged like everybody else. We should be protecting our seniors. I don't need the microphone. Did I get turned off? Oh, okay, I was wondering if I lost the mike. We ought to be protecting our seniors. They're getting gouged worse than anybody. So, I implore this General Assembly to ask the Senate to call that Bill today and take care of the other significant price-gouging that's occurring to our residents, to our

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seniors, to those that can't afford it, that have to choose between food and medicine. And then when we come back here in November, let's roll back every one of those taxes that you voted on last year. Please everybody, vote for this Bill and let's ask the Senate to do the right thing, as well. Thank you."

Speaker Hannig: "Representative Fritchey."

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

Speaker Hannig: "He indicates he'll yield."

Fritchey: "Leader, good to see you."

Daniels: "Nice to see you. What was that prior to... what was that that was just up there?"

Fritchey: "I think that was somebody representing their district."

Daniels: "Is that the guy that tries to hold up this Assembly and demagogue issues all the time? Is that who that was?"

Fritchey: "No, I think that was a guy looking out for his constituents."

Daniels: "Who was that guy? Is that the guy that refused to allow us to consider the senior citizen circuit breaker legislation, the finest in the country today?"

Fritchey: "Speaker, I thought the Sponsor yielded."

Daniels: "I never yield."

Speaker Hannig: "Mr. Fritchey, would you restate your question?"

Fritchey: "Now, will the Sponsor yield?"

Speaker Hannig: "Yes, he indicates he'll yield."

Daniels: "Representative Fritchey, I am always happy to converse with you."

Fritchey: "Likewise. Two comments, one short-term and one long-term. In the short-term, I just want to speak as to what's going on in my district. About two weeks ago, I filled up my car, I paid \$2.48 a gallon for gas. Beginning

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of this week, I paid \$2.21 a gallon for gas. I come down to Springfield, and it actually makes me want to move here, I see gas at a \$1.90 a gallon. It has been... I'm hearing \$1.63 from some of my colleagues. It appears that simply the threat of government action and government oversight has been enough to bring the marketplace back to where the marketplace should be. And if there are questions to as to why the prices have gone up, those questions should be looked at by the Attorney General's Office, or the appropriate authorities, IAPA, FEPA and address them to what's been happening. I don't know and I'd have to question the propriety of what it is we're doing here today. My bigger concern is this, I would anticipate that one of if not the first Bill to be filed come January, will be to make the temporary suspension a permanent one. Is it your intention or desire to make this rollback a permanent rollback of the gasoline sales tax?"

Daniels: "Well, that has been my desire all along. I supported the Bill sent over by the Senate, in fact they sent it to us twice. And when the second time they sent it to us, for some reason, it actually wasn't read into the record, I don't know if because they failed to get it to us in time or what, until June 8th. We had actually filed a Motion to Concur with that. So, we would support a permanent reduction of this, however, I think it's fair to say, let's see how this temporary suspension goes. This is the one the Governor will sign and all the Members of the General Assembly, I believe, should approve."

Fritchey: "We've been very fortunate, I think you'll agree, to be in maybe unprecedented economic times in this state. And one would hope that we've learned the lessons from the past of what happens when we act in a short-sighted nature."

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You're aware, a number of our colleagues are aware of the time that myself and a number of others have put in trying to zealously protect and invest the Tobacco Settlement Proceeds Funds. What I'd like to ask of you, is if you are willing to assure myself, and more importantly, assure this Body and the people of this state, that were we to take action to try to make this temporary suspension of the sales tax permanent, or if we are going to need to make up for revenue shortfalls because of any tax rollback or suspension that those shortfalls are not going to come out of the Tobacco Settlement Funds? That they're not going to come on the back of health care in Illinois, of social service programs in Illinois and of the people of this state?"

Daniels: "I can't imagine why we would be even investigating taking that reduction in any agency spending when we have the kind of end-of-year surplus, end-of-year balance we're gonna end up with."

Fritchey: "With all due respect, I can't imagine why we would've taken \$280 million for a \$125 average property tax cut, that's gonna be, after taxes, about \$80 per citizen. In my district, property taxes have gone up, and the assessments just came out, about 53%. I've got people that are looking at tax increases of in excess of \$4000 on their homes. So, an \$80 tax rebate is increasingly meaningless. I never would have envisioned we would have spent \$300 plus million in a robust time out of the Tobacco Settlement Funds to accomplish what were very worthwhile and laudatory goals, to have these tax cuts. I wanted to see the tax cuts go back. I fought for circuit breaker, it was included in Health First, which we passed out of here with 100 votes. But, I never thought that we would have had to dip into the

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tobacco funds to make those a reality. So, I agree with you and I appreciate what you are saying that you can't imagine that it would happen, but are you willing to say that you will not allow it to happen and that you will stand with your... Members of your caucus not to have that money come out of that Tobacco Settlement Fund, either through the front door or through the back door?"

Daniels: "Yeah, see, I can't predict what's gonna happen six months from now. That's one of the reasons that I think this is a good way to go on the temporary suspension of this. Let's see how it unfolds and what happens. I can tell you philosophically that we don't want to see this come out of tobacco funds, but I can't commit to that right now. And I understand the basis of your question 'cause you have spent a lot of time looking at this issue, and we'll just have to see how it goes and I'll be happy to work with you to give you our best assurance."

Fritchey: "Thank you. All right. To the Amendment, Speaker."

Speaker Hannig: "To the Amendment."

Fritchey: "As I've said, just in what we've seen happen with gas prices over the past couple of weeks even, I do have to question what it is we're doing down here. Everybody wants to provide tax relief to their constituents, in an off year, in an election year whatever the case may be. I don't know that it is our place and I find it somewhat interesting that it's our colleagues on this side of the aisle that are really wanting to intervene with the marketplace, rather than letting it naturalize on its own. And I would say that, you know, we should tread carefully when we try to do this and worry about what the ramifications of the actions are that we take now down the line for the social service providers, for the Education

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Fund in Illinois, and for the Tobacco Settlement Fund.

Thank you."

Speaker Hannig: "Representative Currie, Barbara Currie."

Currie: "Thank you, Speaker and Members of the House. We are here in Springfield today at the latter part of June, we used to be here a lot in the latter part of June, but we're here today because of a crisis in the price of fuel at the pump. Our citizens are hurting, as is our want; we want to help. The problem is is that we're not in a good position to solve the underlying problems. We do not control OPEC production policies. We aren't in a position to fix the broken pipeline that carries oil supplies to the upper middle west, and we're not in charge of new reformulated gasoline requirements. Maybe we could do something about price-gouging, if price-gouging exists. But, there's nothing in Amendment 2 to Senate Bill 1310 that deals with price-gouging. The Speaker has established a new special committee to look at that issue and it's possible the Attorney General will investigate as well, but nothing on that topic is in this Bill. This Bill deals with a totally ancillary topic, the state sales tax on gasoline, not the heart of the issue. I appreciate that we want to help, but I don't think that this helps very much. Perhaps, if we were to take the opportunity to look at this crisis as a reason to reassess our energy policies, our energy programs at the State of Illinois level, we could do more help in the long run. Instead of eliminating incentives for people to use alternate cleaner fuels, as this Bill does, we ought to be looking at ways to expand incentives for cleaner burning fuel. In addition, maybe we ought to be looking at ways to reduce energy consumption rather than encouraging a continuing overuse of foreign-produced oil. Okay, we're

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not taking the real opportunity the crisis provides to do any good in the long run, instead we're proposing a short-term quick fix. I would urge that we're not fixing very much. In the first place, there is no guarantee, there can be no guarantee that this reduction in taxes will actually reach the pockets of the motoring public, and in fact if you look at what's happened to the price of oil lately, they ought to be looking not at a 10 cents per gallon reduction, if this break is passed on to the public, but it ought to be a 35 cent reduction given the decrease in the price of oil at the producer level. So, I don't know that anyone will see 10 cents, let alone 35 cents. I'd also point out that because the price of gas fluctuates so often, even within a 24-hour period, our motorists won't know whether we've helped them or not. So we don't know that we're offering any even short-term help for the motoring public, but we do know that there will be a cost to the program, \$180 million worth of state services, state programs. Yes, it is fair to say that we anticipate a \$75 million surplus in the revenue chest at the end of this fiscal year, a surplus that may not materialize, but if it does, is this the most effective, is this the most efficient, is this the fairest way to give that money back to the taxpayers? Given that we don't even know that it's going to get back to the taxpayers, I would have to say that this measure offers us the opportunity to buy merely a 'pig in a poke'. And finally, Speaker and Members of the House, this \$180 million is going to come from somewhere. It's going to come from some program that matters to our constituents. Now, the Governor tells us and the Sponsor of the Amendment tells us it will not come out of the cost of living adjustment for local community service providers.

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Well, I'm here to remind you that the Governor in April said that we were not going to eliminate the state sales tax on gasoline, and here we are in June prepared to do just that. So, I wouldn't guarantee that the money doesn't come from that cost of living adjustment and there's certainly no guarantee that it won't come from delayed payments to providers of health care to state workers, or deferred reimbursements, to those very community service agencies that we say we care so much about. So, I would have to say, that although this is certainly politically popular, some might call it, the incumbent reelection plan of the year 2000, I would have to say, that as policy, it really doesn't work. This measure lets big oil off the hook and cannot guarantee the benefits it promises the motoring public and will definitely cut a substantial hole in the state's revenue program coming from what programs and what services, we don't even know. So, I know this Bill will pass, but I would urge you all to take a careful look at the policy, not the political implications. Thank you."

Speaker Hannig: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Hannig: "Yes, state your point."

Giglio: "Thank you. Ladies and Gentlemen of the House, earlier this week there was a tragic explosion at the house of Mary Jane Fagan. Representative Gash and myself, she's our secretary in the 'L' wing. The other secretaries there, Tracy and Barb, have offered to coordinate a collection effort. They lost all of their possessions while they were inside the home when the explosion occurred. So, any indulgence you could give today or tomorrow or next week,

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certainly be appreciated by Mary Jane, and Representative Gash, and myself. Thank you."

Speaker Hannig: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. I'd like to applaud the Sponsors of this Amendment and thank them for passing on and working on this tax relief measure. It's one we had actually been pushing this in the Metro East for quite a while, trying to get this repeal through. A temporary repeal is a good start, I believe. But, I would like to, I guess, ask Leader Daniels, and everyone else to look at this and let's try to generate the numbers and let's come back here in November and try to make this permanent. I mean, I believe that this is one the most regressive taxes that we have to tax on top of a tax and it's also one of the few taxes, I believe, that we can repeal and actually make money on. I mean, truckers in Illinois just simply do not... or throughout the country do not buy gas in Illinois. You know, they... we are a high gas tax state. This will help in dealing with that. But we need to look at this. Hopefully, we'll be able to generate enough numbers so that we can act on this and make this repeal permanent. So, thanks for your help."

Speaker Hannig: "Representative Holbrook."

Holbrook: "Thank you, Speaker. As Sponsor of Senate Bill 1310, I would like to commend Representative Daniels for this Amendment. I'm in favor of it. Illinois has the highest gas taxes in the nation... excuse me, Illinois has the highest gas prices in the nation, and we have the highest gas tax of any state in the Midwest. We need to be competitive, our people need relief on this fuel issue. I commend the Speaker for creating his investigative committee for the tax pricing. Hopefully, we'll get to the

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bottom on things that are out of line. But for right now, this is needed, the taxpayers need it, the people need it, our businesses in Illinois need it to be competitive, and I support it. And I would hope that everyone in this chamber could support it also, thank you."

Speaker Hannig: "Representative Mulligan, are you seeking recognition? Yes, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I'd like to discuss the rumor that this reduction in sales tax is going to affect the COLA. Earlier last week we received letters and that rumor was started by someone. And I talked to Steve Schnorf, at the Bureau of the Budget, and personally called back a lot of the human service providers about that. There is no intention for this, and the extra money that we have taken in already is certainly going to cover that two plus COLA that we put in. Also, they would have to come back to the General Assembly. I think that we do not want to give that impression and certainly panic a lot of people who felt that they didn't get enough to begin with, that many of us in this Body, particularly on our side of the aisle, went to bat for them as far as getting an increased COLA, and that is certainly not the intention from the Bureau of the Budget or the Governor's Office to do that. I think that what we're doing now is providing temporary relief. I think we understand that human service providers need more and we're willing to look at that. But, this in no way is going to impact that COLA and I want it to be very clear that that's not the intention and that we have checked on that repeatedly in the last week and I personally called back many of the people that have called me as Minority Spokesman of Human Service Appropriations to check on that. We don't intend to do that, and I think it's a very bad

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thing to start a rumor like that and panic people who provide very special services to very special people across the state that this small raise that they're going to be getting is an impact on anything that has to do with this decrease in a sales tax."

Speaker Hannig: "Representative Scully."

Scully: "Thank you, Mr. Speaker. I rise in support of this Amendment. And I share the Sponsor's concern for the lack of strict enforcement procedures that are built into this legislation. I'm deeply concerned about the possibility, the very real possibility, that the people of the State of Illinois have been the victims of price-fixing in violations of the Sherman Antitrust Act. In talking to the people of my community over the past week about this vote, it's very clear to me that the people are focused on the precise issue. Have we been the victims of price-gouging in Sherman Antitrust Act? In voting on this legislation, do we trust the retailers to pass these savings on to the consumer? I ask the Attorney General to step up his investigation of these precise issues, and to pursue this investigation aggressively. I ask the people of the State of Illinois to aggressively report any instances they feel where these savings have not been passed onto the consumers. I believe strongly in the forces of the free market. I believe that, eventually, these investigations will root out any price-fixing, any violations of the Sherman Antitrust Act. We must make sure that the oil industry is held accountable for any violations of law that have caused this travesty on our State of Illinois. Thank you very much."

Speaker Hannig: "The Chair recognizes Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen, simply to

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respond, in part, to Mr. Daniels. Concerning the meeting which occurred yesterday in the office of Senator Philip, we worked off of a draft of an Amendment prepared by the Governor's Office. That draft is what is before you now with no changes. There were certain suggestions made, such as fines for retailers who did not pass along the tax saving. I did not object to any of the proposed changes. I was in the meeting, I expressed some views, I didn't object to any additions to the language. In the end, the agreement was, take the Governor's language, because the Governor will sign what he has given us, present it tomorrow and then move on. So, thank you very much."

Speaker Hannig: "The question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, would you read the Bill?"

Clerk Rossi: "Senate Bill 1310, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Holbrook."

Holbrook: "I think we've debated this enough. I would move for its adoption... for passage, excuse me."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 1310. Is there any discussion? There being no discussion, Mr. Clerk, would you call the Roll?"

Clerk Rossi: "Representative Acevedo."

Acevedo: "Aye."

Clerk Rossi: "Bassi."

Bassi: "Aye."

Clerk Rossi: "Beaubien."

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Beaubien: "Aye."

Clerk Rossi: "Bellock."

Bellock: "Aye."

Clerk Rossi: "Biggins."

Biggins: "Aye."

Clerk Rossi: "Boland."

Boland: "Aye."

Clerk Rossi: "Bost."

Bost: "Aye."

Clerk Rossi: "Bradley."

Bradley: "Aye."

Clerk Rossi: "Brady."

Brady: "Aye."

Clerk Rossi: "Brosnahan (aye). Brunsvold."

Brunsvold: "Aye."

Clerk Rossi: "Bugielski."

Bugielski: "Aye."

Clerk Rossi: "Burke (aye). Capparelli."

Capparelli: "Aye."

Clerk Rossi: "Coulson (aye). Cross (aye). Crotty (aye).

Barbara Currie (nay). Julie Curry (aye). Daniels (aye).

Dart (aye). Monique Davis (aye). Steve Davis (aye).

Delgado."

Delgado: "Aye."

Clerk Rossi: "Durkin (aye). Erwin (nay). Feigenholtz (nay).

Flowers."

Flowers: "Aye."

Clerk Rossi: "Fowler."

Fowler: "Aye."

Clerk Rossi: "Franks."

Franks: "Aye."

Clerk Rossi: "Fritchey (aye). Garrett (aye). Gash (aye).

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Giglio (aye). Giles (aye). Granberg (aye). Hamos."

Hamos: "Aye."

Clerk Rossi: "Hannig (aye). Harris (aye). Hartke (aye).
Hoffman (aye). Holbrook (aye). Howard (aye). Hultgren
(aye). Tim Johnson."

Johnson, Tim: "Aye."

Clerk Rossi: "Tom Johnson."

Johnson, Tom: "Yes."

Clerk Rossi: "John Jones."

Jones, J.: "Aye."

Clerk Rossi: "Lou Jones (aye). Shirley Jones. Shirley Jones
(present). Klingler."

Klingler: "Aye."

Clerk Rossi: "Kosel."

Kosel: "Aye."

Clerk Rossi: "Krause."

Krause: "Aye."

Clerk Rossi: "Lang."

Lang: "Aye."

Clerk Rossi: "Lawfer."

Lawfer: "Aye."

Clerk Rossi: "Leitch."

Leitch: "Aye."

Clerk Rossi: "Lindner (aye). Lopez."

Lopez: "Aye."

Clerk Rossi: "Eileen Lyons."

Lyons, E.: "Aye."

Clerk Rossi: "Joe Lyons. (aye). Mathias (aye). Mautino (aye).
McAuliffe (aye). McCarthy (aye). McGuire (aye). McKeon."

McKeon: "Aye."

Clerk Rossi: "Jim Meyer."

Meyer: "Aye."

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Clerk Rossi: "Bill Mitchell (aye). Jerry Mitchell (aye).
Moffitt."

Moffitt: "Aye."

Clerk Rossi: "Andrea Moore (aye). Morrow (aye). Mulligan."

Mulligan: "Aye."

Clerk Rossi: "Murphy."

Murphy: "Aye."

Clerk Rossi: "Rich Myers."

Myers: "Aye."

Clerk Rossi: "Novak (aye). O'Brien (aye). O'Connor."

O'Connor: "Aye."

Clerk Rossi: "Osterman (aye). Pankau."

Pankau: "Aye."

Clerk Rossi: "Parke."

Parke: "Yes."

Clerk Rossi: "Persico (aye). Poe."

Poe: "Aye."

Clerk Rossi: "Pugh."

Pugh: "No."

Clerk Rossi: "Reitz."

Reitz: "Aye."

Clerk Rossi: "Righter."

Righter: "Aye."

Clerk Rossi: "Rutherford."

Rutherford: "Aye."

Clerk Rossi: "Tom Ryder (aye). Saviano."

Saviano: "Yes."

Clerk Rossi: "Schmitz (aye). Schoenberg."

Schoenberg: "Aye."

Clerk Rossi: "Scott (aye). Scully."

Scully: "Yes."

Clerk Rossi: "Sharp (aye). Silva (aye). Skinner."

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Skinner: "Aye."

Clerk Rossi: "Slone (aye). Smith."

Smith: "Aye."

Clerk Rossi: "Sommer (aye). Stephens."

Stephens: "Aye."

Clerk Rossi: "Stroger (aye). Tenhouse."

Tenhouse: "Aye."

Clerk Rossi: "Art Turner."

Turner, A.: "Aye."

Clerk Rossi: "John Turner."

Turner, J.: "Yes."

Clerk Rossi: "Wait (aye). Winkel."

Winkel: "Yes."

Clerk Rossi: "Winters (aye). Wirsing."

Wirsing: "Aye."

Clerk Rossi: "Wojcik."

Wojcik: "Aye."

Clerk Rossi: "Woolard (aye). Younge (aye). Zickus."

Zickus: "Aye."

Clerk Rossi: "Mr. Speaker."

Madigan: "No."

Speaker Hannig: "And on this question, there are 106 voting 'yes', 5 voting 'no', 1 voting 'present'. And Senate Bill 1310, having received a Three-Fifths Constitutional Majority, is hereby declared passed."

Speaker Madigan: "Mr. Clerk, for the purpose of an announcement."

Clerk Rossi: "Attention Members, the Rules Committee will meet immediately upon adjournment."

Speaker Madigan: "Mr. Clerk, is there an Adjournment Resolution?
Mr. Johnson."

Johnson, Tim: "Mr. Speaker, I would ask that the HR3 be discharged from Rules Committee. It's a Resolution that I

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think should be agreed upon by everyone. Bipartisan Resolution, it simply asks for oversight by the General Assembly and by various governmental entities to assure that this Bill that we've passed now is carried over to the pumps. I think it's an appropriate Resolution. It's one that's bipartisan and I think indicates a willingness and a desire on the part of the Members of the General Assembly that what we're doing now will have some affect on the real world. So, I would ask that the Resolution be discharged from Rules or whatever the appropriate Motion would be and allow us to consider that here today or at the appropriate time."

Speaker Madigan: "Mr. Johnson, Representative Currie objects to your Motion. You need unanimous consent."

Johnson, Tim: "Pardon me?"

Speaker Madigan: "You need unanimous consent."

Johnson, Tim: "Well, since unanimous consent is not given... "

Speaker Madigan: "There's an objection."

Johnson, Tim: "... the Resolution will take its route. My hope that the essence of this Resolution will be embodied at the marketplace and that we'll consider it at the first available instance."

Speaker Madigan: "Ladies and Gentlemen, I think that we would all like to thank the Secretary of State for the work which was done in this auditorium. This place did not look as nice as it does now, just a few days ago. And so, they did a very, very good job in preparing the auditorium for our use. If there's nothing further to come before the Body, the Chair is prepared to take a Motion to adjourn sine die by Representative Currie. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned, sine die."