

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

133rd Legislative Day

January 8, 2001

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Lee Crawford, the assistant pastor of the Victory Temple Church in Springfield. Would the guests in the gallery please rise to join us for the invocation and the Pledge of Allegiance."

Crawford: "Let us pray. As we lift up our hearts before. Most gracious and kind Father, eternal God and giver of life. We humbly come before you clothed in humility, realizing that everything we are, it is because You have made us. And everything that we have, it is because You have provided for us. Your word has informed us that it is not by works that any man should boast, but it is because of Your sovereign grace and Your sovereign mercy. For You have said that You will resist the proud, and You would give grace to the humble. So we humble ourselves, under the mighty hand of God, so that in due season it is You that will exalt us. This we kindly pray. Amen."

Speaker Madigan: "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. Representative Currie."

Currie: "Please let the record show that Representative Morrow is excused today."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show that all Republicans are present today."

Speaker Madigan: "Let the record reflect those excused absences."

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Mr. Clerk, take the record. There being 116 people responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures were referred, action taken on January 8, 2001, reported the same back with the following recommendations: 'direct floor consideration' for House Bill 50; 'approved for consideration' referred to concurrence House Bill 557; Conference Committee Report #1 approved for consideration; House Bill 851, Senate Amendment #1 approved for consideration referred to concurrence; House Bill 1511, Senate Amendments #1, 2, and 3 referred to concurrence; House Bill 2130, referred to concurrence; House Bill 2130, Motion to concur recommends 'be adopted'; House Bill 3612, referred to concurrence; House Bill 4279, referred to concurrence; Senate Bill 487, Conference Committee Report #2 recommends 'be adopted'; Senate Bill 1397, be approved for consideration referred to Third Reading, consideration postponed; Senate Bill 1477, be approved for consideration referred to Third Reading, consideration postponed; Senate Bill 1707, approved for consideration referred to nonconcurrence; Senate Bill 1855 approved for consideration referred to Second Reading Standard Debate. Supplemental Calendar #1 is being distributed."

Speaker Madigan: "On the Order of Supplemental Calendar #1, on the Order of Concurrence, there appears House Bill 2130, Mr. Hartke. Mr. Hartke."

Hartke: "Yes, I move to concur on Senate Amendment #1 to House Bill 2130."

Speaker Madigan: "Did you wish to tell us anything about it, or

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are you afraid that if we learn about it, we'll vote no?"

Hartke: "Senate Bill 2130 is a culmination of a lot of work by a lot of people. It involves the collapsing of certain areas in fire protection districts through a vote and referendum in those districts. I'll be happy to answer any questions."

Speaker Madigan: "Is there any discussion? There being no discussion, Mr. Black."

Black: "Yes, thank you, I think, Mr. Speaker. Does that mean I'm not supposed to discuss it, or I can?"

Speaker Madigan: "The Gentleman appears to be reluctant to discuss the Bill, Mr. Black. So, why don't you interrogate him?"

Black: "I intend to do that..."

Speaker Madigan: "Right."

Black: "Thank you. Representative, your concurring in Senate Amendment #1, and I have a note on the envelope in the file that the Illinois Municipal League took a very strong position in opposition to that Amendment. Why would they do so? I mean, generally, fire districts aren't that controversial, but evidently the Municipal League, and according to our notes the Northwest Municipal Conference, as well as the Mayor of Hanover Park."

Hartke: "Right."

Black: "I don't know who the Mayor of Hanover Park is, but I'm sure I'm scared to death of him, or her. Why do they stand in such abject opposition to the Bill?"

Hartke: "Representative Black, that was the case last spring and so forth. But since then, the Mayor of Hanover Park and the various groups have gotten together and signed off on this issue. They have no problem with this collapsing of the district at all."

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Black: "The Bill with the Senate Amendment is still a disconnect Bill, correct?"

Hartke: "Well, it'd be a disconnect from a certain district. But they're attaching to the municipal district, or municipal Fire Protection District, it's my understanding."

Black: "Well, that's what I'd like to really get... I think that's the issue of the Bill from my district..."

Hartke: "Right."

Black: "...and probably yours. As communities expand, and take up the tax base of what historically has been a volunteer fire department, I know... I don't want to put somebody, Rick Winkel, for example. I know this has been an issue in Urbana, with a volunteer fire department, its been an issue in my district. Now, as that municipality expands and annexes territory, and the volunteer fire department loses tax base, that doesn't diminish the need for the volunteer fire department or fire district. But, as I understand this Bill, it not only lets the city annex the territory, but then rather easily put a disconnection to their constituents and say, now you used to be served by the Blue Grass Fire Protection District, you'll now be served by the city. However, we're not building a new fire station. The nearest fire station may be seven miles away from you, but in the end it'll all work out. In the meantime, the Fire Protection District loses a significant portion of its revenue, but still has several square miles to protect. And I was a little bit surprised to see that the Fire Protection Districts don't have a problem with this, because I know in the past, it has been a serious problem for them. What has changed? What have I missed? Obviously, a great deal, but maybe you can explain it to me."

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Hartke: "Well, Representative Black, it's my understanding that the fire protection district that was involved in this, which was the main objector, had no problem at all because it was becoming so small that they'd just disband that district."

Black: "Well what... is there anything in this legislation, and I didn't see it, quite frankly, in the perfunctory glance. Is there anything that would not get into what you and I are familiar with? And that is a municipality annexing your tax base, and yet the demand for service doesn't really diminish to the fire protection district, but your revenue may be greatly diminished. And I want to make sure we don't get into that; and a year from now, because you and I will be two Legislators who will certainly... I daresay our districts... mine is served by all-volunteer fire districts, with the exception of one city. And I'm going to make sure I'm not, a year from now, trying to defend a vote on this Bill. Because I... I just... maybe I'm seeing problems that don't exist, but I know you've been in this situation, as have I. I don't want to come back a year from now with districts saying you're killing us, your letting them annex this territory, and yet we still have a job to do but no money to do it with."

Hartke: "I understand your concern, but in my recollection, it has been a long time since we've worked on this piece of legislation. But I do believe that the fire protection districts did not have a problem with this piece of legislation, save Hanover Park. And they were concerned as they tried to collapse this... this volunteer district. Now, I may be wrong, but I don't think the Fire Protection District Association has any problem with this legislation at all."

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Black: "Okay. Chuck, maybe you can help me out here. If the fire district in the Hanover Park area removed its opposition, if I heard you correctly, you said it was because they were going to dissolve the district, I mean basically they had no more territory to protect?"

Hartke: "It... That's my understanding. They were going to... because they were completely surrounded by the municipality or whatever and it was in the center. That's as I understand it. Now don't hold me to that, but they were being dissolved."

Black: "Okay. But I know... I cannot remember the name of the district, it's over by Urbana, and I know they have expressed concerns about annexation and the potential disconnect for a number of years. I think it's Edgewood Scott, if memory serves me right. And I know its been a problem in other areas. So... I... Hopefully there will be other questions, 'cause I just want to make sure that we're not headed down a path where Fire Protection Districts; and I don't think that's your intent, surely not, would be adversely affected by this disconnect law. And if there is no other questions or whatever, 'cause I'd like to, if you could draw it out, I'd like it go out and talk to the Representative of the Fire Protection District before I vote, but that depends on the time schedule. I thank you for your indulgence."

Hartke: "Thank you."

Speaker Madigan: "Is there any further discussion? Representative Wojcik."

Wojcik: "Yes, Mr. Speaker and Members of the House. I would like to explain the issue regarding the Hanover Fire District. It was the Keeneyville/Ontarioville Volunteer Fire District. The Fire Protection District did sign off on it

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and the reason this was done in that area is because they did not have the means to purchase gas. They were going down to the Clark station and purchasing gas, and the monies were going by the wayside with the cost of running the small fire protection district. So, the village took it upon themselves to absorb it, to keep the costs down. And it's actually a cost effective Bill for the residents in that area with no intention of going and taking over any other fire protection districts or what have you. It's merely a local Bill for the situation that's arisen in that area. So, I would ask for its favorable passage."

Speaker Madigan: "Mr. Bost."

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

Speaker Madigan: "The Sponsor yields."

Bost: "Representative, in looking this over, and I agree with the Bill, and I understand the Bill, and I understand the importance. But quite often, when we work on the fire protection district legislation, something occurs that affects my district tremendously. And that is, there are two fire districts, that are not fire districts, they're township fire departments, and unless the language actually, specifically says that this also includes township fire departments, districts, they don't... we usually have to come back and change language to put that in. Is it avail... does this language cover that?"

Hartke: "Representative Bost, I don't know, it's kind of noisy in here but I think you missed the point completely. Representative Black tried to go at this to try to protect the fire protection districts, the local volunteer fire department. This initiative was brought forth by the volunteer fire protection districts for their protection. Hanover Park was objecting. Now the... all sides have

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gotten to agreement. This piece of legislation actually protects the local volunteer fire protection districts from being encroached upon. That's what this language does. It's just the reverse of what Mr... Representative Black had suggested, or I think what you're trying to suggest."

Bost: "Well my... actually my concern is that it's going to offer protection to the small fire protection districts. But, I also have two township fire departments that operate the same as a fire protection district. They're the only two in the state. They're township fire departments."

Hartke: "I understand that."

Bost: "And my concern is, that maybe they aren't included and are not protected in the same way."

Hartke: "Mike, I don't know how to answer that question for you, but I do believe that they would fall under basically, the same purview as a fire protection district. The only thing that declares that is the township is the boundaries of the township. But, do they not act as fire protection districts as well, basically?"

Bost: "They do act as fire protection districts, but because the law does not... and that's what we've found with other laws that we've worked on. When we do not specifically say, 'and township fire departments', they're not included. And then we end up having to come back and adding to it."

Hartke: "I can't answer that, but I don't think so in this legislation."

Bost: "Okay, thank you very much."

Speaker Madigan: "Any further discussion? Mr. Hartke, to close."

Hartke: "Thank you very much, Mr. Speaker. I appreciate the questions brought up by Representative Black to clarify this, and Representative Wojcik for their support. I think this is a long awaited piece of legislation for the fire



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protection districts, and I appreciate your support."

Speaker Madigan: "The Gentleman moves that the House does concur in Senate Amendment #1 to House Bill 2130. Those in favor signify by voting 'yes'; those opposed by voting 'no'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there were 115 people voting 'yes', 0 voting 'no'. The House does concur in Senate Amendment #1 to House Bill 2130. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Nonconcurrency, there appears Senate Bill 1707, Mr. Leitch. Mr. Leitch."

Leitch: "Thank you, Mr. Speaker. I would move to nonconcur in Senate and House Amendments 10 and 5, and ask that a Conference Committee be appointed. I'm sorry, I haven't been here very long. I move that we refuse to recede from the Amendments and ask that a Conference Committee be appointed."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Motion is adopted. On Supplemental Calendar #1, on the Order of Conference Committee Reports, there appears Senate Bill 487. The Chair recognizes Mr. Burke. Mr. Burke. Go ahead, Mr. Burke."

Burke: "Thank you, Speaker. Senate Bill 487 is a move to concur with a Conference Committee Report, and basically, it would require roofing contractors in our state to pass an examination before being issued a license. It would increase the bonding requirement from 5,000 to 10,000 for residential contractors, and from 5,000 to 25,000 for commercial contractors. It would require contractors to list a land-based phone number and street address on all

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contracts, and it would prohibit the use of pagers and P.O. boxes to be used as their licensed address. It would also require retailers, who subcontract roofing services, to subcontract only to licensed roofing contractors. There are several proponents, and I believe the Members, over the last couple of years, are somewhat familiar with this issue. It has been under debate for some time, and I'm prepared to answer any questions you may have."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, it's my understanding that the... under this Conference Committee Report, the roofer will have an increase on his or her license of \$50, is that correct?"

Burke: "That's what we understand, yes. There would be an increase in the fee."

Black: "And then if there... to take the test, that's a testing fee increase of a hundred and fifty bucks. Is that your understanding?"

Burke: "No, I take you... yes."

Black: "Okay. Representative, and again, our districts are so different. Yours is more compact, certainly more highly... the population density is greater. This roofing license law has always been a bear for downstate. And I give you an example why I'm always a little bit leery of this. What happens downstate, and there only may be only 4 or 5 roofers, but we see a proliferation of what we call a pickup truck roofer. There is an individual who gets a license, and it's on his truck, and he has his license number. But when he or she gets a roofing job, they hire 6 or 7 guys off the street, some of them wouldn't know a

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shingle from a shingle, some of them wouldn't know a roofing nail from a rusty nail, and many of them have had too many rusty nails. We're never sure whether these workers are insured. We're never sure whether they know whether or not... anything about roof loading, what have you. I mean, we make do, but from my experience here, this law, at least in downstate areas, is one of the most abused laws that we have, because of the way it's structured. And the refusal of some people to even bother with a license. They just say, you know, Burke Roofing on the side of the truck. You call them. They put on a roof, and if you're lucky it works, and if you're unlucky it doesn't. And I'm not sure that increasing licensor fees and exam fees... again, it may have a greater impact or a population density as such, and I know the city certainly has more inspectors, probably, than all downstate communities put together. So I... I'm not sure what this... what... I know what the impact of the Bill will be on some people in my district, but I'm not sure it tightens it up. And legitimate roofers don't have a problem in tightening it up, but I'm not sure this is going to do that."

Burke: "Well, I would suggest to you that the legitimate roofers are those that had proposed this legislation, initially. The legitimate roofers are those that are most aware of the abuses that are taking place, and the rip-off of senior citizens, predominantly, in our state as a result of shoddy workmanship and those that, as you had suggested, would come in as a 'gypsy' organization and just do some shoddy workmanship and take off. And the owner of the property has no idea where that contractor went from that point forward. We have built some concerns and some provisions into this Bill that would start to address those concerns

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that you've just cited, with respect to a permanent address, the requirement that they must subcontract with licensed contractors as opposed to the 'gypsy' operators that have been taking advantage of our constituencies for so long."

Black: "So, if what I heard you say, this... even a legitimate roofer who may call up 4 or 5, what I would call a handyman, or a handyperson. Say I've got a couple of roofing jobs, and I need your help. Now, that roofer would then be held liable if the people he or she hired to do my roof really weren't, in the least, a qualified roofer. They might be a good framing carpenter, they might be a good sheetrock installer, but a roof is over and above, maybe, their expertise. Would this then... I'd be able to go back on the licensed roofing contractor and say, the people that you put on my house are not roofing contractors. They messed it up. Then I have recourse to hold the contractor, the holder of the license, as the responsible party?"

Burke: "I believe the situation you've just described would be the liability on the original roofer."

Black: "Okay."

Burke: "And they being licensed, are now... the consumer would be protected under that license."

Black: "Okay. Now..."

Burke: "If they were to pass the work off..."

Black: "Right."

Burke: "...to another handyman type, that's when we would require that handyman type to be also licensed. So they are, in other words, precluded from passing it off to unqualified handymen."

Black: "So you're saying that everybody... now, let me make sure

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I understand that."

Burke: "If the contract is negotiated between the consumer and this licensed roofer, that's where it remains. They have no opportunity, the contractor, the roofing contractor, would have no opportunity to pass the work off to a 'gypsy' handyman type."

Black: "But you said that every person who would then work for contractor, tearing off the old shingles, putting down new felt, putting on new shingles, et cetera, would they also have to be a licensed roofer?"

Burke: "No, no."

Black: "Okay."

Burke: "Not at all."

Black: "Just the contractor, and then the contractor would be the responsible party. And according to our file, the home builders, where the bulk of this downstate takes place, because there are not many union roofing contractors downstate. The home builders are neutral, even though it has an increase in the license fee?"

Burke: "Yes, they are neutral."

Black: "Okay, thank you very much."

Burke: "Thank you."

Speaker Madigan: "Any further discussion? The Chair recognizes Monique Davis."

Davis, M: "Thank you, Mr. Speaker. I have to apologize to the Sponsor, if the Sponsor will yield."

Speaker Madigan: "The Sponsor yields."

Davis, M: "I couldn't hear much of the debate, and I have great concern that licensing roofing contractors or examining them, giving them exams, is going to further eliminate African-American or Hispanic roofers."

Burke: "I don't know how you would be able to make that

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assumption or presumptions, Representative. The exam that is prepared, is prepared by what they call a psychometrician and..."

Davis, M: "Prepared by..."

Burke: "They're companies that contract..."

Davis: "Okay."

Burke: "That are contracted with, to prepare these examinations, and they're done based on equivalency in, let's say, craftsmanship, or carpentry, or particular products that the roofing industry would offer consumers today. So, it's based on..."

Davis, M: "Who, who would administer the exam?"

Burke: "The State of Illinois, as they do..."

Davis, M: "The State of Illinois will administer the examination. And this is only for the contractor, what about the employees?"

Burke: "No, no requirement for the employees to be licensed."

Davis, M: "Can you tell me what the purpose is?"

Burke: "The purpose is to protect consumers from the rip-offs that have been taking place in your district and mine, particularly, from unqualified, disreputable 'gypsy' operators that come through a community and take advantage of our senior citizens, predominately. As you might know, as a homeowner, Representative, that to replace a roof is probably one of the most expensive activities a homeowner would undertake. So, this is a very, very important activity to maintain your home, and we are doing this to ensure that consumers are protected and they could be guaranteed that the workmanship is A-quality."

Davis, M: "And, if they pass the exam and continue to do shoddy work, or continue to be disreputable or unreputable, then what?"

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Burke: "We have another level on which to make that change and to prohibit..."

Davis, M: "Is that in this legislation?"

Burke: "Yes it is, yes it is."

Davis, M: "It's in this legislation?"

Burke: "As you may or may not know, roofers, particularly, were guilty of, let's say, just setting up shop overnight, using a post office box to operate from, or using a cell phone to operate from. That... those activities are now precluded, and the license is required, along with a proper examination. Previously, they could pick up a license without examination, and there was no telling what qualifications those individuals may or may not have had. So, we are insuring that they will meet a certain criteria that the state has established."

Davis, M: "Would they take... would they just take one exam, or is it given every so often?"

Burke: "It's one exam."

Davis, M: "Just one exam to qualify as a roofing contractor."

Burke: "That is correct."

Davis, M: "Okay, thank you very much."

Burke: "And it would be, for the most part, the owner of the roofing company, that would be taking the exam, and be issued the license."

Davis, M: "Thank you, Representative. I really appreciate your responses."

Burke: "Thank you, Representative."

Speaker Madigan: "Is there any further discussion? There being no further discussion, the Chair recognizes Mr. Burke to close."

Burke: "Thank you, Speaker. And as... I'm sure the Members are aware, this matter has been under debate for some time, and

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we have now come to a point where we've established reasonable guidelines. And I believe that, again, the passage of this legislation would further ensure consumers protection, particularly, when it comes to this very, very expensive cost to homeowners in our society. And I would ask the Members favorable consideration and vote 'aye'."

Speaker Madigan: "The Gentleman moves that the House adopt the First Conference Committee Report on Senate Bill 487. Let's correct the record. This is the Second Conference Committee Report. Those in favor of the adoption of the Conference Report, please vote 'yes'; those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Four people have not voted. Have all voted who wish? The Clerk shall take the record. On this question, there are 83 'ayes', and 25 'noes'. The House does adopt the Second Conference Committee Report on Senate Bill 487. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes the Clerk for an announcement."

Clerk Bolin: "The following committees will meet tomorrow morning at 9:30 a.m.: the Constitutional Officers Committee will meet in Room 122B, the Executive Committee will meet in Room 114, the Judiciary II-Criminal Law Committee will meet in Room 118, the Local Government Committee will meet in Room C-1 Stratton, and the State Government Administration Committee will meet in D-1 Stratton. All these Committees will meet tomorrow morning at 9:30 a.m."

Speaker Madigan: "The Chair would like to direct the attention of the Members to the schedule, which has just been distributed. So, for those who are Members of these Committees, please be advised that the Committees will all



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start at 9:30 in the morning, and Session will be at 10:00 a.m. The Chair is prepared to adjourn. Representative Currie moves that the House does stand adjourned until 10:00 a.m. tomorrow morning. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until 10:00 a.m. tomorrow morning, providing perfunctory time for the Clerk."

Clerk Rossi: "The House Perfunctory Session will come to order. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on January 8, 2001 and reported the same back with the following recommendations: 'to the Committee on Executives', Senate Bill 1855, House Amendment #1; 'to the Floor for consideration', House Bill 3928, referred to the order of concurrence; reassignment House Bill 851, Senate Amendment #1, Motion to Concur from Constitutional Officers to Executive. There being no further business, the House Perfunctory Session stands adjourned."