

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

126th Legislative Day

May 18, 1998

Speaker Granberg: "The hour of 1:00 having arrived, the Members shall be in their seats. Unauthorized personnel shall retire. Mr. Black should retire, quickly. We'll be led in prayer today by Reverend... by Pastor David Davidson with Faith Temple Assembly of God in Frankfort. Pastor David Davidson is the guest of Representative Renee Kosel. Guests in the gallery may wish to rise for the invocation."

Pastor David Davidson: "Let us pray. Almighty God, Heavenly Father, we bow humbly in prayer asking for Your blessing and guidance in this Session. The prophet Jerimiah taught us, O'Lord, I know that the way of man is not in himself. It is not in men that walketh to direct his steps. Thus, we pause as this day's activities here begin, to look to Thee for guidance and direction. In the words of the psalmist David, we pray, unto Thee O'Lord, do I lift up my soul. Oh, my God, I trust in Thee. Show me Thy ways, O'Lord, teach me Thy paths, lead me in Thy truth and teach me. Let integrity and uprightness preserve me, for I wait on Thee. Lord, I ask Your blessing on each individual present. May they sense Your presence, even now as they begin their deliberations. Give each of them wisdom in their decisions, grant them strength to choose to do that which is right, that which truly honors You. Your word teaches us that righteousness exalteth a nation, but sin is a reproach to any people. May they each be guided by Your wisdom and insight and may that blessing flow from them to all of the good people of this great state, and Lord, one other thing, would You grant them fresh joy in the journey? I pray in the name of Christ, our savior. Amen."

Speaker Granberg: "Thank you, Pastor. We will be led in the Pledge of Allegiance by Representative Mary Kay O'Brien."

O'Brien - et al: "I pledge allegiance to the flag of the United

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States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Granberg: "Roll Call for Attendance. Mr. Cross."

Cross: "Thank you, Mr. Speaker. Representatives Clayton and Representative Kubik are excused today."

Speaker Granberg: "Majority Leader Currie."

Currie: "Thank you, Speaker. Please, let the record show that we have no excused absences among House Democrats today, but perhaps the Chair would call upon Representative Mautino for news of the newest Democrat in the State of Illinois."

Speaker Granberg: "We will do that shortly. One hundred fifteen Members answering the Roll Call, there is a quorum present, the House is hereby convened. The Gentleman from Bureau, Representative Mautino. Representative Mautino."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'm very proud to announce the arrival of the newest of the Mautino clan, Luciana Christina Mautino. Now how's that for a tag? Six pounds, four ounces, mother and daughter are healthy and doing fine, and thank you for all of your calls and concerns. God bless."

Speaker Granberg: "Mr. Mautino, Mr. Mautino. What was the weight?"

Mautino: "Six pounds, four ounces."

Speaker Granberg: "Takes after her mother?"

Mautino: "Absolutely."

Speaker Granberg: "Thank you. Mr. Clerk."

Clerk Rossi: "Introduction of Resolutions. House Resolution 504, offered by Representative Schakowsky; House Resolution 505, offered by Representative Kosel; House Joint Resolution 68, offered by Representative Black, are assigned to the Rules Committee. Introduction and First Reading of House Bills.

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House Bill 3886, offered by Representative Schoenberg, a Bill for an Act to amend the Code of Civil Procedure. House Bill 3887, offered by Representative Schoenberg, a Bill for an Act concerning taxes. First Reading of these House Bills."

Speaker Granberg: "Ladies and Gentlemen, we're going to go to the Order of Senate Bills, Third Reading, and work through the Calendar. The first Bill appearing is Senate Bill 1265, Mr. Black. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1265, a Bill for an Act concerning energy. Third Reading of this Senate Bill."

Speaker Granberg: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Senate Bill 1265 is a cleanup Bill for the electric cooperatives... in opposition. I would appreciate a favorable roll call. Thank you."

Speaker Granberg: "Thank you. The Gentleman moves for the passage of Senate Bill 1265. On that question, the Gentleman from Kankakee, Representative Novak."

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

Speaker Granberg: "He indicates he will."

Novak: "Yes, Representative Black, could you explain that thing for me again ... on page 16-4?"

Black: "Yes, it amends Illinois 625-4sc for the electric cooperatives and those counties that begin with K."

Novak: "Now, I understand all the other stuff in the Bill. It's pretty elementary and there had to be some changes because of the DCCA and the Department of Revenue in collecting this energy charge and stuff like that and allocating these dollars, but could you just explain this Southwestern Co-op in Representative Granberg's district, I believe?"

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Black: "You know..."

Novak: "Now, could you just explain the language in there and what the agreement was between..."

Black: "Yes."

Novak: "...the Southwestern Co-op..."

Black: "Yes."

Novak: "... and the Association of World Electric Cooperatives?"

Black: "Yes, I'd be glad to do that. I've worked very closely with Representative Granberg on this Bill, and he has explained it to me very carefully, and let me just, if I can paraphrase since he's in the Chair, I was going to ask him to answer this question, but I think I can remember what he told me. The Bill addresses equality issues raised on behalf of different types of co-ops. Under the Bill we passed last spring, electric cooperatives have the option to enter the competitive marketplace... hello... by electing to become an alternative retail electric supplier. Now, most electric cooperatives are transmission only, but some are independent and distributive cooperatives, and they raised the issue that should they elect to become an alternative retail electric supplier, a generation and transmission cooperative could serve their customers but the independent distribution cooperative would not have access to customers of the distribution cooperatives that are members of the generation and transmission cooperative. Now, this issue was raised last fall and so, over all this period of time, they've worked out an agreement so that the Association of Illinois Electric Cooperatives has worked with Southwestern Illinois Electric Cooperative to develop the language that is contained in this Bill, and they're all in agreement with it, including Representative Granberg, although, I do not purport to speak for him."

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Novak: "Thank you, Mr. Black. Now, you did point out that Southwestern Electric Cooperative is in Representative Granberg's district?"

Black: "Yes, I believe it is, and I know that he worked very hard on the issue and should any confusion result after passage of this Bill, I will refer any such confusion to Representative Granberg."

Novak: "Now, that's a good idea but I don't know if he understands it. But anyway, could you just... could you just tell me, is the Southwestern Electric Co-op that's in Representative Granberg's district, I... is that District 109? What's the number on that district? Do you know what number it is?"

Black: "I thought after the map of '92, we had mapped it out of existence but perhaps we didn't. Is it 109? I know we had tried to divide it between Southern Indiana and..."

Novak: "Missouri."

Black: "...and Missouri as best we could."

Novak: "I think you're right. I recall that, but is Southwestern Electric Co-op that's in Representative Granberg's district, is that a generator as well as a co-op that transmits power?"

Black: "You know, if we could him out of the Chair, maybe he could answer that. I'm not sure whether they're a generator or strictly a transmitter or both. They could be both but I really don't know because, see, it isn't in my district. I've been told..."

Novak: "Does the Southwestern Cooperative... Southwestern Electric Cooperative that's in Representative Granberg's district, does it come up your way into Danville?"

Black: "Oh, no, no. The Illinois Revised Statutes prevented that years ago. No, we try to keep it in as compact and

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contiguous an area as we can and staff informs me that upon checking with Representative Granberg, it is a transmission only cooperative."

Novak: "And who was that Representative you mentioned, again?"

Black: "Representative Granberg."

Novak: "Oh, and the Southwestern Electric Co-op that's in Representative Granberg's district, is Representative Granberg happy with this Bill? Did he consult with his constituents? His consumers? Are they relatively happy with this Bill?"

Black: "I believe he has. I believe he has, yes. I believe he has consulted with them, and the last time that I talked to him about this, he said... well, if I can quote exactly, 'I have no idea.' I think that's what he said, but he said he would look into it and he did, and he got back to me, and he said he thought it was all right."

Novak: "So, we believe, you and I believe, Representative Black, that Representative Granberg, that has the Southwestern Electric Co-op in his district, is relatively happy about this?"

Black: "Well, I don't want to put words in his mouth. I haven't known him to be happy in many, many years, but he seemed to be satisfied with this language."

Novak: "Okay, thank you. To the Bill, Ladies and Gentlemen. Ladies and Gentlemen, this is a Bill dealing with the Southwestern Electric Co-op that happens to be in Representative Kurt Granberg's district. Now, I know Kurt has worked very, very hard on this issue. I doubt if he understands the real substance of the Bill, but in talking to his constituents, he feels they're going to get a fair shake out this... out of this reasonable compromise between the Southwestern Electric Co-op that happens to be in

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Representative Granberg's district and his consumers. So, I would ask my colleagues on this side of the aisle to vote 'yes' for Representative Granberg's district."

Speaker Granberg: "Mr. Black, do you wish to close?"

Black: "Alright, yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Bill does clear up and clarify some misunderstandings and some oversight that was in the Electric Dereg. Bill last year. For example, we specifically exempted municipally-owned electric companies from charging the low income energy fund if they chose to do so, but we forgot to include municipally-owned gas distribution companies and that clears this up. There's also some very technical language in the Department of Revenue that is agreed to by all parties and there's also... do you say Representative Reitz or is it Representative Reitz?"

Speaker Granberg: "Whichever one you prefer."

Black: "Well, Representative Reitz... Reitz?"

Speaker Granberg: "Reitz."

Black: "Reitz. Representative Reitz had some language in here clarifying how the Coal Technology Development Assistance Fund limit is to be handled, and I know of no opposition to that provision either Mr. Speaker, and I'd appreciate an 'aye' vote."

Speaker Granberg: "The Gentleman from Vermilion moves for the passage of Senate Bill 1265. On that question, all in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, Senate Bill 1265 having received 113 'aye' votes, 0 voting 'no', 1 voting 'present', receiving the Constitutional Majority, is hereby declared

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passed. Senate Bill 1313. Is Representative Kubik in the chamber? Senate Bill 1338, Representative Wirsing. David, do you wish to move that Bill? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1338, a Bill for an Act amending the Public Community College Act. Third Reading of this Senate Bill."

Speaker Granberg: "The Gentleman from De Kalb, Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1338 is introduced on behalf of the Illinois Community College Board. It's merely commonly known as the Annual Rate Bill. Previously, the Rate Bill included exact formula calculations for distributing grants to states and the 49 community colleges. This requires specific technical changes to be made to the Act each year after level of opportunities were determined by the General Assembly. About four years ago, the board was asked to make a formula language more generic so that the formula would not need to be changed annually. That simply was what the Bill does, and would ask for support and answer any questions."

Speaker Granberg: "Thank you. The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. The Sponsor did a terrific job explaining the substance of the Bill. I just wanted to rise and urge your strong support. Thank you."

Speaker Granberg: "Thank you. The Gentleman from Kendall, Representative Cross."

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

Speaker Granberg: "Indicates he will, proceed."

Cross: "Representative, as I see this, this is a form of a grant program, is that correct?"

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Wirsing: "Yes, in the Bill there's one element of it that has a \$2 million funding added to the base operating grants of the formula component."

Cross: "Are there representatives... are there some potentials for some districts to do... community colleges to do better than others?"

Wirsing: "What the \$2 million is, is that's a part of this... of the total grant program and the two million is separated away which will go to... which is an additional \$2 million. There's been some confusion on this. The two million is intended for, if you will, deferred maintenance or maintenance possibilities of all of the community colleges. This \$2 million is not a part of the academic side of the grant program. That's where the confusion has been. The \$2 million is included in that, but it's new dollars and really does not take away from the grant program as was where the confusion is at."

Cross: "Are all of the community colleges in the state supportive of this?"

Wirsing: "Yes, all community college presidents, the last that I knew, were in support of this."

Cross: "What about in the future, Dave, is there some potential to lose money down the road for some of our schools?"

Wirsing: "No, this will not, because what this does, it sets up the issue of the Rate Bill, which is, as I indicated earlier, had been done... was done on an annual basis and kind of a backing into the system. This creates a better system. It's a better process for each community college and the community colleges in total on fielding and figuring out their budgets so they'll know exactly where they're at and also from the budgeting process. I see it as a better process than what is currently being used and

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should prevent any kind of shortfall in the future."

Cross: "All right. Thank you, Representative."

Speaker Granberg: "There being no other Members seeking recognition, the Gentleman from De Kalb, Representative Wirsing to close."

Wirsing: "Well, once again, a part of this Bill is simply dealing with an issue that's been a concern for sometime and we get that out of the way. It's also putting some dollars into the square footage allocation for all the community college systems as well, and I would ask for your favorable support."

Speaker Granberg: "The Gentleman moves for the passage of Senate Bill 1338. On that question, all in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, 95 voting 'yes', 19 voting 'no', 0 voting 'present'. Senate Bill 1338, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1347. Out of the record. Senate Bill 1568, Representative Moore. Andrea, do you wish to call the Bill? Read the Bill Mr. Clerk."

Clerk Rossi: "Senate Bill 1568, a Bill for an Act amending the property tax. Third Reading of this Senate Bill."

Speaker Granberg: "The Lady from Lake, Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. Senate Bill 1568 originally was suggested by the City of Naperville. It amends the Property Tax Code and provides that any unit of local government responsible for issuing building permits, may require by ordinance, that a plat be certified and recorded before a building permit is used. There was a small technical Amendment that was suggested by the Illinois

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Realtors Association that provides that circumstances do not conflict with current requirements of the Plat Act. And then there's an additional Amendment that was added to the Bill that is known fondly as the 'Ron Levin Amendment'. For those of you that don't know, Ron Levin was the Democratic staffer for the Revenue Committee for some 20 years, and that Amendment clarifies the definition of 'maintenance and repairs' in terms of what type of work can be done to a residential property before the work can increase the property's assessed value, and of course, the property tax bill. I would be happy to answer any questions."

Speaker Granberg: "The Lady from Lake moves for the passage of Senate Bill 1568. On that question, no one seeking recognition. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 114 voting 'yes', 1 voting 'no', 0 voting 'present'. Senate Bill 1568, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1598, Representative Ryder. Is Mr. Ryder in the chamber? Mr. Ryder, do you wish to call that Bill? Out of the record. Senate Bill 1709, Representative Wojcik. Kay."

Wojcik: "Just for a point of personal privilege, Mr. Speaker. On Senate Bill 1338, inadvertently my switch was voted 'no'. I would have voted 'yes' on that Bill."

Speaker Granberg: "Thank you, Representative Wojcik."

Wojcik: "You're welcome."

Speaker Granberg: "Kay, do you wish to call Senate Bill 1709? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1709, a Bill for an Act to amend the

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Illinois Lottery Law. Third Reading of this Senate Bill."

Speaker Granberg: "The Lady from Cook, Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1709 is an Illinois State Lottery initiative. Currently, for all lottery games excluding the Multi-State Big Game, unclaimed prize money can be included in the prize pool of a special drawing as a director of the lottery may, from time-to-time designate. The Bill actually is just going to clarify that the current language pertaining to unclaimed prize money for the Multi-State Big Game, is restrictive with the insertion of the word 'shall'. So, what this legislation does, it says that we can use the money only for the special use in drawings. The object of this 1709 is to allow the lottery the opportunity to be able to include these unclaimed prize moneys in the prize pool for special drawings and have the authority to make transfers to the Common School Fund. The language pertaining to the transfer also, regarding the Common School Fund, was added at the request of Senator Klemm, who wanted to solidify the lottery's current policy. So, all it's allowing them is to be able to transfer their funds into the Common School Fund."

Speaker Granberg: "The Lady from Cook moves for the passage of the Bill. On that question, the Gentleman from Cook, Representative Schoenberg."

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

Speaker Granberg: "She indicates she will. Proceed, Sir."

Schoenberg: "Representative, is there any item in this Bill which permits the direct payment of vendors electronically, with lottery funds..."

Wojcik: "No, not at all. That was..."

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Schoenberg: "I know that the lottery had been promoting legislation that would enable the lottery to circumvent the normal checks and balances of paying its vendors and be able to electronically transfer those funds to its vendors."

Wojcik: "Representative, you're..."

Schoenberg: "Is that incorporated into this Bill?"

Wojcik: "You're speaking to another Bill, Representative. That's already been passed out of the House. This has nothing to do with that."

Schoenberg: "So, there's nothing in that regard in this Senate Bill 1709?"

Wojcik: "Has nothing to do with that."

Schoenberg: "Thank you."

Wojcik: "You're welcome."

Speaker Granberg: "Any further? There being nothing further, the Lady from Cook, Representative Wojcik moves for the passage of Senate Bill 1709. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 115 voting 'yes', 0 voting 'nay', 0 voting 'present'. Senate Bill 1709, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1867, Representative Eugene Moore. Gene, do you wish to call that Bill on Third Reading? Representative Brown, I'm sorry. Mr. Brown."

Brown: "Thank you, Mr. Speaker. We wish to call the Bill."

Speaker Granberg: "Okay. Read the Bill Mr. Clerk."

Clerk Bolin: "Senate Bill 1867, a Bill for an Act to amend the Property Tax Code. Third Reading of this Senate Bill."

Speaker Granberg: "The Gentleman moves for the passage of the

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Bill. On that question, is there any discussion? Mr. Brown, do you wish to close on the Bill? Mr. Lang. I'm sorry, Mr. Brown, Mr. Lang has finally gotten his light on."

Lang: "Thank you. Will the Sponsor yield?"

Speaker Granberg: "Indicates he will. Proceed."

Lang: "Thank you. Representative Brown, I didn't really hear a good explanation of what this Bill does. Would you care to tell us?"

Brown: "Yes, thank you. The Bill straightens out an interpretation of a family of funds that counties collect. The 708 boards, and there's 57 of them in the county, were created by referendum and a bureaucratic interpretation when the tax cap was enacted, placed those, the 708 funds and levies in the family of funds of counties, thereby allowing county boards to usurp the power of referendum and to use some moneys that would normally go to the mental health communities for their own projects. It's really a technical change, and I'd like to state for the record, it's neither a tax increase nor a loophole in the tax cap, but in fact, closes a loophole in the tax cap."

Lang: "Well, is this your first Bill, Sir?"

Brown: "No, I had that wonderful experience a couple of months ago."

Lang: "Oh. Would this be your first Senate Bill?"

Brown: "Yes."

Lang: "Oh, okay. Close enough. Representative Scully says close enough. So, let me ask you a question. When the Bill went out of the House, was it a Shell Bill?"

Brown: "No, the Bill was originated in the Senate by Senator Klemm. It had some language that Representative Currie was unsure of, and we amended it with Representative Currie's

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language to be very specific that the Bill did not violate the tax cap in any way, shape, or form."

Lang: "So, how many amendments are on the Bill?"

Brown: "Just one."

Lang: "Just one, and tell me the difference between what the original Senate Bill did and what the Amendment does."

Brown: "The Senate Bill followed the Revenue Act and Representative Currie said that a very successful language that was used by the General Assembly, known as the Library Act, and we adapted Representative Currie's language to the Senate Bill to make it very explicit that there was no violation of the tax cap and that the Bill...the understanding and intent to the Bill was very clear."

Lang: "Well, why is it if you're the chief sponsor, the language on this is Representative Currie's? Didn't you have any ideas for this Bill?"

Brown: "Yes, and in the Revenue Committee, Representative Currie came up with some very wonderful and super suggestions and I deferred to her expertise and knowledge on Revenue Bills."

Lang: "So, her Amendment is doing what you want it to do, is that right?"

Brown: "That is correct."

Lang: "All right, and with the wonderful expertise of the esteemed Majority Leader, you are able to move this Bill along. Is that correct?"

Brown: "Yes."

Lang: "Well, I think it's wonderful that the leadership on our side of the aisle, and especially at such a high level, can be such a help to you. Wait, your colleague, Representative Mitchell is here. Well, Representative, I thank you. It sounds like a good Bill to me since you've

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invoked the name of the Majority Leader."

Brown: "Thank you, Sir."

Speaker Granberg: "The Gentleman from Cook, Representative Moore."

Moore, E.: "Yes, thank you very much. Mr. Brown, certainly this is a great piece of legislation. I'm very happy that this piece of legislation has finally come to the front so therefore, we can make sure that we vote on this particular piece of legislation. I also rise in support of this piece of legislation by the Representative. I think it's a very, very good piece and I hope that everybody else can as well, vote 'aye' on this piece of legislation. Thank you very much, Representative Brown."

Brown: "Thank you, Representative Moore, and Representative Moore worked very hard on this Bill and he is to be thanked profusely."

Speaker Granberg: "The Gentleman from Effingham, Representative Hartke."

Hartke: "Will the Sponsor yield?"

Speaker Granberg: "Indicates he will. Proceed, Sir."

Brown: "Yes."

Hartke: "Mr. Brown, I'm still trying to figure out just exactly whose Bill is this. Now, is it Representative Currie's Bill or Representative Eugene Moore's Bill or is it your Bill?"

Brown: "It is a cooperative effort."

Hartke: "You originally introduced this piece of legislation?"

Brown: "Yes."

Hartke: "So, if I look up on the digest, your name will be up there as originally introducing this Bill?"

Brown: "Correct."

Hartke: "Actually, I think it was Senate Bill, how'd you do

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that?"

Brown: "That's correct and it..."

Hartke: "Can you tell me something? I don't think you fully understand the question. Can you tell me something? How many... when did we pass property tax caps here in Illinois?"

Brown: "I believe it was in 1992."

Hartke: "Nineteen ninety-two. Since that time, we've had all kinds of exemptions to the property tax. Who'd you say the Senate Sponsor was?"

Brown: "I'm sorry, Representative, I can hardly hear you."

Hartke: "I said, who was the Senate Sponsor?"

Brown: "Of this Bill, was Senator Klemm."

Hartke: "Senator Klemm. How many tax exempt... or property tax exemptions has he introduced over the years to take this property tax cap thing... to make it meaningless, then?"

Brown: "None."

Hartke: "None?"

Brown: "That's correct."

Hartke: "This is his first one?"

Brown: "This is... this is not a property tax exemption."

Hartke: "Well, maybe you better explain the Bill again."

Brown: "Seven, zero, eight boards were created by referendum in their individual districts in the 60's. When the property tax cap legislation was passed, they were included into the family of funds by county budget of the county, thereby allowing tax cap counties to levy more for their general fund and less for the mental health funds. There is no difference between the total levy and the way this Bill is constructed except the 708 boards get their rightful share, which was, of the property tax levy, which was mandated by referendum."

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Hartke: "And so you're telling me that some of these counties were then staying with the intent of the property tax cap by not levying anymore but they were just giving the local taxing body less money, is that right?"

Brown: "That's correct, and in my county, McHenry County last year, the counties general received \$300,000 of 708 board money and I believe that the same condition exists, and the county... one of the counties represented by Representative Gene Moore."

Hartke: "Okay, what you're saying is, in effect then, that the county was not following the legislative intent that was passed then with tax caps and they were actually using money that belonged to other taxing bodies for the County General Fund. Is that right?"

Brown: "That's correct."

Hartke: "Isn't that illegal?"

Brown: "Representative, I'm... I don't believe that it is. It was allowed under the tax cap with family... with the funds being included in the counties family of funds."

Hartke: "So, then if we... if we pass this, then this is a tax increase."

Brown: "No. All it does is separate..."

Hartke: "Are you sure?"

Brown: "Are it does is separate out the levies. The total amount of money levied which is what is... the tax cap is concerned with, remains the same."

Hartke: "But now, wait a minute. If you said that the county general fund, it was put in their entire levy, now if we're mandating with this piece of legislation, this taxing body gets the full amount that passed by referendum, that's going to mean less for that General Revenue Fund and then the tax cap proposition, they're going to be underfunded in

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their General Fund, so they're going to have to go out for more money."

Brown: "The family of funds has reduced this levy. This levy is separated out and the amount that the county can levy in a family of funds is reduced by the amount of this levy. So, they do not exceed the cash cap. They cannot exceed, the two together cannot exceed the cash cap."

Hartke: "That's correct, but that means that the County General Fund will be receiving less money."

Brown: "They will be receiving what they should have been receiving in the past."

Hartke: "Are they going to pay back what they've been taking away from your fund?"

Brown: "I don't think McHenry County is going to do that. I don't know about the other counties."

Hartke: "Well, I think we're setting up a proposition here for a tax increase in your county and I'm not sure that it's really a good idea or not."

Speaker Granberg: "The Gentleman from Vermilion, Representative Black. You want to pass, Bill? The Gentleman from Winnebago, Representative Scott. We'll let Representative Black finish his sandwich."

Scott: "I'm glad to help out my colleague from Vermilion there. All right, will the Sponsor yield?"

Brown: "Yes."

Speaker Granberg: "Indicates he will, proceed."

Scott: "Representative, so, I've been trying to follow what you've been answering the questions from Representative Lang and Hartke. Basically, you're saying that one part of the county government in McHenry was taking funds that should be levied under what's allowed for them, statutorily, under the state law and moving that money into

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other county functions, not for health department functions."

Brown: "What was happening, Representative, is that the family of funds is capped by the tax cap."

Scott: "Right."

Brown: "There was an interpretation when the tax cap legislation was adopted, that the mental health 708 board levy, which had its oversight by the county board, was included in the county family of funds. When the county did its budgeting, it adjusted the levy accordingly. What happened in tax cap counties and what happens in tax cap counties is that that levy that was set by referendum is reduced. The amount of money levied is the same, what legislation says is, that because this levy was established by referendum, they should get their total levy and the family of funds is then reduced by that amount. Separated out of the family of funds."

Scott: "Okay. Now, what's the McHenry County Board think about this proposal?"

Brown: "They haven't called me on it."

Scott: "Okay, because I saw on our list on the analysis, there were a lot of people that were supportive of this and they were all people that were mental health providers or substance abuse providers and other things, and obviously, the health board in McHenry County was in favor of that, but neither of the McHenry..."

Brown: "The health board... the Board of Health in McHenry County is not funded by the 708."

Scott: "Right. I understand that. But neither the McHenry County Board nor the Metro Counties Association or anybody who's listed, do you know if they have any position on it at all?"

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Brown: "I would... I would tell you that this has been a topic of discussion in McHenry County for several years and I have not been contacted by the Board of Health or the County Board and I would believe that they have no position."

Scott: "Does this change at all, how decisions can get made by the 708 board? Does it in any way, influence or affect how money would be spent?"

Brown: "No."

Scott: "So, it simply has to do with whether or not the money stays in one fund and then gets used for the purpose it was supposed to be used for or whether it goes to that fund directly for their use?"

Brown: "That's correct."

Scott: "Okay. Now, in either case though, the situation you described in my earlier question to you, that could still happen anyway because they can levy, is it .15 percent that they're allowed to levy, the 708 board?"

Brown: "The reason that we drafted the language with the help of Representative Currie was to prevent exactly what you're saying. Is that they... that the 708 boards are entitled by, virtue of their referendum, their levy and that they receive all of the funds that they are due under their referendum and of course, subject to the tax cap."

Scott: "Right, but the referendum was for a specific percentage, .15 percent or whatever. Not for a dollar amount, right?"

Brown: "That's correct."

Scott: "So, they could have the same thing happen to them that happened to them before because all governments do the same thing. They levy a dollar amount and if they guess wrong as to what the growth is going to be, they could end up with less than their levy amount anyway, right?"

Brown: "That's absolutely correct."

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Scott: "Less than levy percentage?"

Brown: "Right."

Scott: "Okay, great. Thanks a lot for your answers."

Speaker Granberg: "The Gentleman from Vermilion, Representative Black."

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

Brown: "Yes."

Speaker Granberg: "Indicates he will. Proceed, Sir."

Brown: "Representative, the Amendment becomes the Bill, your Floor Amendment becomes the Bill, is that correct?"

Brown: "That's correct."

Black: "Because I've been following the discussion, and there is, in your opinion, knowing your background, there is no way that this could be construed as a tax cap loophole. Wouldn't that be in your best judgement?"

Brown: "That is correct, Representative, and in fact, it could be construed as closing a loophole that allowed counties family of funds to get more tax dollars than they're entitled to."

Black: "Are all of the 708 levies, or tax rates, were all of those established by a front door referendum?"

Brown: "Yes."

Black: "And that's the only way they can be increased, correct?"

Brown: "That's correct."

Black: "Okay. And so, if the extension... if you're in a county where they... I think Representative Scott asked this but it's a little hard to hear, if you're fortunate enough to be in a county with a rising EAV, then obviously under your Bill, should it become law, the county clerk could reduce the rate so as to... if the Community Mental Board said we need... we're extending \$1,200,000 in property and the EAV

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is going up, then the county clerk could extend that levy and reduce their authorized tax rate by a penny or a half a cent or whatever..."

Brown: "That is correct."

Black: "So, that doesn't preclude any of that, right?"

Brown: "That's correct."

Black: "Okay. The only other question that I have, and Representative Hartke may have to help me with this, can you tell me, in comparison with the Livestock Management Law, how many people units does it take before we get into trouble? I mean, if there is a person on the House Floor, is that one person unit, is that equal to a animal unit? Maybe Representative Hartke can help me later on that."

Brown: "I really don't know, Representative Black. I don't believe that relates to this Bill."

Black: "Well, I don't think it pertains to the Bill, but when we were debating the Bill, we had a lot of people on the floor and I think because we had so many people on the floor, Mr. Speaker, that I think it should have brought this chamber under the Livestock Management Act. And I don't think any more people should be allowed in until some had left. I'm trying to clarify that but we can perhaps revisit that when we debate Representative Hartke's Bill, that will soon be out of Rules, I'm sure. All right? Okay. Well, Representative, I think you've done a fine job on this Bill. I know I've heard from my Community Mental Health Board and I've not heard anything from Metro Counties Council or any of the county organizations, so, I assume that their silence would mean that they don't have a real problem with this."

Brown: "That's the assumption that I'm under, yes."

Black: "All right. Thank you very much."

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Speaker Granberg: "The Gentleman from Madison, Representative Davis."

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

Brown: "Yes."

Speaker Granberg: "He indicates he will. Proceed, Sir."

Davis, S.: "Representative, I've tried to follow the debate and I may have missed it, but does this provision only pertain to taxing districts that are under the tax cap legislation or does it also pertain to counties that do not come under the tax cap legislation as far as getting the 708 board tax levy separated from the county tax levy?"

Brown: "It's only for tax cap counties, Representative Davis."

Davis, S.: "Okay, that's my only question. I want to have that clarified. Thank you."

Speaker Granberg: "Mr. Brown to close."

Brown: "I would appreciate a favorable vote. Thank you."

Speaker Granberg: "The Gentleman moves for the passage of Senate Bill 1867. On that question, all in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 113 voting 'yes', 0 voting 'no', 1 voting 'present'. Senate Bill 1867, having received a Constitutional Majority, is hereby declared passed. Mr. Black."

Black: "Inquiry of the Chair, Mr. Speaker. I thought perhaps the board had broken down and I wanted to invoke the rule I've not been able to invoke for several years that we do every vote on a Oral Verified Roll Call. So, was the tabulating machine broken or was it just delayed... a short circuit?"

Speaker Granberg: "It's our normal expedient process."

Black: "I see. All right. Well, I'm glad to see that the

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official checker of the roll was up there in heavy thought."

Speaker Granberg: "Thank you, Mr. Black. On the order of Senate Bills, Second Reading. appears Senate Bill 1700. Mr. Durkin,... Jim, do you wish to offer an Amendment? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1700. This Bill has been a read a second time, previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments have been approved for consideration."

Durkin: "Mr. Speaker, there's a Bill, I believe it's... there's an Amendment which still hasn't made its way out of Rules yet on 1700."

Speaker Granberg: "Out of the record. On Senate Bill 1711, Mr. Durkin, is that... Read the Bill Mr. Clerk."

Clerk Rossi: "Senate Bill 1711, a Bill for an Act amending the Illinois Public Aid Code. Third Reading... or Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Granberg: "Third Reading. Mr. Durkin, Senate Bill 1711. Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1711, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this Senate Bill."

Speaker Granberg: "Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. Senate Bill 1711 is a agency Bill from the Department of Public Aid. It does three things. This Bill will allow the department to suspend payment of any individuals convicted for the first offense of a public assistance fraud crime. Present law states it's only if their second conviction. Also, this Bill would allow the Department of Public Aid to temporarily

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suspend or withhold payments to a vendor if that vendor has been indicted for a felony relating to a fraudulent act under the Public Aid Code, and thirdly, it will allow the Auditor General to report on an annual basis as opposed to a quarterly basis so we can be in line with the Inspector General with DCFS and also, with department... the Inspector General in the Department of Human Services. I'm willing to answer any questions."

Speaker Granberg: "Thank you. The Gentleman moves for the passage of the Bill. On that question, the Gentleman from Cook, Representative Scully."

Scully: "Thank you, Mr. Speaker. Representative, you mentioned that this Bill..."

Speaker Granberg: "The Gentleman... the Gentleman yields."

Scully: "You mentioned that this Bill will be doing three different things?"

Durkin: "Yes."

Scully: "Will it be doing those in simultaneously or in the order that you mentioned?"

Durkin: "Whatever way you'd like it, Representative."

Scully: "Thank you, Representative."

Speaker Granberg: "Anyone further seeking recognition? No one further seeking recognition, the Gentleman moves for the passage of the Bill. On that question, all in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, 114 voting 'yes', 0 voting 'no', and 0 voting 'present'. Senate Bill 1711 having received a Constitutional Majority, is hereby declared passed. Mr. Cross, are you ready on the Amendatory Veto Motion?"

Cross: "Yes."

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Speaker Granberg: "Okay. Mr. Clerk, Amendatory Veto Motion, Senate Bill 363. Read the Bill. The Gentleman from Kendall, Mr. Cross. Mr. Cross, do you wish to discuss..."

Cross: "Hey, I'm discussing a juvenile crime right now, but we'll get to that in a minute. The most expensive hot dog I ever had in the State of Illinois."

Speaker Granberg: "Are you... are you representing Mr. Turner when you say juvenile?"

Cross: "All right. Thank you, Mr. Speaker. This, as you know, is the Bill we debated earlier in the spring, passed out of here, I think, with a good number of votes. The Governor made a few changes with respect to Senate Bill 363. The Senate has already accepted his changes. They are, primarily, technical in nature and more in the cleanup... format of cleanup. He changed the implementation date on some things with respect to databases. Gave judges a little bit more discretion in some areas. I think they, overall, were good changes and I would appreciate an 'aye' vote."

Speaker Granberg: "Ladies and Gentlemen, this is final action. The Gentleman from Cook, Representative Pugh."

Pugh: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Granberg: "He indicates he will. Proceed, Sir."

Pugh: "Representative Cross, you alluded to the nature of the Amendments. Could you expound on those, please?"

Cross: "Well, I'd certainly be glad to Representative, and I'll give you a copy of the Amendment. For instance, we, among other things, if you recall, we were implementing a database so we could take fingerprints and other juvenile information and put it in there. We will not be implementing that program until the year of January of

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2000, under the Governor's language, which is fine, because we've, quite frankly, from a budgeting standpoint and giving the State Police time to do it, will not happen realistically and logistically until the year 2000. He limited station adjustments. He put a 24 hour limit on the amount of community service work to be performed in an informal station adjustment situation. He also added probation officers to the list of the persons who may gain access to law enforcement records. He had changed, throughout the Bill, the terminology of youth police officers to include juvenile police and added court supervision back in as an available option to the courts. Defined crime of violence by referencing the appropriate existing statute, and also, reinstated the best interest provisions that we've utilized in the past. Coy, that's... there may be some others. I think I got most of them. If there's a particular area you're concerned about, I'll be glad to try to answer, but I think I got the bulk of the changes. As I said, most people view this as primarily a cleanup language."

Pugh: "Representative Cross, I'm left to believe that the deletion...the station adjustment Amendment is totally so there are no station adjustments in this legislation now, as it's currently written with the veto."

Cross: "No. That's not... all I said was, put a limit on time, at least in the informal station adjustment. We have, if you recall, I know, Representative, you had some problems with this Bill. We had some formal station adjustments as well as informal, and in the informal, which would be the least severe cases, he limits the station adjustments to a 24 hour limit. That's redundant, but there's a 24 hour limit and so, there will still be the concept of station

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adjustments. Our whole idea in the Bill was to limit the station adjustments or the number of them because the feeling was that we were giving kids station adjustments on an ongoing basis and not tracking them and kids were falling through the cracks. And when kids moved around in the bigger counties, we never were able to keep an eye on where they were going and what they were doing. So, that's why we were trying to limit the station adjustments and if you'll recall, in the limiting of station adjustments, all we're doing is saying, once we get to a certain point, you have to consult with the state's attorney. You can continue to give station adjustments, but you have to get the input from the State's Attorneys office."

Pugh: "Thank you. Are you aware of a companion piece of legislation or are there any provisions in here to address prevention and funding for preventative programming?"

Cross: "Representative, we had this debate... a good bit of the debate on this Bill dealt with the issue of prevention. As you know, and as I said when we presented the Bill, this does not have any prevention language in it, so the Governor's Amendatory Veto would not address that, however, there... if I am not mistaken, there is some ongoing discussion about prevention money. I believe there is some need for that, but it will not be in the context of this Bill, nor should it be, under the Governor's Amendatory Veto language, so... But I do believe people are continuing to discuss that issue and need."

Pugh: "Thank you, Representative Cross. I have one... one final question and I'd appreciate if you could indulge me. The 'best interest' clause, if you could elaborate on that just a moment, and I'll relieve you of this chore."

Cross: "We'd apparently, not apparently, we had taken out the

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issue or the definition or the reference to 'best interest' of a minor in the context of whether or not transferring is appropriate in certain criminal cases, Representative, transferring from minor or transferring, I believe, into a adult court and we put back, which I think is okay. As I said earlier, most of these changes are about all I agree with. We put back the concept or the theory of 'best interest of the minor' when the court makes a decision or in the criteria of the court uses to make a decision whether to transfer the child into the adult court system."

Pugh: "And who makes that decision? Is it the state's attorney or the judge?"

Cross: "It's a criteria that the judge would have available to him."

Pugh: "Okay, thank you very much. I have no further questions."

Speaker Granberg: "Thank you. The Lady from Peoria, Representative Slone."

Slone: "Mr. Speaker, will the Gentleman yield for question?"

Speaker Granberg: "He indicates he will. Proceed, Ma'am."

Slone: "Mr. Cross, I have several... I've had quite a bit of correspondence from my... the chief judge of our circuit and others in Peoria County who are concerned about the fiscal impact of the underlying Bill. I'm sure that these concerns are mirrored by others around the state. I wonder if you can shed any light at all on whether the budget Bill will address some of the concerns that are expressed about the fiscal impact of the Juvenile Justice Reform Act?"

Cross: "Representative, you know, that was part of the discussion earlier, and the Amendatory Veto language doesn't address that at any point, but having said that, my understanding is, in the Senate, there has... and there have been some meetings discussing it... discussing putting more money in

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the budget for detention facilities, which I think is the... is really the real crux of the issue for counties. I, personally, don't believe this Bill, if it's implemented the way everyone envisions, will cost counties more money, but the real need for all of us is finding appropriate places for... to house juveniles, both before and during trial and after. So, that discussion has been going on and is continuing to go on, starting over in the Senate. I don't know what's going on from the House side from either your caucus or ours. I will be the first to agree that there is a need for detention money or money to fund detention facilities, but at least within the context of this Bill, I'm not sure it's the appropriate place. I think it's primarily just an appropriation issue."

Slone: "Thank you."

Speaker Granberg: "Nothing further? The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I wanted to address a budget issue, understanding that it's not part of this Bill, but the Conference of Women Legislators, in conjunction with the issue of juvenile justice reform, has made as a priority, juvenile delinquency prevention funding and it is my understanding that there is serious... there are serious negotiations going on, and what we've heard is that there will be significant dollars put in to implement this Bill and of that, that about 50% of those dollars will go into prevention and into... and early intervention, and it is my hope, and I just wanted to go on record in saying that, as a way to make this Bill really work, in the way that I think its sponsors intended and certainly in my voting for it, that I intended that we put our money where our mouth

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is, and that we put some serious state dollars into prevention of juvenile delinquency and not just the diversion and punishment end. So, we're looking forward to seeing those dollars as the budget is finalized. Thank you."

Speaker Granberg: "Thank you. The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you, Mr. Speaker. I, too, would like to add emphasis to the point that's being made about the appropriations for this. The Chief Judge of the Circuit Court in Peoria County pointed out to me several weeks ago that the budgetary line and the Supreme Court budget, which funds this area, was then sitting at zero and this Bill, were it to pass, will become a huge unfunded mandate to the counties. I've subsequently heard from the chairman of the Peoria County Board and from others throughout the state who are extremely concerned about the funding of this Bill and it's very expensive implications to them as a County Board. This could be a real budget buster for the counties if the money does not also come to support what is mandated in this Bill. So, Representative, I know that you believe that this may not... if it works well, it's supposed to be budget neutral, but that is not what we are hearing from our communities, and I would just urge you to help us make sure that that appropriation does get the in that budget and that we do not, in the spirit of passing a meaningful Bill for juvenile crime, pass a budget buster to the counties. Thank you."

Speaker Granberg: "Anything further? No one seeking recognition, the Gentleman from Kendall, Mr. Cross to close."

Cross: "Thank you, Mr. Speaker..."

Speaker Granberg: "I'm sorry..."

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Cross: "... I think most everybody supported this Bill..."

Speaker Granberg: "Mr. Cross, I'm sorry, Mr. Hartke just turned on his light. The Representative from Effingham..."

Cross: "Is he going to say the pledge again?"

Hartke: "If you would ask me, I would. One simple question. Representative Cross, is there a trailer budget Bill for this to address Representative Leitch's concern?"

Cross: "My understanding is there have been talking about this in the Senate. They expect to put money in here for the issue of detention facilities. Chuck, I can't... I don't know for a fact that it's there or that it's going to be there, but I know that everyone involved has recognized, even before this Bill, the need to fund detention facilities, statewide. It's a problem in Kendall County as well as other collar counties near me, but I do believe it's... there's going to be a strong attempt to put it in there."

Hartke: "Well, you know, Representative Leitch has a good point. This could be very financially devastating upon counties in this state if we mandate that they do things and then we don't follow through with any money, so..."

Cross: "Chuck, I don't... I take it the Metro Counties Organizations, for instance, organization, I believe represent 10 or 12 of the bigger counties, supported this Bill, worked with us on this Bill to address the financial concerns, the financial impacts. I, with all due respect to those, I don't believe this is going to increase the burden. I think the need for additional detention space has been there long before this Bill and I don't... I believe this Bill's going to have minimal impact, but having said all that, I still believe, and my understanding is, there's going to be money there. I just don't want to sit here and promise that it's going to be there because I

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don't have any control over it. I'm not putting the budget together, but I do believe that everyone recognizes, in the budget process, this need."

Hartke: "Okay, thank you, Mr. Speaker. I'm sorry I did, but I was listening to the debate with Representative Leitch and it spurred a question in my mind. Thank you."

Speaker Granberg: "Thank you, Mr. Hartke. The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. As to the issue of the funding, which has been brought up a few times, the negotiations are going on in regards to that, as we speak, and presently, the issue of detention centers, probation, and preventative programs are being addressed. Right now, we are trying to work on a dollar figure, but it should be in the area of about \$20 million in that general area, and right now, it's being worked out as far as how that's going to be broken down. We should have that figured out soon. That was part and parcel of a commitment we made when we decided that we were going to pass this initiative last year and we're keeping true to that commitment by bringing the funds to go along with it and, as I said, Tom, that money, the actual amounts should be determined rather soon, but they are being worked on and those issues are being addressed right now as we speak."

Cross: "Thank you, and that's... I'm getting the same response here of some things that I didn't know about. So, thank you, Representative."

Speaker Granberg: "Mr. Cross to close."

Cross: "Apparently, they're even further along than I even realized in the budget negotiation so, I would, to address those concerns that people have about the financial impact... sounds like they're going to be addressed. This

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is a Bill that we needed and that the Governor's changes are minimal and I think appropriate. I would appreciate a 'yes' vote."

Speaker Granberg: "Thank you, Mr. Cross. The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to Senate Bill 363?' This is final action. All those in favor shall signify by voting 'aye'; all those opposed shall signify by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. This Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change regarding Senate Bill 363. Senate Bills, Second Reading, appears Senate Bill 1208. Representative Andrea Moore. Andrea, do you wish to call that Bill and move it to Third? You want to hold it on Second Reading? Okay. Out of the record. Senate Bill 1835, Representative Wood. Corinne, do you wish to call the Bill? Mr. Clerk."

Clerk Bolin: "Senate Bill 1835. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Wood has been approved for consideration."

Speaker Granberg: "The Lady from Lake, Representative Wood on Floor Amendment #2."

Wood: "Thank you, Mr. Speaker. Floor Amendment #2 makes a technical change to the definition of 'setting and living situation' in the Elder Abuse Act. It also excepts out financial institutions from reporting requirements. I would appreciate your support."

Speaker Granberg: "The Lady moves for the adoption of Floor Amendment #2. On that question, all in favor shall say

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'aye'; all opposed to say 'nay'. The 'ayes' have it. The Amendment is adopted. Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1835, a Bill for an Act regarding elder abuse. Third Reading of this Senate Bill.

Speaker Granberg: "The Lady from Lake, Representative Wood."

Wood: "Thank you very much. Senate Bill 1835 amends the Elder Abuse and Neglect Act, and it deals with an issue that's unfortunately plaguing our society with the increased number of individuals suffering from financial and physical abuse. The Bill makes changes for the first time in ten years, any substantives changes to the Act and it provides immunity for certain individuals who report abuse as well as making a good faith presumption. I'd be glad to answer any questions. The Bill passed unanimously out of the Senate and is supported by the AARP, the Elder Rights Coalition, and numerous other elder rights organizations."

Speaker Granberg: "The Lady moves for the passage of Senate Bill 1835. On that question, is there any discussion? Representative Schakowsky, do you have a question? No one seeking recognition, the Lady moves for the passage of Senate Bill 1835. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 115 voting 'aye', 0 voting 'nay', 0 voting 'present'. Senate Bill 1835, having received the Constitutional Majority is hereby declared passed. Senate Bill 1938. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1938, a Bill for an Act concerning special license plates. Third Reading of this Senate Bill."

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Speaker Granberg: "Mr. McAuliffe asked leave to handle the Bill for Minority Leader Daniels. Leave being granted, the Gentleman from Cook, Mr. McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1938 creates a Police Memorial Committee Fund and provides that additional fees for the license plates shall be deposited in the fund for a payment subject to appropriation to the Police Memorial Committee for maintaining a memorial statue, holding an annual memorial commemoration, and giving scholarships to children of police officers killed in the line of duty. I'd be happy to answer any questions."

Speaker Granberg: "The Gentleman moves for the passage of Senate Bill 1938. Is there any discussion? Being no one seeking recognition, the Gentleman from Cook, Mr. McAuliffe to close."

McAuliffe: "I just ask for a favorable vote."

Speaker Granberg: "The Gentleman moves for the passage. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Mr. Rutherford is voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 112 voting 'yes', 3 voting 'no', 0 voting 'present'. Senate Bill 1938, having received a Constitutional Majority is hereby declared passed. Senate Bill 1544 on the Order of Consideration Postponed. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1544, a Bill for an Act to amend the Mechanics Lien Act. Third Reading of this Senate Bill."

Speaker Granberg: "The Gentleman from Cook, Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. This is a Bill we had up before. We had a rather lengthy debate on it. The gist of this Bill would be... would aggregate the

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claims of different lien holders to right a rather absurd Supreme Court opinion that came down a couple of months back. I'd be happy to answer any questions, but the heart of the matter is, it would aggregate lien holders to a third of an award, so then, in sense, a victim would have something which they could walk away with at the end of a judgement, and I'd be happy to answer any questions."

Speaker Granberg: "The Gentleman from Logan, Mr. Turner."

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

Speaker Granberg: "Indicates he will. Proceed, Sir."

Turner, J.: "Representative, I thought we'd already voted on this once. How's this back in front of the Body?"

Dart: "This was put on Postponed Consideration. It received over 47 votes. They put in on Postponed to give it one more try."

Turner, J.: "How many votes did it receive?"

Dart: "I believe it received 54."

Turner, J.: "It changes the law with regard to liens that are filed by certain organizations. How many of those organizations or entities are there?"

Dart: "There are seven of them on the books now. It started off with hospital liens and then on a random basis since the Hospital Lien Act was passed quite a while ago, we have added other liens, as well, to the list, and so, there's a total of seven of them now."

Turner, J.: "Are they all health care providers?"

Dart: "Exactly. In this area, yeah."

Turner, J.: "Was there a Supreme Court case, as I understand it, that came down a year, year and a half ago which induced you to file this legislation?"

Dart: "Exactly. You know, John, I'm not sure of the exact timing of it. It was not... a very short time ago Burrell vs.

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Southern Trust was the name of the court case and it was a Supreme Court case which ruled on these issues."

Turner, J.: "Prior to that case, had, to your understanding, had the statute been interpreted so that the health care providers taken as a whole would only be able to file a lien as to one-third?"

Dart: "My... My understanding was that that was the majority of the opinions. But, it's my understanding that the opinions were, sort of across the board depending on where in the state you were at the time."

Turner, J.: "What kind of cases does the lien apply on?"

Dart: "It applies to a situation where someone is an injured party who brings a lawsuit subsequent to the injury, and prior to that time, they utilized the different medical professions that are allowed the liens."

Turner, J.: "Well, how about a medical malpractice case? For example, if a person goes to a physician or a hospital, they subsequently claim injury because of malpractice, inevitably go to another doctor and another hospital, would that new doctor, new physician, new health care provider be able to assert a lien in the malpractice case?"

Dart: "Can you repeat that question?"

Turner, J.: "Well, what I'm getting at, does it apply to medical malpractice cases where the injured party is injured because, at least allegedly, due to a physician's or hospital's malpractice?"

Dart: "John, I'm not a hundred percent sure, but I'm pretty certain that this would only apply on the cause of action that arose out of the event in which these people got their liens. So, it would be the personal injury case that... say... the best example would be a car accident and the injuries that result from that, the lawsuit from that was

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the event that had this person utilize the ambulance service, utilize the doctor service, utilize the health care provider services. That would be the lawsuit that they would be able to attach on. I'm not a a hundred percent sure on that, but I'm pretty confident that's the case."

Turner, J.: "Can you think of any reason why it would not apply in a medical malpractice case?"

Dart: "I... My thinking was, it would not apply because that would be a situation where you are seeking an award for a different reason and the liens were not obtained in the pursuit of that law... that lawsuit. This is clearly ... the connection is, is that you brought a personal injury suit and as a result of that accident that lead to that suit, you utilized these different individuals for liens."

Turner, J.: "All right. It strikes me, though, that the plaintiff may be injured, at least again allegedly by a malpractice and I can't think of any reason why the... why it wouldn't apply in that case, as well, if the injury occurs because of malpractice."

Dart: "Yeah. I don't know. I just think that you would have to have that causal connection there, that link there, as to why it is the ambulance driver would be able to apply a lien against the cause of action, while in the case of the car accident it wouldn't be obvious because he drove the individual away from the scene of the car accident, which is the cause of action. Where a medical malpractice case may occur down the road, a year or so, I don't see where the causal connection would be that you'd be able to put that on there. But once again, as I say, I'm not an authority on that particular aspect of it."

Turner, J.: "As to the health care provider that asserts the

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lien, if there... let's say, for example, there may be three or four, which I think is fairly typical the way... the way it works, at least. those individuals under your Bill, or those entities under your Bill would be able to assert the lien as to one-third but no more cumulatively than one-third of any award or settlement, is that right?"

Dart: "It'd be... Under this legislation, it would be one-third... they would have to accumulate the award and aggregate the claim as opposed to each of them within their own class getting a third."

Turner, J.: "If a physician or a health care provider was not able to achieve or gain all of the cost back that they had to expend, can they still try to collect then through other means as any other creditor could do?"

Dart: "Exactly, John. You basic... You hit the nail on the head here. The lien merely allows them to go after the award. So, this is above and beyond anything that they would be able to collect via a collection action against the individual who owes them the money. This is just merely another tool for them to get money that's owed to them, and as I say, that's the heart of this Bill, because without legislation like this, most of these people are going to get zero because there will be no incentive, and I mean no incentive, for a victim to bring in a cause of action when they know up front that they are going to get nothing out it. So, they have no reason to go ahead with this action at all. And so, by doing this, you're going to allow these... the actions to go against the wrongful party so that they can satisfy the claims so the different people in this chain of command can get paid back and for the amount that they may not reach under their third of the action that they're able to get. They can go for it in action

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against them as a creditor."

Turner, J.: "Thank you, Representative."

Speaker Granberg: "Anything further, Mr. Turner? The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and the Gentlemen of the House. First, let me apologize for my voice. I have a cold, so I won't speak long. I know that will please all of you."

Speaker Granberg: "I don't think you'll hear any objections, Mr. Lang."

Lang: "Thank you. Thank you, Mr. Speaker. I rise in support of this good Bill for the same reasons I rose in support of it previously. Briefly, for those who around this chamber are anti-lawyer, this has no impact, like Representative Hartke, this has no impact whatsoever on attorneys fees. Attorneys will not make a dime more on a personal injury case than they would have made if this Bill did not pass. Second, any lien holder would still have the right to go after the victim of negligence for whatever balance was due in owing after the liens were paid so that this does not extinguish the rights of the doctor or the ambulance driver or the medical practitioner. It puts the person in a better position that they would be in, had the victim of negligence not filed the lawsuit. They're in a position of going after them, but they will have gotten something, and that something would be prorated so that there's no race to the courthouse to file the lien. Some have been concerned, well if the smaller lien holders get there first, the larger ones won't get anything, but that's not what this Bill says. What this Bill says is that there's no rush to the courthouse. All of the lien holders will share in a pro rata basis. Excuse me. Finally, this is a Bill that

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protects the victim of negligence or the victims of negligence. The purpose is to say, the courts of this state are open for you to pursue remedies against those who have been negligent against you, causing you injuries, and when the case is over, you will be able to have some compensation for those injuries. Under the current law, which allows up to seven-thirds of the settlement or judgment to be taken from the victim of negligence, there is no opportunity, under those circumstances, for the victim of negligence to have any recovery at all. So, this is a protection to those who choose to use the courthouse. This is a protection to them without really taking away the rights of the lien holders. It's clear to me that the... that the intent of all the lien laws in the first place, was to do exactly what Representative Dart is doing here. So, this is fair to all. There is no race to the courthouse. It does not help lawyers. It's only good for victims, and I would ask your support."

Speaker Granberg: "The Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "He indicates he will. Proceed, Sir."

Black: "Representative, as... has there been any changes in this Bill since it failed to receive a majority on May the 12th?"

Dart: "Only, I'm hoping to change the mind on a couple of people. No textual change, though."

Black: "I see. So, it's... it's really the same Bill that only got 53 votes six days ago?"

Dart: "Yeah, correct."

Black: "Okay. And what the Bill is doing, the Bill is attempting

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to overturn a decision of the Illinois Supreme Court. I believe that would be Burrell vs. Southern Trust?"

Dart: "Correct."

Black: "I see. And how... When an attorney represents someone and files an injury suit, do they usually do this in a matter of days or... or has more than a year gone by and so, all the medical bills should be available, should be known, should they not?"

Dart: "I... I'm unaware of... actually, I haven't practiced law since I left the States Attorney's Office, so I'm not the best person to answer that question, as far as what... how lawyers file their cases. My understanding is though, that would vary diff.... widely whether or not they filed the case right away, whether or not it goes for some time before they file the case and whether or not it's ascertained exactly what the exact amount of the medical bills are. And see, the other part is, one of the liens we're talking about here is for providers of rehabilitative services, as well. So, those would be ongoing services that no one would have a dollar figure on at any time certain, earlier on. Especially for some injuries that... require rehabilitation for a year or so."

Black: "Well, thank you, Representative. I'm intrigued by this. Mr. Speaker, if I could, to the Bill. Ladies and Gentleman of the House..."

Speaker Granberg: "Proceed."

Black: "Thank you, Mr. Speaker. If... If you'll look at the Bill and the Sponsor is a very honest fellow and says nothing has changed in this Bill since we defeated it six days ago. The Bill attempts to overturn a decision of the Illinois Supreme Court and change the Health Care Lien Act, that under current law, each classification of provider is

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entitled to one-third of a judgment recovery. Oh, no, now we're going to change this. The health care providers aren't going to be covered under that anymore, they would be treated in an aggregate. So, if you had a life-line helicopter, if you had advanced EMT support, if you had a trauma team, a team of surgeons, a team of medical specialists, a long recovery process, you had physical rehabilitation, you, after that, would have to go to a chiropractor for a number of weeks. All of those people's bills would be treated in total and they would divide up one-third of the award. Now, it's interesting to me, and in all due respect to my colleagues who are attorneys, the attorneys aren't treated any differently under this Bill than they are now. They retain their one-third payment up front, unaltered, and untouched, but we make a considerable change in how we deal with health care liens. From a layperson's standpoint, I'm not an attorney, it would seem that any good personal injury lawyer would make sure that they... he or she knew what all of the health care bills were going to be or were in toto, and take that into account in the lawsuit. I see no reason to put any one entity of the health care delivery system at a disadvantage. If they expend \$100,000 to save your life, divided it among 10 different providers, they should all get paid, rather than have somebody call and say, 'Well, will you accept 20% of your Bill? Would you accept 10% of your Bill and when we get to you, we're not going to pay you anything. We're sorry, but we've already exhausted the third.' I don't really think that's a very good idea. I see that nothing has changed since this Bill received 53 votes less than a week ago. If you voted 'no' or 'present' at that time, you should vote 'no' or 'present' at this

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time. Thank you."

Speaker Granberg: "Thank you, Mr. Black. The Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. We ask for a verification in case this gets..."

Speaker Granberg: "Certainly."

Cross: "Thank you for acknowledging that."

Speaker Granberg: "The Gentleman from Champaign, Mr. Johnson."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. I'll be mercifully brief. The practical effect of the passage of this Bill will be positive in any number of respects. Number one, as one of the previous speakers indicated, it will provide for actual payment to medical providers in situations where there's no incentive to be able to provide those actual repayments today. That's good for physicians, it's good for hospitals, it's good for chiropractors, it's good for everybody who provides medical services. The second practical effect and, maybe the most important is, it'll provide an incentive for these cases to be settled rather than to be litigated and to tie up the court system forever in a litigation process. We all want to facilitate settlements and fair settlements and this Bill provides the groundwork for being able to do that. And lastly, and I think most importantly, it provides people who get hurt, and we're not talking about malpractice cases, we're talking about people who get hit at an intersection by a drunk driver and have extraordinary or a variety of medical services that are necessary as a result of that injury, the injuries they sustained there, will provide money for them to compensate them for permanent disability, for their pain and suffering, and for wage loss, for future wage loss, and otherwise. If you

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don't do that, you're going to take away, not only the incentive for settlement, you're going to take away actual dollars from real people who really got hurt, who, under current law get zero. This Bill perhaps wasn't debated enough or fully enough when we discussed it to realize what the ramifications are. I realize many of our friends, including some of my friends, have some concerns about this Bill, but I think the long run picture, the long run effect of this will be positive for everyone, the medical community and the legal process and most importantly, for individual human beings and their families who get hurt and damaged as a result of somebody else's negligence. I urge a 'yes' vote."

Speaker Granberg: "No one further seeking recognition, the Gentleman from Cook, Representative Cross to close."

Cross: "Thank you, Mr. Speaker, Members of the House. This is a Bill which... its purpose is rather simple and straightforward and that is to correct an error that we made here in the General Assembly years ago when we went about giving away more than there is to give away. What I mean by that is, I'm not a mathematician, but we wrote seven separate Lien Acts which give away a third of an award, and you can't have seven-thirds of an award. It just, it doesn't work out that way. What this attempts to do, it attempts to aggregate the claims of the different providers and in no way, cuts them off in the ability to go and seek the rest of their claim from that person through a credit action. It's very, very shortsighted on the part of the opponents of this Bill because, as Representative Johnson pointed out very well, without this measure, there will be no incentive whatsoever for anybody to settle any case because they're going to be able to size it up with

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the lien amounts and say, 'Well, the lien amounts added together, I'm not going to have anything left for myself, the victim, so, I'm not going to take their settlement offer.' Let's roll the dice. Let's have more court costs. Let's have more trials and let's try to do the lottery effect that people have talked about here before when they talk about tort reform. This would encourage that very thing because there'd be no reason to settle, whatsoever. The other point of this Bill is, as well, the victims in these cases, more often than not, will walk away with nothing, and then what's going to happen in those situations, they're just going to sit there and say, 'I'm not going to bring the lawsuit,' and so then, the doctor, the hospital, the ambulance driver, the rest of them are going to be left with only a collection action. They won't have anything to go after for a lien and everybody's going to be left with nothing. This Bill is straightforward in the sense it tries to correct a problem we created here when we very inartfully drafted a law when we gave seven-thirds of an award to lien holders. It was a mistake then, this attempts to correct that and I'd appreciate a favorable vote."

Speaker Granberg: "The Gentleman moves for the passage of Senate Bill 1544. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 54 voting 'yes', 56 voting 'no', 5 voting 'present'. Senate Bill 1544, having failed to receive a Constitutional Majority, is hereby declared lost. Senate Bill 1271. Mr. Saviano, do you wish to call the Bill? Would you like to move that to Third? Mr. Clerk, read the Bill."

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Clerk Bolin: "Senate Bill 1271. The Bill has been read a second time, previously. Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Granberg: "The Gentleman from Cook, Mr. Saviano, on Floor Amendment #1. Proceed, Sir."

Saviano: "Thank you, Mr. Speaker, Members of the House. Amendment #1 is an Amendment which was purposed by the Department of Public Aid. It's an agreed Amendment... an agreed Amendment which makes health care employees working in a supportive living program subject to background checks in accordance with the conditions set forth in the Health Care Worker Background Check Act, and I would ask for your favorable vote. Thank you."

Speaker Granberg: "The Gentleman moves for the adoption of the Amendment. All in favor shall say 'aye'; all opposed shall say 'nay'. The 'ayes' have it. The Amendment's adopted. Mr. Clerk, read the Bill. Third Reading."

Clerk Bolin: "Senate Bill 1271, a Bill for an Act to amend the Illinois Physical Therapy Act. Third Reading of this Senate Bill."

Speaker Granberg: "The Gentleman from Cook, Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. With Amendment #1, that becomes the Bill. The Amendment, again, becomes the Bill and the reason for the Amendment was that, originally, the supportive living facility employees were excluded from background checks because the facilities were not in existence at that time. The department is now offering this Bill pursuant to the fact that facilities have become established and we need to put this legislation into in place and I would ask for your approval of Senate Bill 1271. Thank you."

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Speaker Granberg: "The Gentleman moves for the passage, on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "He indicates he will. Proceed, Sir."

Black: "First, let me make an inquiry of the Chair."

Speaker Granberg: "Yes, Sir."

Black: "What Amendments are on the Bill? Is there just one?"

Speaker Granberg: "Mr. Clerk."

Clerk Bolin: "Floor Amendment #1 is the only Amendment that's been adopted to the Bill."

Black: "Then Floor Amendment #2 then, was tabled or not called or locked in Rules?"

Clerk Bolin: "Floor Amendment #2 remains in the Rules Committee."

Black: "Okay. Will the Sponsor yield?"

Speaker Granberg: "Indicates he will. Proceed, Sir."

Black: "Representative, I don't think there's any opposition to the Amendment, but do you have any idea when the department's going to get around to supporting, licensing, encouraging these supportive living arrangements? I thought we had a Bill out somewhere that was going to do that but I don't... I think it's hung up someplace."

Saviano: "I've heard nothing about it."

Black: "Okay, I've got... I have some people in my district that are involved in one and it's kind of in legal limbo, and I noticed the Amendment would address the concerns of the department but I'm not sure that the department has promulgated any rules or... as to how they can operate. In fact, they're indicating that some they're going to close down. So, I was hoping that that wouldn't have to happen."

Saviano: "Well, I think that Bill remains in a committee."

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Black: "Okay. All right. Thank you very much, Representative."

Speaker Granberg: "Anything further? The Gentleman from Cook, Mr. Saviano to close on the Bill."

Saviano: "Thank you, Mr. Speaker, Members of the House. I would ask for your approval on this fine piece of legislation. Thank you."

Speaker Granberg: "Mr. Saviano moves for the passage of this fine piece of legislation. On that question, all in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 114 voting 'aye', 0 voting 'nay', 0 voting 'present'. Senate Bill 1271, having received a Constitutional Majority is hereby declared passed. Mr. Clerk, announcements."

Clerk Bolin: "Attention, Members. The Rules Committee will meet at 3:00 in the Speaker's Conference Room. The Rules Committee will meet at 3:00 in the Speaker's Conference Room."

Speaker Granberg: "Representative Turner in the Chair."

Speaker Turner, A.: "On the Order of Second Reading, page six of the Calendar, we have Senate Bill 1307. Representative Skinner. Take the Bill out of the record. The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Yes, inquiry of the Chair, Mr. Speaker."

Speaker Turner, A.: "State your inquiry."

Black: "Yes, who's in the Chair? Did you announce yourself?"

Speaker Turner, A.: "This is Representative Turner in the Chair."

Black: "Okay, because there was about a five minute vacuum. You know, kind of a power vacuum, where nobody was in the Chair, and I was preparing to perhaps, in the absence of

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anyone in the Chair, and having been almost two years since I was in the Chair, was thinking perhaps I could be in the Chair."

Speaker Turner, A.: "I don't think so today, Representative. I don't believe there's..."

Black: "Well, since you've announced yourself, now we have a Chair. But, there for five minutes, we didn't have anybody in the Chair."

Speaker Turner, A.: "I thought Representative Granberg..."

Black: "You were talking to the press over here, which left the other stairwell wide open. I just... you should be a little more alert than that, Mr. Speaker."

Speaker Turner, A.: "We'll make the announcement."

Black: "Alright, okay."

Speaker Turner, A.: "Representative Turner in the Chair."

Speaker Turner, A.: "Representative Granberg in the Chair."

Speaker Granberg: "Rules Committee will meet immediately. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following items were referred, action taken on May 18, 1998, reported the same back with the following recommendations: 'to the Floor for consideration' House Amendment #1 to Senate Bill 1315; House Amendment #4 to Senate Bill 1506; House Amendment #3 to Senate Bill 1700. On the Order of Concurrence, Motions to Concur, House Bill 25, Senate Amendment #1 approved for consideration. House Bill 94, Senate Amendment #1 approved for consideration. House Bill 1318, Senate Amendment #1 approved for consideration. House Bill 2370, Senate Amendment #1 approved for consideration. House Bill 2400, Senate Amendment #1 approved for consideration. House Bill 2424, Senate

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Amendment #1 approved for consideration. House Bill 2430, Senate Amendment #1 approved for consideration. House Bill 2565, Senate Amendments 1 and 2 approved for consideration. House Bill 2580, Senate Amendment #1 approved for consideration. House Bill 2671, Senate Amendment #1 approved for consideration. House Bill 2746, Senate Amendment #1 approved for consideration. House Bill 2899, Senate Amendment #1 approved for consideration. House Bill 3257, Senate Amendments 1 and 2 approved for consideration. House Bill 3492, Senate Amendment #1 approved for consideration. House Bill 3749, Senate Amendment #1 approved for consideration. House Bill 3811, Senate Amendment #1 approved for consideration. Supplemental Calendar #1 is being distributed."

Speaker Granberg: "On the Calendar, Senate Bills, Second Reading, appears Senate Bill 1315. Mr. Clerk, read... Representative Schoenberg. Mr. Clerk, question. Have the Amendments been distributed?"

Clerk Rossi: "The Amendments have been distributed."

Speaker Granberg: "Mr. Schoenberg in the chamber? Mr. Clerk, Senate Bill 1506, Mr. Brady. Representative Brady, do you wish to move... do you wish to adopt that Amendment to Senate Bill 1506? Mr. Brady. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1506 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Gash, has been approved for consideration."

Speaker Granberg: "The Lady... The Gentleman from Vermilion, Representative Black, for what reason do you rise, Sir?"

Black: "Yes, thank you very much, Mr. Speaker. An inquiry of the Chair before we get going."

Speaker Granberg: "Proceed. Proceed."

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Black: "And trying to get Representative Gash enough time to figure out what the Amendment is, and I think she's going to come up and ask you. But in all... Well, go ahead. Go ahead Representative. Well, can I ask an inquiry of the Chair?"

Speaker Granberg: "State your inquiry."

Black: "Yes, we had several minutes of inactivity and many of us were wondering what the schedule would be the rest of the day. We have laundry to do and, you know, things of that nature. I wanted to know if I needed a reservation at McDonald's or something for supper tonight. We've been, you know, moments of frenetic activity followed by, literally, an hour of doing nothing. What's the schedule for the rest of the day?"

Speaker Granberg: "Mr. Black, we're going to proceed with these items that have come out of Rules Committee, then we will adjourn and allow the respective committees to meet."

Black: "I'm sorry, adjourn when?"

Speaker Granberg: "We'll adjourn and allow the respective committees to meet, that are scheduled at 4:00 or 4:15."

Black: "So, a reasonable hour?"

Speaker Granberg: "Mr. Black, at your request we will do that."

Black: "Yes, I would request to do that."

Speaker Granberg: "We intend to go to midnight, but if you request, we will..."

Black: "Well, I... now that I've stalled long enough so that Mr. Brady can find out what the Amendment is to his Bill, I'll... I appreciate the indulgence of the Chair."

Speaker Granberg: "Always a pleasure, Mr. Black. Representative Gash, do you wish to... Representative, if you want to do the Amendment... if you don't want to do it, we'll withdraw the Amendment. Recognize the Lady from Cook,

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Representative Gash... the Lady from Lake."

Gash: "Can we go the next thing and then come back?"

Speaker Granberg: "Mr. Brady, can we take this Bill out of the record for a few moments? Can we take this Bill out of the record for a few moments? Thank you, Sir. Senate Bill 1700, Mr. Durkin. Jim, do you wish to adopt that Amendment? Senate Bill 1700. Just indicate, Jim, if you want to..."

Durkin: "Mr. Speaker, before... there's... Mr. Speaker, we need to table Amendment 2 before we proceed to the Amendment which was just passed out of Rules, which is Amendment #3."

Speaker Granberg: "The Gentleman moves to table Amendment #2. Any discussion? All in favor say 'aye'; opposed say 'nay'. The 'ayes' have it. The Amendment is tabled. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Durkin."

Speaker Granberg: "The Gentleman from Cook, Representative Durkin."

Durkin: "Thank you, Mr. Speaker. Floor Amendment #3 will eliminate the provision under Senate Bill 1700, which will allow the Department of Public Aid to contract with private process servers in order to serve subpoenas and other court notices. There was a discussion which is ongoing right now with not only the Sheriffs' Association, but also the Cook County Sheriffs' Association so, in lieu of those good faith efforts, we are eliminating that Section, and we'll continue with that work over the summer. Other than that, the Bill remains the same, Mr. Speaker."

Speaker Granberg: "The Gentleman moves for the adoption of Amendment #3 to Senate Bill 1700. On that, is there any discussion? Mr. Black."

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

Speaker Granberg: "He indicates he will. Proceed, Sir."

Black: "Representative, Committee Amendment 1 and 2 are on the Bill?"

Durkin: "Believe it was just Amendments 1 and 3."

Speaker Granberg: "Amendment #2 was just tabled, Mr. Black."

Black: "Well, wait a minute. I thought Committee Amendment... I thought #2 was a Committee Amendment that had already been adopted in committee, and so we just moved to table that?"

Durkin: "That's correct."

Black: "And then, you added Floor Amendment #3?"

Durkin: "That's correct."

Black: "All right. Can you tell me, where in the process are we on in moving child support from the Department of Public Aid to, perhaps, the Office of the Attorney General?"

Durkin: "That was passed out of the House. It is in the hands of the Senate and I do not know what the likings of the Senate is with respect to moving and shifting this responsibility over to the Attorney General office, but as you well know, we all passed on this Bill. I believe earlier in the year, or in the Veto Session. We still have another 3 or 4 days left ahead of us but I am not aware or sure what the liking of the Senate is on this position."

Black: "So, you're taking out the ability to go to private process servers?"

Durkin: "That's correct."

Black: "Why do we have to do that?"

Durkin: "It was... originally, the Bill, what we were going to do, we were going to allow the Department of Public Aid to contract with private process servers. Right now, Public Aid does not have the ability. We were going to give them

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that ability. There's been a number of concerns which were brought from the Illinois Sheriffs' Association and also the Cook County Sheriff's Office and then the Department of Public Aid has agreed that we will take writ of that Amendment and they will negotiate this over the summer."

Black: "Okay. That sounds reasonable. Thank you very much."

Speaker Granberg: "Anything further, Mr. Black? Nothing further? The Gentleman moves for the adoption of Floor Amendment #3. All in favor shall say 'aye'; all opposed shall say 'nay'. The 'ayes' have it. The Amendment is adopted. Third Reading, Mr. Clerk."

Clerk Rossi: "Senate Bill 1700, a Bill for an Act concerning child support. Third Reading of this Senate Bill."

Speaker Granberg: "The Gentleman from Cook, Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. Senate Bill 1700 is an initiative of the Illinois Department of Public Aid. Basically, there's three major areas in which we are amending. First of all, we are amending the Administrative Process Section in which we are now giving appeal rights to... we're going to provide that Title 4D clients with an appeal right regarding the department's administrative paternity and support positions will allow noncustodial parents and 4D clients with the ability to petition to vacate a department, administrate a paternity and support order within two years of entry under the same grounds as the court judgements, may be vacated under 21401 of the Illinois Civil Code. Also, we are amending the Income Withholding Section by putting in the definition of the term 'business day' as it personally... as it appears right now in the personal responsibility and Work Opportunity Act. It also requires that the income withholding notice contain the date of entry of the order for support upon

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which the income withholding notice is based, and we also now, are creating the States (sic-Safe) Case Registry. And what we are doing with that is that the Child Support Enforcement Division will create an automated Safe Case Registry to contain records concerning child support orders entered in cases in which a party is receiving 4D support enforcement services and for child support orders entered on or after October 1, 1988. I'm ready to answer any questions."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question, is there any discussion? No one seeking recognition, all in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Representative Kosel, will you take care of your seatmate, please? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 116 voting 'yes', 0 voting 'no', 0 voting 'present'. Senate Bill 1700 receiving the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we are honored today to have the distinguished Majority Leader of the Senate, Stan Weaver with us in a rare visit to the House. Senate Bill 1313, Mr. Brunsvold. Mr. Brunsvold. Out of the record. Representative Brunsvold, are you ready on Senate Bill 1313? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1313, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Granberg: "Is there leave to have Representative Brunsvold present the Bill for Representative Kubik? Leave is granted. Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. Senate Bill 1313 was heard in Revenue Committee and

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it deals with changing the way we tax calling cards. The telecommunication industry indicated... well, it's AT&T, MCI, GTE and Sprint indicate that they would prefer and it would be easier for the sale of the calling cards to be done at the point of sale with a sales tax instead of the way it's presently done. Under the current tax sales rate, you're using the sales tax plus telecommunications tax, as well as other taxes to tax these cards. Now, the revenue figures that were generated through the Department of Revenue and the industry indicated that there would be a \$300,000 gain in state revenues by switching the tax on the calling cards. There will be a shift, however, in who gets that money. So, that's what this Bill does and I would ask for the passage of Senate Bill 1313."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question, is there any discussion? The Gentleman from... I recognize you, Mr. Hartke. The Gentleman from Effingham, Representative Hartke."

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

Speaker Granberg: "He indicates he will. Proceed."

Hartke: "Representative Brunsvold, when you said that there would be a shift of revenues, what do you mean by that?"

Brunsvold: "Well, right now, according to the figures, these cards would generate about \$470,000 annually. That means that telecommunications charges resulting from these cards totals about 6.7 million. The industry also indicates that moving the point of sales from the sales tax would generate now, 680,000 would be generated, which means that the amount of the calling cards sold would be about 13.6 million. So, actually, many of the cards that are being purchased out there right now aren't being used. They're being forgotten about and that is unused calling time,

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which means unused money by the state."

Hartke: "So, what you're saying is that if they lose the card, the companies, the utility companies, the telecommunication companies are the ones that are going to make the money?"

Brunsvold: "Well, now, the state's going to gain 300,000 now whether they generate more money or not, the calling cards that'll be sold will be 13.6 million, according to my figures. Now, the shift comes, Chuck, when the different, like the School Infrastructure Fund, because of the way money is allotted, because of the sales tax, would lose about \$67,000 where before, of course, they would get that money. It's just, some of the money because of the way it's taxed, would go to different places."

Hartke: "Right, and it's also my understanding that the Department of Revenue is an opponent to this because they don't like the shift as well as the Illinois Municipal League and the City of Chicago and the Statewide School Management Alliance, is that correct?"

Brunsvold: "That's correct."

Hartke: "So, what they're saying is that the state may receive more money but the Department of Revenue doesn't like the shift. AT&T, MCI, and GTE and Sprint, oh, they all think it's a great idea cause they're going to sell this card. They don't really care if people lose them, tear them up, burn them, not use them. They're going to make the money with the purchase of the card as well, correct?"

Brunsvold: "Yes, but I think it's an overall view of the credit cards and the point of purchase where the card is sold will generate. If more cards are sold to one location, of course, the municipalities will gain more money. If they're sold there, then you go on to the other tax, telecommunication tax, which depends on where the cards are

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being used and how much money is generated there, the municipalities will get a portion of that. So, I think it becomes a point of ease of taxation for the telephone companies and how they... how they're taxed on the cards. I think it's just simpler for them in the way the taxation is used."

Hartke: "Are these prepaid telephone cards sold on the Internet?"

Brunsvold: "I don't know, Chuck. I have no idea."

Hartke: "If they were, would we... the state that is, collect the tax from those sales?"

Brunsvold: "I don't know if the cards are sold on the Internet or not. I know I see them in the stores where you can buy the prepaid cards."

Hartke: "Was there a corresponding Bill here in the House that was similar to this?"

Brunsvold: "I don't recall one."

Hartke: "Okay, well, to the Bill. Mr. Speaker, I'm not... I'm not too sure about this legislation. I think that when we're... we're looking at money for schools and so forth, unless we have some kind of guarantee that we don't reduce those revenues for the schools, I'm sure that they need it worse than MCI, Sprint, or GTE, but I stand in opposition to the Bill."

Speaker Granberg: "The Gentleman from Logan, Representative Turner."

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

Speaker Granberg: "Indicates he will. Proceed, Sir."

Turner, J.: "Representative, Mr. Hartke seems to suggest, at least in his closing, that there is a transfer of funds resulting in less money in the school fund. Do you agree with that?"

Brunsvold: "I think that's what the Fiscal Impact Note stated,

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yes."

Turner, J.: "Do we know how much that is?"

Brunsvold: "Sixty-seven thousand dollars, according to present figures."

Turner, J.: "Could this be classified as a tax increase? It seems that some language is indicative of that and other language almost suggests that it's a tax decrease. How would you term it?"

Brunsvold: "I would indicate... I would think it was just a difference in the way the tax is put on the Bill."

Turner, J.: "So, it's revenue neutral then or tax neutral?"

Brunsvold: "Well, no. The Department of Revenue indicates it's a loss of revenue, so that would... should be an increase for the... increase for the citizens as far as getting cheaper cards, because the Department of Revenue doesn't like it because they think it's a loss in revenue for the state. So, I don't know. It's kind of a... it's a touchy situation there where the revenue's against it because we think lose. The industry says that we're going to gain 300,000."

Turner, J.: "Well, who are the proponents of the legislation?"

Brunsvold: "AT&T, MCI, GTE, and Sprint is on my list."

Turner, J.: "All right. My analysis must be close to the same as yours. Opponents are, in addition to the Department of Revenue, would be the City of Chicago and the Municipal League?"

Brunsvold: "That's what I have also. My seatmate indicates that the City of Chicago is no longer a opponent. I don't know, that's what Representative Mautino indicates."

Turner, J.: "Okay. Was there an Amendment that caused the City of Chicago to lift their opposition?"

Brunsvold: "I don't believe so. It didn't come out of Revenue

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with any Amendments on it."

Turner, J.: "All right, Representative. That's all the questions I have. Thank you."

Speaker Granberg: "Thank you, Mr. Turner. The Gentleman from McHenry, Representative Brown.

Brown: "Yes, will the Sponsor yield?"

Speaker Granberg: "Indicates he will. Proceed, Sir."

Brown: "I have a question about possible double taxation. If I buy a phone card and then I use it, how does the phone know that I'm not using quarters and it's collecting my tax and I'm using a phone card and I've already paid the tax?"

Brunsvold: "You bought the card, you paid a sales tax, correct?"

Brown: "I've never bought one. My question is..."

Brunsvold: "Me either."

Brown: "My question is, the tax that we are collecting is a message tax, correct?"

Brunsvold: "We have a number of different taxes on this. You also, you have a sales tax which... it's initial purchase but then you also have a telecommunication tax that's part of this also..."

Brown: "All right."

Brunsvold: "...and those are distributed to different arenas. Of course, the state gets a portion of a five percent, local government gets a portion of the sales tax, you have part of it going to the School Infrastructure Fund, and you know, so it's divided up amongst quite a few entities."

Brown: "Okay. My question is, I go into a phone booth and I put a dollars worth of change into the phone..."

Brunsvold: "I can't hear you, Representative."

Brown: "If I put a dollars worth of change into the phone, the tax is collected from my dollar, correct?"

Brunsvold: "You put a dollars worth of change..."

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Brown: "In the phone."

Brunsvold: "...in the phone. I don't think you put any change into the phone, Representative. I think it's a... I think that's what the card is for."

Brown: "Well, the phones..."

Brunsvold: "You just swipe the card down and it has so much money in it and it indicates electronically..."

Brown: "But, if I didn't have the card, I could put money in the phone?"

Brunsvold: "If you didn't have the card, you'd have to put money in the phone."

Brown: "All right. If I put money in the phone, the tax is collected?"

Brunsvold: "Telecommunication Tax, yes."

Brown: "All right. If I put the card through the phone, the tax is also collected?"

Brunsvold: "Yes."

Brown: "So, I've been taxed twice. I've been taxed..."

Brunsvold: "No."

Brown: "...when I purchased the card and when I used it."

Brunsvold: "You don't put any money in the phone when you're using the card?"

Brown: "My question is, that if I prepaid a tax and I use the card and it takes a dollar amount out for the amount of the phone call, I'm getting taxed again. How does the card differentiate?"

Brunsvold: "Staff indicates to me that right now, all you're paying is a Telecommunications Tax."

Brown: "If I pay cash, I pay the tax at the time I use it?"

Brunsvold: "Telecommunication Tax, yes."

Brown: "If I buy the card and prepay the tax and then when I go to use it and it deducts the dollar for the phone call, I'm

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going to get taxed a second time."

Brunsvold: "No, you're not, Representative."

Brown: "How does the card know to tell the phone that I've already paid the tax?"

Brunsvold: "You have to punch in a authorization number."

Brown: "Representative, only my children use phone cards. I can't figure it out."

Brunsvold: "Me too."

Brown: "All I'm asking you is, if I buy a phone card at the grocery store..."

Brunsvold: "You don't pay a sales tax on it right now."

Brown: "...and I go to the phone booth... but I'm prepaying... I'm prepaying what here?"

Brunsvold: "Your Telecommunication Tax."

Brown: "Okay, if I choose not to use the card and I put the money in the phone, let's say it cost me a dollar."

Brunsvold: "All right."

Brown: "I've now paid my tax, correct?"

Brunsvold: "You're paying the tax on the phone call and you did not use the card?"

Brown: "Correct."

Brunsvold: "So, you've got in your hand in the card, calling time and taxes you've paid, which you're not using."

Brown: "Correct."

Brunsvold: "That's what's happening now."

Brown: "But I pay the tax when I put my dollar in the phone?"

Brunsvold: "Yeah, but you're not using the card."

Brown: "Right."

Brunsvold: "Right. All right. Then, I have to make the same call again five minutes later. I use the card and it charges me the same amount of money that I paid with my money, with my cash."

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Brown: "You paid two taxes on two calls which is normal."

Brunsvold: "But I'm saying to you that if I prepaid the tax, and my dollar phone call with the card is still a dollar, I paid twice using the card."

Brunsvold: "No, you used two different calls, right?"

Brown: "Yeah, ah, okay. I'm being told now that I won't be charged the 7 1/2 percent fee if I buy the card. How does the phone know that?"

Brunsvold: "Electronically."

Brown: "So, I could..."

Brunsvold: "It signals through the wires, to the computer that this tax has been paid."

Brown: "I still think you get taxed twice, and we aren't going to resolve that today. So, thank you for answering."

Brunsvold: "No, you're not. This institutes the sales tax on the card, changes the way the card is taxed which the industry feels is going to gain about \$300,000 for the..."

Brown: "Okay. If I buy a card in a Shell Station in Hammond, Indiana, I drive to Chicago and make a phone call, that card is not going to tell the phone that I paid the tax. So, it's going to be deducted from my card amount, correct?"

Brunsvold: "Not unless you use the authorization number. You'd have to use the authorization number in order to get taxed for the call."

Brown: "Now I'm thoroughly confused. Thank you."

Speaker Granberg: "The Gentleman from Cook, Representative Brosnahan."

Brosnahan: "Will the Sponsor yield?"

Speaker Granberg: "Indicates he will. Proceed."

Brosnahan: "Joe, I just had a couple of questions. Under this legislation..."

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Brunsvold: "I can't hear you, Jim."

Brosnahan: "Under this legislation, you're paying the sales tax when you purchase the card. Is that correct?"

Brunsvold: "Right. When you first buy the card, you're paying the sales tax."

Brosnahan: "Is an example, if you're under... today, if you buy a \$20 phone card, and let's say you spend five minutes on the phone, there's a seven percent, like, Telecommunication Tax, correct?"

Brunsvold: "Yes."

Brosnahan: "Now, under this legislation, you spend the 20 dollars for the phone card and you're going to end up paying the 6 1/4 percent tax as a sales tax when you purchase the card, correct?"

Brunsvold: "Six and a quarter. Five percent going to the state, 1 1/4 percent going to the locals."

Brosnahan: "So, it just seems like to me that the telecommunication companies, MCI and Sprint, they're coming out ahead of this pretty well, and the consumer is going to be... end up paying that sales tax and the state's still going to lose 3/4 of a percent."

Brunsvold: "Yeah, the state in the end is going to gain money. You may see a shift in how the taxes are distributed, that's why there's a loss to the one fund of \$67,000. Yes, there is a shift. Is the state going to lose money? I don't think so. Our figures indicate about a \$300,000 gain in the end."

Brosnahan: "But Joel, the figures that show the gain, those are figures that are being given by the telecommunication companies, correct?"

Brunsvold: "Repeat that question, Jim."

Brosnahan: "The figures that you're receiving, that's showing

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there's going to be a \$300,000 gain, those figures are being supplied by the telecommunications companies, was my understanding."

Brunsvold: "Revenue also gave us same numbers, very similar numbers. Right now, most of the cards that are being... or a lot of the cards that are being purchased are not being used. So, someone... you may buy a \$20 card and maybe use eight dollars on it and forget you have it and then it sits there unused and you've wasted \$12."

Brosnahan: "All right. Thank you, Joel."

Speaker Granberg: "The Lady from Cook, Representative Mulligan."

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

Speaker Granberg: "Indicates he will. Proceed."

Mulligan: "Thank you. Representative, I don't mean this to be a 'who's on first' type debate, but right now, if you buy a \$20 phone card, you don't pay any tax on it. The telecommunication provider pays the tax?"

Brunsvold: "You do not pay... you do not pay sales tax on it right now."

Mulligan: "All right, so..."

Brunsvold: "You pay a Telecommunications Tax."

Mulligan: "And if you make a phone call from a certain municipality, the provider pays for the state tax and perhaps that municipality tax if they have one, correct?"

Brunsvold: "If you buy a \$20 card at a convenience store or someplace, then you would pay the 6 1/4 percent at that store, of which five percent would go to the state, 1 1/4 percent goes to the local government and that's a tax that would be collected at that point."

Mulligan: "That would be if your Bill passed, you'd pay it that way?"

Brunsvold: "Yes."

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Mulligan: "But currently, if I bought that phone card, you would only be taxed on the increments of the card that you use from the municipality that you phone from. And it could be more than that that the telecommunications provider would have to pay for if you phoned from a municipality that had a tax, an additional tax besides the state tax, correct?"

Brunsvold: "Yes. So, the Telecommunication Tax that's on there now, that you pay the \$20 for, comes into to play when you use the phone. Now, if you only use eight dollars of that call, you only pay the eight dollars proportion for that eight dollars Telecommunication Tax, and the other twelve goes unused."

Mulligan: "All right, but are the telecommunications company going to sell you that card for 19.50, and then you pay the additional to bring the tax up to \$20, or are they going to charge you \$20 plus the tax? It appears to me that the consumer loses, the telecommunications people gain, and municipalities may lose except for the fact that you purchased the card and you don't always use it. So, you are not getting the same amount of money. But then, the telecommunications company doesn't have to track it. They don't have to go back then and figure out the tax according to where you used it, and you may have used it in eight different places to make up your \$20. So then, they have to pay the state tax on that portion, whether it's three dollars and the municipality tax in that municipality, and you may call from another municipality another time. So, actually they're saving what would be the municipal tax and the consumer is paying for it."

Brunsvold: "Well, I would think it would be easier for everyone if you pay the tax, the sales tax up front on the card and then, you have to punch the number in to indicate what your

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call is and what your Telecommunication Tax is going to be and it's taken off of that code number. And, yeah, if you went around and called from different places, different people would get the benefit, yes."

Mulligan: "Will there be an additional charge if you buy the card varying from municipality to municipality or will it all just be the state charge and then the state will give back to the municipalities, their share?"

Brunsvold: "I believe the answer, it's going to be the sales tax rate for where ever you buy the card? Is that the question?"

Mulligan: "Right. Would it be a flat, what did you say, six and a quarter?"

Brunsvold: "Well, six and a quarter but some might have a slightly different sales tax rate and it would be whatever that rate would be."

Mulligan: "So then, you are paying the Municipality Tax up front?"

Brunsvold: "Yep, yes you are."

Mulligan: "All right. So, phone companies don't have to track it which would save them trouble in billing."

Brunsvold: "They tracked the telecommunications... right. They will not be paying the Telecommunication's Tax on the card. You'll be paying the sales tax up front."

Mulligan: "Well, I'd like to think that they would give it to us back in the difference of the amount for the card but I have a feeling that perhaps that wouldn't happen, but, we're certainly saving them the problem of tracking it and then trying to figure out who they owe, which must be a monumental task now, but I don't think it's as good for the consumer because I think you're going to end up paying a little more."

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Brunsvold: "Well, the thought here, I think, Representative, is that as you were indicating, if they use this card a lot of different times and this telephone company has to track it as they do now, that's expensive, as you said. If they pay it up front in a sales tax and they won't have to track it, I think you're probably going to get more call for your money."

Mulligan: "Well, I think that would be the case if they would give me the card and pay the tax on it themselves. Instead of giving it to me for \$20 plus the tax, if they gave it to me for \$20 and they paid the tax out of that \$20, it might be a good Bill for everyone, but the other way around, I'm not sure if it is. Thank you."

Brunsvold: "Thank you."

Speaker Granberg: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise because I have a potential conflict in this matter and I will be voting 'present'."

Speaker Granberg: "Thank you. The last speaker, the Gentleman from McHenry, Representative Skinner."

Skinner: "Mr. Speaker, I rise to observe that I think this Bill is setting a very interesting precedent. I'm not aware of any service that has a sales tax on it in the State of Illinois. You may remember, if your political memory goes back to the Ogilvie administration, that Governor Ogilvie proposed taxing all services including beauticians and barbers and, well, you name it, and your small businessman was on the phone talking to the local Legislator. Now, this is not that, I'll grant that, but it does appear to be a tax on a service. There are those people who note that we have a service economy and suggest that we should be taxing services as well as income, especially those people who want to replace the Property Tax with something. I may

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be wrong, but I see the potential here of an entering wedge, and I don't want to go... I don't think I want to go any steps down that path. Thank you very much."

Speaker Granberg: "No one seeking recognition, the Gentleman from Rock Island, Representative Brunsvold to close."

Brunsvold: "Well, Senator Peterson, Mr. Kubik and I, we're looking at the Bill and it's an easier way to tax a calling card. It's up front. It gives the caller more call time for the dollar. It takes care of the state, the local governments taxation, a situation where they sell the more cards, they get more money. So, it's simply a different way of doing it and probably a better way of doing it because the caller's going to get more time to talk. So, I would ask for your support and passage of Senate Bill 1313."

Speaker Granberg: "The Gentleman now moves for the passage of Senate Bill 1313. On that question, all in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? I'm trying to help you, Representative Brunsvold. Mr. Clerk, take the record. The Gentleman from Rock Island, Mr. Brunsvold."

Brunsvold: "Mr. Kubik, the Sponsor would like Postponed Consideration."

Speaker Granberg: "Well, that shows you what happens when Mr. Kubik isn't here. Mr. Clerk, take the record. On this question, 7 voting 'yes', 95 voting 'no', 14 voting 'present'. Senate Bill 1313 having failed to receive the Constitutional Majority, is hereby declared lost. The Lady from Cook, Representative Coulson, for what reason do you rise?"

Coulson: "I just wanted to be recorded... I was a 'present' on

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that and that was because I wanted to avoid any appearance of a conflict."

Speaker Granberg: "Thank you, Representative. Senate Bills, Second Reading, we're going to do one more Amendment and then we shall adjourn, at Mr. Black's request. Senate Bill 1506, Mr. Brady. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1506, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Gash, has been approved for consideration."

Speaker Granberg: "The Lady from Lake, Representative Gash on Floor Amendment #1."

Gash: "Mr. Speaker, there are three other Amendments that follow this. Are we going to be doing those?"

Speaker Granberg: "If you would like, Representative Gash, we can do all those..."

Gash: "Well, particularly, I'm concerned about Floor Amendment #4 which is my Amendment, which relates to this, and is..."

Speaker Granberg: "Representative, you wanted the opportunity to present your Amendments, we're going to go directly to committees right after this. If you think this is going to be a lengthy debate, you may not want to consider those Amendments."

Gash: "I don't. That's fine. Mr. Speaker, Floor Amendment #1... Mr. Speaker, Floor Amendment #1 does four different things. One provides that a court reporter and/or a the children's advocacy center representative, if in the opinion of the court, it would contribute to the well being of the child, can be in the room when a child victim under the age of 18 testifies in a sex case and that testimony is shown by means of a closed-circuit television. The second part provides that in counties with a population of less than a

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million, the State's Attorney may appoint any number of sworn police officers as temporary grand jury investigators. The fourth part provides that if the offender is in custody simultaneously for more than one offense and is sentenced to consecutive terms or imprisonment for these offenses, the offender shall be given credit for time spent in custody on only one of the sentences imposed, and the fourth part deletes provisions whereby the property held in a property offense is held as evidence when requested by the defendant. Under current law, the defendant may request that property held by the police shall be retained as evidence within 30 days after filing a complaint or indictment or within 14 days after arrest. These provisions are deleted by that Amendment. However, the state must still hold any evidence that would have exculpated the defendant. I'd be happy to answer any questions."

Speaker Granberg: "The Lady moves for the adoption of the Amendment. On that question, any discussion? All in favor... no one seeking recognition. All in favor shall say 'aye'. 'Ayes' have it, the Amendment is adopted. Floor Amendment... Any further Amendments?"

Clerk Bolin: "Floor Amendment #2, offered by Representative Cross."

Speaker Granberg: "The Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. Floor Amendments 2 and 3, as I believe, the rest of the Bill including Representative Gash's Amendment are offered at the suggestion of the State's Attorneys Association. Floor Amendment #2 merely gives state's attorneys in counties the ability... counties of populations between 10 and 30,000 the ability to

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declare... or revoke their intention to practice full time at the request, as I said, of the State's Attorneys Association. We allow by law, State's Attorneys, the ability to practice either part time or full time. They have to declare that intent. This will allow them to withdraw that intent up to February of '99."

Speaker Granberg: "Any discussion? The Gentleman from Vermilion, Representative Black, on Floor Amendment #2."

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

Cross: "Yes."

Speaker Granberg: "Proceed, Sir."

Black: "What if a State's Attorney campaigns, seriously, on the very issue that I'm going to be a full time State's Attorney but after the election, he or she can revoke that campaign promise and practice law?"

Cross: "That's... and that's a good question and one that came up just as if... and then it becomes an issue for him politically. I could campaign as a Legislator and say, certainly not the issue of declaring an intent, but I could say, 'I'm going to be a State Legislator full time,' and turn around six months later and decide to start practicing law or become a teacher, so it becomes a political issue."

Black: "But, we know you're not a full time Legislator."

Cross: "I may make that declaration... I may make that statement in a political campaign."

Black: "But, we don't have a law that says that you can then revoke it. If you said that as a campaign promise and then revoked it, that would be a political issue, but in the State's Attorneys Office, if you said that and revoked it, the citizenry could be with, literally, a part time prosecutor. What guarantee does the citizenry have that

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under habeas corpus and the Prompt Trial Act and all that, that you won't miss those deadlines."

Cross: "Well, none of those responsibilities are going to change. They have the same whether they're full time or part time, Representative. And, it actually, I guess... not technically, I could see, you know, it ends up becoming a budget issue for the county where they're going to end up saving money if they change their position from full-time to state's part-time, it'll cost the county less."

Black: "Well, don't we... don't we put in statute what all the state's attorneys must make based on population?"

Cross: "I believe we do."

Black: "But, I... as I recall that mandate, I don't think we fund it fully, do we? I don't know, I mean, the Gentleman next to you was a state's attorney. He probably knows more about it than both of us combined."

Cross: "And a good state's attorney."

Black: "Outstanding state's attorney."

Cross: "One of the best."

Black: "But under this Bill, could he then revoke his earlier decision to leave the State's Attorneys Office, be a part-time Legislator and a part-time state's attorney?"

Cross: "He would have up until February 1 of '99 to revoke that declaration."

Black: "That's a very interesting concept. How many..."

Cross: "There were actually people when we were in committee that thought we shouldn't have cut it off at February of '99, that you should just let it run indefinitely."

Black: "Indefinitely?"

Cross: "The ability to revoke. I think you raised a valid point. I mean, I think it does become an issue for..."

Black: "Okay."

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Cross: "... the state's attorney and..."

Black: "How many counties are we impacting? It's a pretty small population threshold. Do you have any idea how many counties this impacts?"

Cross: "I don't know the exact number but it is the smaller counties."

Black: "Okay. All right. Does it..."

Cross: "I think most of the counties... most state's attorneys... I don't know, I was going to say Central and Northern Illinois are full-time."

Black: "Yeah, yeah. Thank you, Representative."

Speaker Granberg: "Thank you, Mr. Black. Anything further? There being no further discussion, the Gentleman moves for the adoption of Floor Amendment #2. All in favor shall say 'aye'; all opposed shall say 'nay'. The 'ayes' have it, the Amendment is adopted. Further Amendments."

Clerk Bolin: "Floor Amendment #3, offered by Representative Cross."

Cross: "This is a Bill that... or a concept that was around last year. It just got lost in the mix. I believe it passed out of here once unanimously. Very simply, right now, in noncapital felony cases, if a defendant has appeared in court, had been admonished by the court, that if he doesn't appear for trial, he can be tried in absentia that that would extend to misdemeanor cases, and I would appreciate an 'aye' vote."

Speaker Granberg: "Any discussion? All in favor of the Amendment shall say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendments are adopted. Further Amendments, Mr. Clerk?"

Clerk Bolin: "Floor Amendment #4, offered by Representative Gash."

Speaker Granberg: "The Lady from Lake, Representative Gash."

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Gash: "Floor Amendment #4 relates to Floor Amendment #1 and deletes the phrase 'on only one of the sentences imposed', and replaces it with 'prior to sentencing on the aggregate sentence imposed.' This eliminates multiple credit for time spent in pretrial detention. As it now stands, a defendant in custody for three offenses, who spends six months in pretrial detention may be able to receive 18 months credit for time spent in custody, even though he was in such custody for only six months. This will eliminate such multiples credit. Mr. Speaker."

Speaker Granberg: "On the Amendment, is there any discussion? Seeing none, the Lady moves for the adoption of the Amendment. All in favor shall say 'aye', 'nay'. 'Ayes' have it, the Amendment is adopted. Third Reading. Mr. Clerk, could you read the committee schedule?"

Clerk Bolin: "The following committees will meet immediately upon adjournment. Elementary and Secondary Education in Room 114, Executive Committee in Room 118, Health Care Committee in Room C-1, Registration and Regulation in Room D-1."

Speaker Granberg: "Allowing for perfunctory time for the Clerk, before we adjourn, Ladies and Gentlemen, those committees will meet. There's one exception. The Gentleman from Madison, Representative Hoffman for purposes of an announcement."

Hoffman: "Thank you, Speaker. Tomorrow morning, Transportation was scheduled for 8:30 in the morning. We will cancel that meeting and it'll be rescheduled at a later time. Thank you."

Speaker Granberg: "Majority Leader Currie now moves that the House stand adjourned until hour of 10:00 a.m., Tuesday, May 19th. All in favor shall say 'aye'; opposed say 'nay'. The 'ayes' have it, the House stands adjourned allowing

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perfunctory time for the Clerk."

Clerk Bolin: "The House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 511, offered by Representative Stephens; House Resolution 512, offered by Representative Howard; House Resolution 513, offered by Representative Fritchey; House Resolution 515, offered by Representative Flowers; House Joint Resolution 69, offered by Representative Art Turner. These Resolutions are referred to the Rules Committee. Having no further business, the House Perfunctory Session will stand adjourned. The House will reconvene in regular Session on Tuesday, May 19th, at 10:00 a.m."