

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

120th Legislative Day

April 11, 2000

Speaker Hartke: "The House shall come to order. The House shall come to order. Members will please be in their chairs. We will be led in prayer today by Pastor Lee Fields, Jr., of the Pleasant Grove Baptist Church in Springfield. Pastor Fields is a guest of Representative Flowers. Our guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance. Pastor Fields."

Pastor Fields: "Let us pray. Eternal God, our Father, first of all we say thank You for the privilege today of being alive. Now we ask, dear God, that Thou would bless the healths and strengths of each person who is present. We pray to God that the decisions that go forth from this place, will be for the benefit and the betterment of mankind. Strengthen and keep, in Jesus name, we do pray. Amen."

Speaker Hartke: "We shall be led in the pledge today by Representative Rosemary Mulligan."

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

Speaker Hartke: "Roll Call for Attendance. Representative Currie, report on the Democrat side."

Currie: "Thank you, Speaker. Please let the record show that Representative Wanda Sharp is excused today."

Speaker Hartke: "Representative Poe on the Republican side."

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

Speaker Hartke: "One hundred and seventeen Members answering the roll call. A quorum is present and we're ready to do the business of the State of Illinois. Committee Reports."

Clerk Rossi: "Introduction of Resolutions. House Resolution 751,

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offered by Representative Franks; House Resolution 753, offered by Representative Monique Davis; and House Resolution 754, offered by Representative Lou Jones are assigned to the Rules Committee. Committee reports. Representative Pugh, Chairperson from the Committee on Revenue, to which the following measures were referred, action taken on April 11, 2000, reported the same back with the following recommendations: 'be adopted' House Amendment #2 to Senate Bill 1440, House Amendment #2 to Senate Bill 1645. Representative Lang, Chairperson from the Committee on Mental Health and Patient Abuse, to which the following measures were referred, action taken on April 11, 2000, reported the same back with the following recommendations: 'be approved for consideration' Motion to Concur with Senate Amendments 1 and 2 to House Bill 182, Motion to Concur with Senate Amendment #1 to House Bill 3548. Representative Dart, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measures were referred, action taken on April 11, 2000, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to Senate Bill 1636, 'be approved for consideration', Motion to Concur with Senate Amendment #1 to House Bill 4300, and a Motion to Concur with Senate Amendment #1 to House Bill 4348. Representative Mautino, Chairperson from the Committee on Insurance, to which the following measures were referred, action taken on April 11, 2000, reported the same back with the following recommendations: 'be approved for consideration' a Motion to Concur with Senate Amendment #1 to House Bill 589. Representative Feigenholtz, Chairperson from the Committee on Human Services, to which the following measures were referred, action taken on April 11, 2000, reported the same

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back with the following recommendation: 'be approved for consideration', a Motion to Concur with Senate Amendment #1 to House Bill 486. Representative Woolard, Chairperson from the Committee on Elementary and Secondary Education, to which the following measures were referred, action taken on April 11, 2000, reported the same back with the following recommendations: 'be approved for consideration' a Motion to Concur with Senate Amendment #1 to House Bill 2067, 'be adopted' HJR 61. Representative Novak, Chairperson from the Committee on Environment and Energy, to which the following measure was referred, action taken on April 11, 2000, reported the same back with the following recommendation: 'be adopted' Floor Amendment to House Bill 4699. Representative Burke, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on April 11, 2000, reported the same back with the following recommendations: 'be adopted' House Joint Resolution 50; 'do pass Short Debate' Senate Bill 1524 and recommends 'be adopted' Floor Amendment #1 to Senate Bill 1007. Supplemental Calendar #1 is being distributed."

Speaker Hartke: "On Page 6 on the Calendar, on Second Reading, appears Senate Bill 1514. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1514 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hannig, has been approved for consideration."

Speaker Hartke: "Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is a election cleanup Amendment that's been worked out between the two caucuses and the State Board of Elections. In fact, it's actually the State Board of Elections

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proposal that would iron out some of the problems that we incurred when we passed a reform Bill about two years ago. So, as I said, it's been worked out between the two caucuses and the state board. We've reviewed the language with Common Cause and they find no objections. So, I'd ask for the adoption of the Amendment."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative Hannig, as I read your Amendment that becomes the Bill, this Amendment severely restricts the fining ability that the Board of Elections has. I think that was a concern that many of us had. An inadvertent two or three day delay in filing could cost a State Legislator's campaign account thousands of dollars. And as I read this you've limited that fine, correct?"

Hannig: "Yes, that's correct, Representative. The way the statute reads right now is that the state board really has no options but to impose the fine at so much per day. And unfortunately, while someone may have missed a filing date in the primary, they in turn may not file their semi-annual report until say July and by the time the state board actually fines that, maybe a hundred days have gone by. And so the state board has really no way to mitigate that fine, even if it was a first offense or there was some mitigating circumstances."

Black: "Right. So, excuse me, would it be a fair assumption to say that this is agreed language, not only between the caucuses, but the Board of Elections. And I'm just curious, did the Illinois Press Association weigh in? They don't see that we're trying to weaken anything by this, do they?"

Hannig: "Everything you say, Representative Black, is exactly so."

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This is an agreement between the two parties. The Bill actually came from the State Board of Elections and indeed there was no opposition at the committee hearing."

Black: "So, any kind of posting that the IPA has worked for over the years is not affected by this so, I just want to make sure I don't go home, you know what often happens, you and I've been here awhile, a month from now we forget all about this and all of a sudden we get a call from a newspaper editor saying that in effect, we... enabled us to hide contributions by virtue of this Amendment. I don't read it that way, I don't think that's your intent at all."

Hannig: "Yes, Representative, they did not file in committee as a proponent or an opponent on the Bill. Representative Black, the Press Association simply didn't file in as a proponent or opponent."

Black: "Okay."

Hannig: "But clearly this was an Amendment that was posted, we had a good hearing."

Black: "Okay."

Hannig: "And I think it was adopted by an overwhelming vote if I recall."

Black: "Now, just one technical question that I think needs to be answered so that all of us are aware. This Amendment, as drafted, would it give a elected official's committee the option of doing nothing, not filing, not worrying about it and being somewhat immune from a fine or pay a very minimal fine that they would gladly pay for not having to report 30 days out from the election?"

Hannig: "Well, Representative, it doesn't change any of the filing requirements so when committees hit those thresholds in the statute, I believe it's \$3 thousand they're required to file. And another threshold they're required to file

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electronically, they'll still have to do that."

Black: "Okay. Can I talk to our new staffer, Mr. Hagen here for just a second? Representative, I appreciate your indulgence in talking about this with our legal counsel and the state board. The only concern that has been raised is that it does give the state board the option of doing nothing if you're late. You know, you and I have to file any contribution of \$500 I believe is the threshold, or more 30 days out from the election. And we have to do that. The example that we were discussing would be someone running for alderman who isn't up for election in November of 2000. They have a fund raiser the day before the primary and they don't report because they're not in their election cycle. So if I understand what I heard, this gives the board flexibility to say to the individual who didn't file, well, we understand that. We understand how you could interpret that you didn't have to because you're not up for election. But at the same time, it would give the board... you and I know that we can't miss the reporting deadline. I like the fact that you've limited the fines. I think I like the fact that we've given the Board of Elections some flexibility but my concern is if they also have the flexibility, they might have the ability in some cases, to say well, 'We don't want to take this political committee on. We don't want to do it.' You know, and I think that's the only concern I have is that when you have the ability to be flexible, which I certainly support, you also then have the ability to do nothing. And as long as I could be assured that that would be used fairly and evenly across the board, I don't have a problem with that. But if they wanted to fine me for an inadvertent oversight or a late filing. But they have the

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ability not to fine someone's political committee who may be a leader higher in the hierarchy, then that... I think that should be a worry to those of us who aren't in the, you know, the four caucus leader positions. Surely it's not your intent, and I don't have any problem with the flexibility, I just want some reasonable assurance from you that that flexibility doesn't mean that in some cases we just won't do anything."

Hannig: "No, absolutely Representative. I think that we want to give the state board... we want to give the state board the flexibility to look at some circumstances that perhaps could be unique in a situation. I suppose if we had a situation where the treasurer in my committee was hurt in an automobile accident and didn't file the D-1 or A-1, that there could be a mitigating circumstances and perhaps they would reduce the penalty that the state board felt that that was a legitimate type of reason why he didn't file."

Black: "And I went through that. My campaign treasurer passed away and I know, first hand, the difficulty that that can put you in and we had to pay a CPA firm a considerable amount of money to meet various deadlines. But I guess somewhere in the back of my mind there's just a little warning light going off that says, 'Yes, under mitigating circumstances, I want them to have that flexibility'. But that flexibility can also say, you know, we can understand that the President of the Senate's committee might be late, he's very busy this time of the year. And so that's okay, we understand that."

Hannig: "Representative, the State Board of Elections are the group that in the Constitution was created to be the sort of the umpires or the referees as we go through the political process. And all that we can do is hope that

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they will, you know, do the right thing and make the right call. And they're a bipartisan group. I have faith in them that they're gonna enforce this law fairly between Democrats and Republicans and low level candidates and high level candidates. But I think it's important that we give them flexibility because under the current law they simply have to impose these fines no matter how good of an excuse or no matter how good of a mitigating circumstances you might argue in front of them. So right now their hands are tied. We're simply saying give them some discretion to decide these things based on the merits."

Black: "Representative, I appreciate your answers and I have a lot of faith in the liaison for the Board of Elections. He's always been very, very diligent in his answers. And anything that brings a little more common sense to this process is certainly overdue. It's my understanding, Representative, correct me if I'm wrong and Mr. Speaker, you may want to converse with Representative Hannig. It's my understanding that because of ongoing negotiations we want to adopt this Amendment and then hold it. Okay, that's fine. He's answered all the questions I have. So, I appreciate that. Representative Hannig, thank you very much for your forthright answers. Thank you very much."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Hannig to close."

Hannig: "Yes, I just ask for a 'yes' vote."

Speaker Hartke: "The question is, 'Shall the House adopt Senate Amendment #1 to... Floor Amendment #1 to Senate Bill 1514?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

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Speaker Hartke: "Hold that Bill on Second Reading. The Chair recognizes the Lady from Sangamon, Representative Klingler."

Klingler: "Thank you very much, Mr. Speaker. I rise to the point of personal privilege."

Speaker Hartke: "State your point."

Klingler: "I want to join with Representative Poe today in welcoming the Illinois Mother of the Year, who is from Sangamon County, Dorothy Maw. Dorothy is up in the balcony behind us. Mrs. Maw grew up in the Williamsville area with Representative Poe and now lives in Chatham where she's very active in civic and school activities and I'd like to, with your permission, recognize Representative Poe, who'd like to give some more information."

Speaker Hartke: "The Chair recognizes Representative Poe."

Poe: "Yeah, Mr. Speaker, Ladies and Gentlemen of the House, I'd also like to congratulate Dorothy Maw and her family. She's had an outstanding leadership in her community. She was instrumental in the Chatham Junior Women's Club, the Chatham Senior Women's Club. She's been very active in the Chatham Daughter's of American Revolution. Quite active in her church and she comes from an outstanding family. Our families go back in to the rural areas of Williamsville. Her family farmed as well as ours and I think probably the family is sort of glad that it's a little damp day because the boys in her family could attend with her. They're very busy this time of year and we think it's quite an honor to have the Mother of the Year from Sangamon County. And this is the second time we've had one in this area. So, we're quite privileged and would like also just congratulate the whole family for having such a wonderful woman in their family. So, at this time, let's give her another big hand,

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Dorothy Maw."

Speaker Hartke: "Congratulations. The Chair recognizes the Gentleman from Lake, Representative Beaubien. For what reason do you seek recognition?"

Beaubien: "Yes, thank you, Mr. Chairman. I rise on a point of personal privilege. I'd like to introduce the honors class in government from Grayslake High School standing up there behind you. These are honor students. Three of them are juniors, all of the seniors are going on to college next year and I would like to have you give a nice House warm welcome. Thank you."

Speaker Hartke: "Welcome to Springfield. Keep up the good work. The Chair recognizes Representative Persico for a Motion."

Persico: "Yes, thank you, Mr. Speaker. I'd like to move to remove the posting requirements for Senate Bill 1653."

Speaker Hartke: "The Motion is to suspend the posting requirements for Senate Bill 1653 by leave of the Body. Is there leave? Leave is granted. Page 6 on the Calendar appears Senate Bill 1636. Representative McAuliffe. Out of the record. On page 6 of the Calendar, on Second Reading, appears Senate Bill 1645. Representative Biggins. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1645, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Biggins, has been approved for consideration."

Speaker Hartke: "Representative Biggins on Floor Amendment #2."

Biggins: "Yes, Sir, Mr. Speaker. Thank you and Ladies and Gentlemen of the House. Floor Amendment #2 was passed out of the Revenue Committee just a little while ago. The Bill... the Amendment makes changes to the existing Bill and provides that in Cook County, when a notice of an

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assessment change is mailed to a mortgage lender, the lender must mail a copy of that within seven days to each mortgager of the property. This is necessary to encourage the lending institution to get the notice to the mortgager as quickly as possible so they can decide whether or not an appeal might be made of that proposed evaluation."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 1645?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 3 on the Calendar, on Third Reading, appears Senate Bill 1881. Representative Kosel. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1881, a Bill for an Act to amend the Sanitary District Act of 1936. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Kosel."

Kosel: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I would ask for your approval of Senate Bill 1881. It amends the Sanitary District Act of 1936. Allows two noncontiguous parts separated by less than one mile to form a sanitary district sewer... a sanitary district. This will allow some people within my district to form a district in order to put in improvements to then join the water reclamation district. Amendment #1 of the Bill is a technical update that talks about the administrative review for the water reclamation district and makes some technical correction. And Amendment #3 was added at the request of Representative Parke and would add some people to the

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Chicago Water Reclamation district from his district. I would ask for your positive consideration of this Bill. Thank you."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1881?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. 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 Senate Bill 1881, there were 111 Members voting 'yes', 2 people voting 'no', and 4 people voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 on the Calendar, on Third Reading, appears Senate Bill 1577. Representative McCarthy. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1577, a Bill for an Act creating the Southwest Suburban Railroad Redevelopment Authority. Third Reading of this Senate Bill."

Speaker Hartke: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1577 creates the Southwest Suburban Railroad Redevelopment Authority. It's a joint effort of 22 southwest suburban municipalities along with a representative from Metra in order to study some of the railroad crossing problems that we experience in the southwest suburbs. We did add an Amendment to this which basically took away any power that this Authority would have to issue or sell bonds. In the original Bill, there's also an exemption making sure that they could never levy any property taxes and in the Amendment was also where the representative from Metra. Metra asked to be part of this

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Authority, so we amended it in at the request of Metra and also at the agreement of the Senate Sponsor. So, the switching problems in the southwest suburbs are kind of infamous and hopefully, this Authority by municipalities working together will be able to study some of these problems and make life more livable for all the residents of the southwest suburbs. So, I'd appreciate the passage of this Bill."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. There for a minute I thought you had this train on the track already. Slow down, I'm worried about you."

Speaker Hartke: "No worry."

Black: "You're under great stress. Relax, take a deep breath."

Speaker Hartke: "Representative Black."

Black: "What."

Speaker Hartke: "I particularly watch your light."

Black: "Well, thank you. I was hoping maybe you'd miss it 'cause I don't have any idea what this Bill does. But I'm going to give it a good try, okay?"

Speaker Hartke: "Try your best."

Black: "Thank you. Representative McCarthy, is this Bill similar to the rail commission we voted on yesterday for the city of... the city of Springfield has some kind of railroad relocation commission or something. Is that similar in structure to what you're trying to do?"

McCarthy: "I really can't answer that with any certainty. And I'm sorry to say I don't have the answer."

Black: "Is the purpose of the legislation to create a body that would have eventually, statutory authority to tell the railroad, 'move your tracks'? You know, we don't want them

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to go through our town or we don't want the congestion.

What's the ultimate purpose of the legislation?"

McCarthy: "The ultimate purpose is so that these groups can go with a single focus and have a little bit more power, because they'll be representing 22 municipalities in the southwest suburbs, when they go to speak to the railroad authority. Mainly with switching problems that we have in the... very strong experience in the southwest suburbs. We have some of our Metra trains that are stopped in the morning because freight lines cross over the Metra stations and make our passengers going downtown sometimes up to an hour late. They think that if they have this Authority, that they went there, you know, with one body representing all of them, they would have more power as far as presenting their arguments to the railroad authorities."

Black: "All right. In the original analysis, it said the Authority would have the authority to issue bonds. Is that still in the legislation?"

McCarthy: "No, that was completely stricken under Amendment #1. Amendment #1 also added the representative from Metra. They asked if they could be part of this Authority as well. So, it's 22 municipalities, plus Metra."

Black: "All right. So, Amendment #1 was that a Committee Amendment?"

McCarthy: "Yeah, I guess it was."

Black: "And the..."

McCarthy: "Amendment #1 completely deleted lines 28 to 31 on page 3. And lines 1 through 5 on page 4. So that whole Section 30 is gone."

Black: "All right. Let me take a quick look at that. What lines did you say Representative?"

McCarthy: "It was lines 28 through 31 on page 3 and lines 1

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through 5 on page 4. So, it basically..."

Black: "Okay. All right."

McCarthy: "...deletes entire Section 30."

Black: "I see it. And I apologize, staff had that marked. There was some other material in the Bill that I found potentially confusing, and that is the transference of money from the Railroad Crossing Protection Fund, or excuse me, from motor fuel taxes? You had the potential to transfer 27 million from MFT to the Grade Crossing Protection Fund. Oh, I'm sorry, that was in another Bill, wasn't it?"

McCarthy: "I think so. If you could direct me to where that's at in the Bill, I'd be happy to respond to it. But that never came up in committee. And there were some involved questions in committee from some of the downstate Members and I'm sure they would have noticed that had it been in the Bill."

Black: "All right. I... excuse me I don't know where this appears in the Bill. But our staffer tells us that, 'Senate Bill 1577 provides that the Authority shall be treated as a rail carrier subject to the Commerce Commission's jurisdiction', and he highlights this, 'eligible to receive money from the Grade Protection Fund or any fund of the state or other source available for the purposes of promoting safety and separation of at grade crossings or highway improvements.' And the question is, would that potentially result in the redirection of Grade Crossing Protection Funds under the current statute?"

McCarthy: "Well, there is no specific dollar figure in here anywhere in the Bill. And I don't think that this gives them any more power than they have, except as a group of municipalities, instead of individual municipality, as far

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as lobbying for any state or federal dollars that are available."

Black: "How did staff come up with... Let me ask him, just a second. All right. I apologize, Representative. The Bill is, in fact, silent on any amount of money that could be transferred, but it's my understanding that the Bill does allow for such transfers. And since you..."

McCarthy: "Yes, it does."

Black: "...are combining a number of entities into an Authority, I'm just curious... curious isn't the right word. The population in this Authority area, I would assume, is going to be fairly significant. Are we talking in the Southwest Suburb Authority, are we talking a half a million people, something like that?"

McCarthy: "We'd say it exceeds more than a half a million people."

Black: "Okay. Then..."

McCarthy: "But the scope of this problem and the Senate Sponsor, who is standing beside me, made it clear..."

Black: "I thought he was new to your staff. I had a staffer over here new not too long ago."

McCarthy: "We have stricter requirements than that, Representative. But the Senate Sponsor has assured us and he's also assured the committee, that because of the scope of this problem, the main impetus of this group is to go after federal funds. And the vast majority of this area is in Congressman Lipinski's area who is also committed to working with this group and he's the chairman of an appropriate committee in Washington."

Black: "And this does include the Village of Tinley Park?"

McCarthy: "Excuse me?"

Black: "This includes the Village of Tinley Park? I'm trying to

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see who all is in here."

McCarthy: "It does include Tinley Park."

Black: "But it doesn't go... does it go as far west as Joliet?"

McCarthy: "No, it does not."

Black: "Okay."

McCarthy: "All the municipalities are located in southwest Cook County."

Black: "All right. So, on page 4 of the Bill, Section 35, it clearly states the Authority may not levy any real property taxes and that's certainly your intent. There isn't any language elsewhere in the Bill that would allow them to do that by virtue of referenda is there?"

McCarthy: "Very familiar with Section 35, which makes it very clear that we cannot levy..."

Black: "Right, okay."

McCarthy: "...that this group will not be able to levy property taxes. Which of course, is a very significant issue in the southwest suburbs. So, I think the Senate Sponsor was very wise for putting that Section in there."

Black: "Okay."

McCarthy: "And I don't think there's anything to make..."

Black: "All right."

McCarthy: "...you know, a contrary argument..."

Black: "Okay."

McCarthy: "...later in the Bill."

Black: "So, you said it's your intent to go after federal money, but at the same time, now let me make this clear, this Authority would be eligible for Grade Crossing Protection Funds from the Illinois Commerce Commission, would it not?"

McCarthy: "It certainly would, just as these individual municipalities on their own are currently eligible."

Black: "But would they apply... what I'm trying to figure out is

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would they apply as an Authority and then decide where the worst grade crossings were? Or would they apply as the Village of Tinley Park, the Village of Burbank?"

Speaker Hartke: "Mr. Black, have you concluded your questions?"

Black: "No, I'm... one of the questions that staff pointed out, and I think it's a good one. There are a number of Villages that we all recognize in here, Worth, Tinley Park, Orland Park, Palos Park, Crestwood, Riverdale, et cetera. And they're going to be members of this Authority. And what we're trying to determine, would the Authority make the request for grade crossing money and then decide which of the villages get the money or would the villages separately and distinctly ask for crossing grade protection funds and then handle it with a village ordinance?"

McCarthy: "I think to be fair and to be as honest as we can, we could say it could go either way. But the understanding, both myself and the Senate Sponsor, is that these villages would probably proceed with their applications on their own."

Black: "Okay. I guess, my last question then. The villages would have an opt out provision of this? I assume that this is a voluntary consortium and the village doesn't like the way it's going or they think their application may become secondary, they could opt out, I suppose, right?"

McCarthy: "There's actually a specific section in the legislation."

Black: "Okay, all right."

McCarthy: "To give them the opt out ability."

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

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Giglio."

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

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Speaker Hartke: "Sponsor will yield."

Giglio: "Thank you. Are there any opponents, Representative McCarthy, as you know, to this Bill?"

McCarthy: "There were no opponents. The committee and I have never been approached by anyone who has taken an opponent's position."

Giglio: "Any idea the fiscal impact of this Bill?"

McCarthy: "There's no fiscal impact to the state because it states specifically in the Bill that any cost would be incurred by the members."

Giglio: "All right. Any idea the fiscal impact outside of the state? It says it could incur debt, what those debt amounts could be? Or is that all to be determined later on by the commission?"

McCarthy: "It would be determined by the commission and be the sole responsibility of the Authority."

Giglio: "The Bill specifically sights language for municipalities to opt out. What about municipalities being able to opt in?"

McCarthy: "Well, the few that have requested to be included after this was originally was introduced, the Authority has been, you know, welcoming them with open arms and any... I would suppose that the Authority would welcome in future members just as they have welcomed in others who are added to this in the Senate Amendments."

Giglio: "All right. Well, therein lies my question. Certainly, the City of Chicago Heights and the Village of Lansing and the Village of Glenwood are three that I am certain would like to be included in this. What would the process be to include them? This had been discussed before."

McCarthy: "They would be very welcome and..."

Giglio: "This had been discussed before at a meeting I was at."

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It was my understanding that they were going to be invited. Now, I don't know if invitations went out and they didn't respond or which villages were contacted, which ones weren't. But certainly there being no cost to the villages that would like to opt in. Certainly, I'm confident that those three specifically, would like to be in."

McCarthy: "Well, I can assure you that they are very welcome. And this started off with 5 municipalities, it's up to 22 now. And I think that, you know, they would be welcome and the more the merrier and I know that there is one or two of my villages that I represent that are not here and I would encourage them to join as well."

Giglio: "Well, we're writing these 23 into the state statute, would we need to write additional ones in through future Amendments?"

McCarthy: "Yes, we would."

Giglio: "Can we bring this back to Second Reading so I can get those three towns included? The intent is not to stall the Bill, the intent is to get those three villages in."

McCarthy: "Well, I think the Authority would have the power to do that. If it was necessary, I'd be more than happy to sponsor it but because of the late time in the Session, I wouldn't want to pull this Bill back now. But, I think that the Authority themselves... I know they can come in on a voluntary basis and I would think also that the Authority, you know, may be able to include them as full members almost immediately."

Giglio: "All right. So I'm clear and I'm not trying to stall this Bill, please don't misunderstand me. But so I'm clear, municipalities that would like to be on this board will be able to do so without having to amend this legislation."

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McCarthy: "We don't think that's true. We think they would have to be amended in. So... which I had been more than welcome. And had they contacted us before it got to this stage, we would have included them at this time."

Giglio: "But, again, it was my understanding that they were going to be contacted. The meeting that I was at, they were going to be. Because villages like Lansing that have train tracks running through 'em with numerous trains an hour, there was a clear appreciation for those. And again, were the villages contacted? I... by you or another Sponsor?"

McCarthy: "All I would say is that, you know, the south suburban mayors and managers have supported this. They've brought it up at their meetings. And why certain suburbs did not opt in at this time, I really don't know. But everyone who asked to be included, has been included. So, either it's poor communication on that groups part, or the individual municipalities, but no one has been told they can't belong. So, I mean, to stop it now, I think, would just be an unnecessary stalling tactic and I think those municipalities can still, you know, benefit from the work of this Authority."

Giglio: "It's not unnecessary stalling tactics. I think that if the Village of Glenwood and the Village of Chicago Heights and Lansing were contacted, certainly they'd want to be on this Bill. And it's not a matter of... the questions are not to stall the legislation or... cause I think it's very needed. I think it's very worthwhile legislation. And I think in the future we'll reap the benefits for many, many years to come for the south suburbs to have a say so in what happens with our rail future. So, please don't misunderstand my questions."

McCarthy: "Oh, no. I don't. I just think from a strategic and a

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logistic point of view. I can't commit to, you know, pulling it back now. So, I'm sorry, and I hope that..."

Giglio: "Thank you."

McCarthy: "...you know, it doesn't make you oppose the Bill, but that's the position I'll have to take."

Giglio: "Thank you. Nothing further, Mr. Speaker."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative McCarthy to close."

McCarthy: "I thank the Body for their questions and I would ask for an affirmative vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1577?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Davis, would you care to vote? Mr. Acevedo, would you care to vote? Mr. Clerk, take the record. On Senate Bill 1577, there were 55 Members voting 'yes', 57 Members voting 'no', 5 Members voting 'present'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. On page 3 of the Calendar, on Third Reading, appears Senate Bill 1693. Representative Hamos. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1693, a Bill for an Act to amend the Property Tax Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is the Bill that we started reviewing last Friday. I gave a very lengthy explanation of it then. I'm not going to do that this time. Two of the three... I was accused of making it lengthier than it needed to be."

Speaker Hartke: "There is a request that Bill be taken out of the record. Mr. Clerk, you have an announcement?"

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

Speaker Hartke: "The Chair recognizes the Gentleman from Vermilion, Representative Black. For what reason do you seek recognition?"

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

Speaker Hartke: "State your inquiry."

Black: "On Senate Bill 1693, last week this was an Agreed Bill that was taken out of the record. Will somebody give us a program in the next 10 minutes telling us what has happened to Senate Bill 1693?"

Speaker Hartke: "The Sponsor indicates she wanted to take it out of the record."

Black: "I thought I saw somebody over there twisting her arm. I just wanted to make sure you were being fair. She's a freshman. You know, and I might point out to you, Mr. Speaker, her spouse is a judge. Be very careful."

Speaker Hartke: "Thank you for that advice. On page 3, on Third Reading, appears Senate Bill 1513. Representative Osmond. Representative Osmond. Out of the record. On page 4 of the Calendar, on Second Reading, appears Senate Bill 1231. Representative Durkin. Representative Durkin, would you like to call Senate Bill 1231. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1231, the Bill's been a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Durkin, has been approved for consideration."

Speaker Hartke: "Representative Durkin."

Durkin: "Thank you, Mr. Speaker. Floor Amendment #1 to Senate Bill 1231 is... this is, basically, 1231 is the rewrite of

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the Uniform Commercial Code. This has been about a three year project in waiting. This Amendment addresses the concerns out of the State Bar Trial Lawyers and also the insurance industry. States that the... there'll be exceptions to the Article 9 Creditor/Debtor Section be exempt with respect to government transfers and also the assignment of work-comp benefits and structure settlements. They cannot be assigned under this statute. This takes the opposition or at least concerns away from local government and also the trial lawyers. I ask for your support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Senate Amendment #1 to Senate Bill... Floor Amendment #1 to Senate Bill 1231?' All those in favor signify by saying 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 5 of the Calendar, on Second Reading, appears Senate Bill 1298. Representative Lindner. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1298, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Lindner, has been approved for consideration."

Speaker Hartke: "Representative Lindner."

Lindner: "Thank you, Mr. Chairman. Floor Amendment #2 is an Amendment from the contractors that just changes the words 'cargo container' to 'cargo area'."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to

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Senate Bill 1298?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #2 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Page 5 on the Calendar, on Second Reading, appears Senate Bill 1444. Representative Howard. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1444, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #4, offered by Representative Howard, has been approved for consideration."

Speaker Hartke: "Representative Howard."

Howard: "Yes, thank you, Mr. Speaker. I would firstly like to table House Amendment #3."

Speaker Hartke: "The Motion is to table House Amendment #3. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And House Amendment #3... Amendment #3 is tabled."

Howard: "All right."

Speaker Hartke: "On Amendment #4."

Howard: "All right. I ask your consideration now for House Amendment #4. This Amendment would add the language that creates the Eliminate the Digital Divide Act. This, of course, passed the House by a vote of 117 to 0 when it was House Bill 4270. This Amendment would also transfer responsibilities for the implementation of certain components of the legislation from the Department of Commerce and Community Affairs to the Illinois Community College Board. As well, this Amendment would add the provision that implementation of each component of the program is subject to appropriations. I ask for your

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approval."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Durkin."

Durkin: "Representative there's been... we haven't gotten to Floor Amendment 5, but there has been concern about the germaneness of this Amendment towards the Bill. Could you perhaps address that?"

Howard: "Mr. Speaker, I'm having a difficult time hearing the question."

Durkin: "Representative, there has been some questions... I'm looking at some notes about the germaneness of this Amendment towards the substantive Bill. Could you perhaps address that?"

Howard: "Number 4?"

Durkin: "Yes."

Howard: "The germaneness of number 4, is that what your asking about?"

Durkin: "Yes, for number 4."

Howard: "Well, number 4 is has to do with the digital divide which is what the other Bill has to do with and that's computer technology. It is, in fact, improving the knowledge of individuals in our state regarding the computer technology area and as well, is the Internet. So, I see that it is exactly the same."

Durkin: "All right. I was under the impression that it dealt with ISAC grants, and I'm trying to figure out how they both fit into each other. And I still haven't reconciled that with your response yet."

Howard: "Was that a question, because I..."

Durkin: "The question is I still... I believe the Bill, the initial Bill, the substantive Bill talks with ISAC grants, and how does this..."

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Howard: "Yeah, the initial Bill..."

Durkin: "...Digital Divide Act work..."

Howard: "...makes technology grants available to qualified individuals. You're speaking of the Arthur Kern Scholarship Program. My Bill, Eliminate the Digital Divide Act, also has to do with computer technology. And that's why I believe it is germane."

Durkin: "Okay. I respect your answer, but I think that there is a question about that Amendment as it replies to the ISAC grants and also the Digital Divide Act. I think that there still is a problem in my mind, and I'm not quite sure if there is germaneness, but we'll address that at a later point."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #4 to Senate Bill 1444?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #4 is adopted. Further Amendments?"

Clerk Bolin: "Floor Amendment #5, offered by Representative Younge."

Speaker Hartke: "Representative Younge."

Younge: "Thank you, Mr. Speaker. Floor Amendment #5..."

Speaker Hartke: "Excuse me, Representative Younge. Please."

Younge: "Floor Amendment #5 would create the Southwestern Illinois Teachers' Academy of Math, Science and Technology. And it would establish a board that would come up with a plan for the creation and establishment of this teachers academy in Cahokia, Illinois. The... Amendment #3 was the same Amendment and it was inadvertently tabled. This Bill is the same as House Bill 2680 which passed the House 117 to 1. I move for the adoption of the Amendment."

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Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #5 to Senate Bill 1444?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and Floor Amendment #5 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, for a report."

Clerk Bolin: "Rules Committee Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures were referred, action taken on April 11, 2000, reported the same back with the following recommendations: 'direct floor consideration' for the following Concurrence Motions. Motion to Concur in Senate Amendment #1 to House Bill 1785. Motion to Concur in Senate Amendment #1 to House Bill 2379. Motion to Concur in Senate Amendment #2 to House Bill 3082. Motion to Concur in Senate Amendment #2 to House Bill 3455. Motion to Concur in Senate Amendment #1 to House Bill 3465. And Motion to Concur in Senate Amendment #1 to House Bill 3476. Also 'direct floor consideration' referred to Third Reading Standard Debate for Senate Bill 1428. Supplemental Calendar #2 is being distributed."

Speaker Hartke: "On page 8 of the Calendar on Concurrences, is House Bill 182, Representative Lang. Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move that we concur in Senate Amendments 1 and 2 to House Bill 182. As many of you know, the House Mental Health Committee has been working for several years on trying to improve the delivery of mental health services in the State of Illinois. This committee working in a bipartisan, very

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cooperative fashion sent House Bill 182 over to the Senate and it had much more in it than it does today. There were many things that we thought should be done in our committee that the Senate did not see fit to move forward. However, they left enough in this Bill that I think we should forward with it today. In fact, I believe that this is a major step forward in the treatment of the mentally ill in the State of Illinois. This is real reform and a real important piece of legislation. It deals mostly with the issue of the mentally ill that have been warehoused by the state in private nursing homes in the State of Illinois. As you know, under the current law of the State of Illinois, mentally ill people who are in state facilities are treated under the mental health code, while those that are in private nursing homes are treated under the Nursing Home Care Act. Accordingly, those that have been in the private nursing homes have not been treated like they're mentally ill. The Department of Public Health and Department of Human Services has been promising us for years that there would be some rules forthcoming to ensure that those who are mentally ill who are in private nursing homes would get the treatment they need. Those rules have never been forthcoming. House Bill 182, in its current form will ensure that by January 1st there's a set of rules and regulations in place to make sure that every mentally ill person in Illinois, regardless of their setting, whether it be in a state facility, a private facility or a private nursing home, be treated as if they're a mentally ill person. Now, we all think that this is probably good common sense, but nevertheless for years and years we have not done this in the State of Illinois. And accordingly, mentally ill people who have not been in state settings

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have not been treated as if they are mentally ill. So this Bill, while not perfect, takes a great step forward for the treatment of those mentally ill people in the State of Illinois, who have been warehoused in nursing homes in our state. I would urge your concurrence or urge your 'yes' vote on this Concurrence Motion."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur to Senate Amendments #1 and 2 to House Bill 182?' All those in favor will signify by saying 'aye'; those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendments #1 and 2 to House Bill 182. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 8, on Concurrence, appears House Bill 589. Representative Mautino. Mr. Clerk... Mr. Mautino."

Mautino: "Thank you, Mr. Speaker. I just move to concur in Senate Amendment #1. What this legislation does is if an insurance company, property casualty, is bought out by another company or changes status as corporate, instead of sending a nonrenewal notice they send a change of status notice. And it has some protections in there that the agents had requested in as well. There is no change on the timelines when you'd normally send a nonrenewal notice. That's when there's been any major change in the policy itself. This goes along with the change of say a merger or an acquisition. You got to notify the policy holders. Ask

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for an 'aye' vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Lake, Representative Osmond."

Osmond: "Due to a potential conflict in interest, I'm gonna vote 'present'."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 589?' This is final action. All in favor signify by voting 'yes'; those opposed vote 'no'. 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 House Bill 589, there were 116 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 589. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 10 on the Calendar, on Concurrences, appears House Bill 3936. Representative Smith. Representative Smith."

Smith: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1. This was a change at the request of the Illinois Automobile Dealers Association. The Amendment simply clarifies that a person will be subject to these new penalties in the underlying Bill if they quote 'knowingly, with the intent to defraud or deceive another, fail to disclose a rebuilt vehicle to a consumer.' I know of no opposition to this Amendment. This is a proposal from the Secretary of State's Office and they are in support of the Senate Amendment. And I know you were eagerly awaiting this yesterday, Mr. Speaker."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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Black: "Thank you very much, Mr. Speaker. I simply rise to support the Gentleman's Motion of Concurrence and again thank him and the Secretary of State for giving us the time and the House Committee to check with some people in my district. And I know there were others who are in the salvage and rebuilder business and gave them a time to look at the Bill and make sure it wouldn't harm their business and, in fact, both of them in my district said it was a good step forward and I just appreciate the Sponsor's willingness to do that and also the Secretary of State's Office for their willingness to reach out to people that are in this business and do perform a vital service. These people were environmentally correct long before it became popular in cleaning up automobiles and putting them back on the road. So this is a good Bill. I don't think it will hurt anybody, but again, in recent years it's not been the practice to delay things and let people have a chance to send material back to their district. So, I appreciate the courtesy that Representative Smith gave to some of us and also to the office of Secretary of State for that same courtesy. And I certainly intend to vote 'aye' for the Bill."

Speaker Hartke: "Further discussion? Representative Smith to close."

Smith: "Thank you, Mr. Speaker. I just ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3936?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. 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, there were 117 Members voting 'yes', 0 voting 'no', and 0

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voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 3936. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 8, on Concurrence, appears House Bill 2067. Representative Krause. Representative Krause on Senate Amendment #1."

Krause: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1 to House Bill 2067. Very briefly, the Amendment becomes the Bill and what it does is that it clarifies the School Code to specifically state that all school districts have the power to apply for a 50% federal reimbursement for any health care services provided to the students or the students qualify under the federal Medicaid program. Currently, this is a power that school districts are afforded under Federal Law. This Amendment would codify the practice and also would make it clear that Medicaid reimbursement claims for both special and standard education students would apply. The Amendment does state the school districts may only seek reimbursement to the extent permitted by Federal Law. And I would be pleased to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2067?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. 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, there were 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate amendment #1 to House Bill 2067. And this Bill, having received a Constitutional Majority, is hereby

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declared passed. On page 10, on the Order of Concurrence, appears House Bill 4300. Representative Hoffman, on Senate Amendment #1. Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. House Bill 4300 is the Neutral Site Visitation Bill. We debated it and it allows for a neutral site visitation sites. The Senate amended the Bill in order to clarify who was going to be in charge of these sites, specifically indicating that the counties would be the primary individuals who are in charge of the neutral site visitation sites. It also indicates that the counties will be the ones that charge and will work in conjunction with the Circuit Courts in making sure that that these things become a reality."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Kendall, Mr. Cross."

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

Speaker Hartke: "Sponsor will yield."

Cross: "Representative, I remember asking some questions about this before and I know that there's often hostility with respect to divorce cases and custody. I'm trying to... I'm looking at the Senate Amendment. Your initial Bill, if I'm not mistaken, allowed the judicial circuits so that the court system to run this. Is that correct?"

Hoffman: "Yeah, actually what it did is that if the county board would have to pass the enabling referendum or ordinance and then the Circuit Courts would actually run it. The... in talking with the Administrative Office of Illinois Courts, their concern was they didn't feel that they should be giving or doing another nonjudicial function. So they felt more comfortable with actually the fund as well as the administration of this neutral site have it go back to the

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county board, they would do it in conjunction with the chief judge and the judiciary."

Cross: "You're comfortable with letting the counties do it as opposed to the chief judge's office. Given the fact that..."

Hoffman: "It's my understanding that the chief judges are okay with it. The way the wording is, they would still have an input with the local counties."

Cross: "Mainly, I'm assuming you're okay with it because you have a Motion to Concur, but it seems like the judges ought to be..."

Hoffman: "Yes, otherwise I'd have a Motion to Nonconcur."

Cross: "I understand the concept..."

Hoffman: "See, if you're for it, you concur, if you're against it you nonconcur."

Cross: "I appreciate that... I don't know if that's a civics lesson or just a rules lesson, Representative and..."

Hoffman: "I just learned it."

Cross: "...I think you're right, actually. But I guess I'm just concerned about, with all due respect to the county boards, whether they really know if they have any business being in the business of running a neutral site program. Given the fact that I think the judges see this on a day-to-day basis and I just don't know if you want to give any responsibility whatsoever and I'm not being critical of county boards. I just don't know if we want to have the counties involved in this in any way."

Hoffman: "Well, they wouldn't really be involved with the general administration, I don't believe, that would be done and the idea and the intent is to be done in conjunction with the judiciary. But the physical facility, Tom, the physical facility much like the courthouse. Okay, a courthouse now,

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the physical facility at least in my county is actually owned by the county. And the county board and the public building commission oversees the physical facility as well as all the funds in order to up keep that facility in order to put furniture in that facility. However, the judiciary goes before them in making sure that the courthouse is maintained and used for judicial purpose. It works hand and hand. However, what this would do it would, much the same way, that's the way these sites would be run."

Cross: "So, as far as you know, are all the county officials on board with this, Jay?"

Hoffman: "I know of no opposition. I haven't talked to all of them, but this only, remember, this only deals with counties of 100,000 or more and the counties would have to pass the enabling ordinance. If they don't, it's... this is not mandatory. It's up to them as to whether they want to get into this business or not. If they don't, they just don't pass the ordinance."

Cross: "Back it up a second. Just hypothetically speaking, if this Motion to Concur failed, what Motion would you then have to make?"

Hoffman: "Is this a civics lesson or are we just talking..."

Cross: "Well, you started it."

Hoffman: "I know, nah nah nah nah nah."

Cross: "And I'm not... And this has nothing to do with you're either with police officers or you're with the criminals or anything like that or I'm not trying to get in the political thing."

Hoffman: "Yeah. By the way, I'm against criminals and I am with police officers, if you're asking."

Cross: "You aren't?"

Hoffman: "Yes, yes."

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Cross: "Kind of like when you had all those people up in the balcony."

Hoffman: "If... I would probably, if this were to fail, which I hope it doesn't. I mean, I'll be holding my breath over here..."

Cross: "I'm hypothetically speaking."

Hoffman: "But if this were to fail, I would probably bring a Motion of Nonconcur, resend it to the Senate. They would then probably either recede or refuse to recede. If they refuse to recede, as you know, then it would go to a Conference Committee. If they recede, it would then go to the Governor, as is."

Cross: "That's incredible. Do you know if Congressman Blagojevich is in favor of this?"

Hoffman: "You know, I got a call into him."

Speaker Hartke: "Gentlemen, to the Amendment."

Hoffman: "I got a call in to him, but he's training for a marathon."

Speaker Hartke: "Mr. Hoffman, to the Amendment."

Hoffman: "Sorry, I apologize. We got off, off track here."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "The Sponsor will yield."

Black: "Yeah, Representative, I don't want to belabor the point, but I served ten years on the county board. The custody exchange is ordered by a court, correct?"

Hoffman: "Yes, yes it would be."

Black: "All right. And then to make that custody exchange and as we talked about in your original House Bill, that I voted for, some of these exchanges are not tea and crumpets. You

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have one or both parties to this exchange that sometimes, let's just say, don't like each other. And that would be putting it mildly. And they're there because they were ordered by a court to do so. Now, under this Senate Amendment, the court that has some perceived powers over these individuals, I mean, if you're there under a court order, you want to do something funny, you know that the court is going to hold you accountable for that. Now to take the court out of this and give it to a county board, I really have some concerns with that."

Hoffman: "No, no. I think you're maybe misunderstanding. We're only talking about the administration of the physical facilities and the fund. So, the court would still do the ordering of the neutral site..."

Black: "Right."

Hoffman: "The court would work in conjunction under this with the county board. However, much like the court house is now, the county board actually owns the court house, okay."

Black: "Okay."

Hoffman: "The judge, judiciary, the AOIC, Administrative Office of Illinois Courts, had a problem with chief judges getting into the nonjudicial functions of this. They still will carry out the judicial functions of this. That won't change. But what will happen is, the actual facility will be actually and the fund will be administered by the county board in conjunction with the local Circuit Court as to... if they want to do a physical facility or not. And see this is not mandatory, so if the county board doesn't want to do it..."

Black: "Yeah, and I think..."

Hoffman: "...they just don't pass an ordinance."

Black: "I'm glad you pointed that out because I think that's the

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saving grace of the whole Bill is that it is a permissive piece of legislation. But let me make sure I understand you. I'm glad you pointed that out. The court orders the exchange to take place, I assume the court would then order maybe the office of the Circuit Clerk or the county board room, or the lobby of the court house. Are you saying that the judges aren't comfortable in utilizing or ordering a county facility to be the site because they don't control the site?"

Hoffman: "Well, I think it's... they don't... the judges don't want to be like deciding, you know, what curtain should go up if they decide on neutral site and they rent the place. The judges don't want to be deciding what curtains go there, what furniture goes there. They'd much like the court house, how it is run, would rather have the county board do that function. Now they would still be over whether you're going to utilize a neutral site in a given case. That would not change. They would not lose their authority in a given case."

Black: "All right. But wouldn't the... let me go back to the original Bill, and I apologize, I know we're on a Concurrence Motion. Would the court specify where the exchange was to take place?"

Hoffman: "Yes."

Black: "Okay. Because weren't we trying to get away from fast food restaurants and some of the places that have been used in the past?"

Hoffman: "Yes, and the idea is, they could contract with not-for-profit organization already has a place. They could, if they wanted, be up to each county in conjunction with the courts, if they wanted to rent the place across the street..."

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Black: "All right. Okay."

Hoffman: "...from the courthouse, they could do that. But we want to get away from what you talking about. The fast food restaurants where... unfortunately, adults are acting like children."

Black: "Okay, all right."

Hoffman: "And they're getting into fights in these local places."

Black: "And now it begins to make sense. In other words, the county board, if they wanted to enter into a contract with Catholic Social Services or Children's Home and Aid Society, they could then contract with that community based provider to have the exchange done at that site, right?"

Hoffman: "As opposed to the chief judge doing that, yes."

Black: "Okay, fine. Thank you for clearing that up."

Speaker Hartke: "Further discussion? Representative Hoffman to close."

Hoffman: "Thank you, Mr. Speaker. I would just ask that we have a favorable vote on our Concurrence Motion."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4300?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 4300. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 8 of the Calendar, on the Order of Concurrence, appears House Bill 486. Representative Wirsing, on Senate Amendment #1. Representative Wirsing."

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Wirsing: "Thank you, Mr. Speaker. Senate Amendment 1 to... actually does become the Bill, the underlying Bill. And as we passed the underlying Bill out of here a year ago, it was creating a fund for off-setting the cost of amino depressants for organ... kidney organ transplant recipients. Simply what the Amendment does now is to include all, what's called hard organ transplantation in assisting in the amino depressant... antirejection drugs for those who have had the transplant. That's simply... it just changes it from the kidney to all organs. That's what Senate Amendment #1 does."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 486?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. 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, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 486. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 10, on the Order of Concurrence, appears House Bill 4348. Representative Dart, on Senate Amendment #1. Representative Dart."

Dart: "Give this one another try. I move to concur with Senate Amendment #1. This is a Bill we had up yesterday, that I got 116 votes on before we found out it had not been released from Rules yet. What Senate Amendment #1 does, is it removes the criminal provisions from the Bill and leaves just with the DCFS provisions which are all agreed to

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provisions dealing with disclosure of records. And I'd appreciate a favorable vote."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4348?' This is final action. All those in favor signify by voting 'yes'; those opposed vote 'no'. 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, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 4348. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Persico."

Persico: "Thank you, Mr. Speaker. I too, like Representative Dart forgot that we have a Rules Committee and so, I was a little premature on my Motion, but I now move to suspend the posting requirement for Senate Bill 1653."

Speaker Hartke: "Is there leave of the Body to suspend the posting requirements on Senate Bill 1653? Is there leave? Leave is granted. Mr. Clerk, what is the status of Senate Bill 23?"

Clerk Rossi: "Senate Bill 23 has been read a second time, previously. Amendments 1 and 2 have been adopted to the Bill. No Motions have been filed. Floor Amendment #4, offered by Representative O'Brien, has been approved for consideration."

Speaker Hartke: "Representative O'Brien, on Floor Amendment #4."

O'Brien: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #4 to Senate Bill 23 would become the Bill. What it would do is that it would... it's the

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result of about two years of negotiation between taxing districts and utility companies that are affected either because the rate of assessment or the level of assessment for their nuclear power plants is going down or the assessment on fossil fuel plants is going up as a direct result of deregulation. And all that this Bill does is it allows for a step down in the assessed valuation for nuclear power plants and a step up in the rates for fossil fuel plants in all counties outside of Cook. And it also provides for a streamline process before PTAB which will cut both the time of those appeals and the cost both to the taxing districts and to the utilities and attorney's fees. And I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, or the Lady from Cook, Representative Erwin."

Erwin: "Representative O'Brien..."

Speaker Hartke: "She will yield."

Erwin: "...I apologize because I have not fully read the analysis on this. How... can you explain to me how this might impact the school aid formula, since obviously, it has no impact whatsoever, on the school aid formula cause there's no, not a nickle of state money to any of these affected taxing districts? But since we're talking about property taxes and the school district by school district we deal with the assessed valuation of property and since we're the nuclear power plants have, over the years, contributed so significantly to local school districts, I'm trying to understand how this Bill as it's phased in, will impact the rest of the state."

O'Brien: "What will happen, without a phase in the reduction from the ICC established assessed value method down to fair

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market would happen in one year. So that rate of assessment and the level of property tax going from a nuclear power plant to a school district, for instance, would drop all at once. What this does is says in the first year it's gonna be 50% because right now, I think, everyone of the schools, perhaps with the exception of one, throughout the state, is a flat grant. They get \$214 per student, that's it. They are going to because the value has dropped, they're probably at some point going to be eligible for more state dollars, but what this does is it reduces how much... reduces the inevitability of that occurring and puts it over a five year, six year period of time."

Erwin: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #4 to Senate Bill 23?' All those in favor will signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #4 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On Supplemental Calendar #1, on Concurrence, appears House Bill 3548. Representative Lindner. Representative Lindner on Senate Amendment #1."

Lindner: "Thank you, Mr. Speaker. Senate Amendment #1 we passed out of here on Senate Bill 1508. It is the agreement with the Guardianship and Advocacy Commission on the length of the continuances. I would ask for a favorable 'aye' vote on this."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur with Senate Amendment #1 to House Bill 3548?' This is final action. All those in favor will signify by voting

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'yes'; those opposed vote 'no'. 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, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 3548. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 on the Calendar, on Third Reading, appears Senate Bill 1513. Representative Osmond."

Osmond: "Mr. Speaker. Senate Bill 1513..."

Speaker Hartke: "Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1513, a Bill for an Act amending the North Shore Sanitary District Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Osmond."

Osmond: "Thank you, Mr. Speaker. Senate Bill 1513, as amended, increases the dollar amount in which a sanitary... the North Shore Sanitary District can spend on a nonbid basis for public health crisis for an emergency spending when it involves public health and also increases the spending limit from 10 thousand to \$40 thousand for nonhealth related emergency spending. I know of no opposition to the Bill and be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1513?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? There are still two people that have not voted. Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1513, there were 105 Members voting 'yes', 12 Members voting 'no', and

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0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 on the Calendar, on Third Reading, appears Senate Bill 1397. Representative Lawfer. Out of the record. Supplemental Calendar announcement. Supplemental Calendar #2 appears House Bill 1785. Representative Beaubien on Senate Amendment #1."

Beaubien: "I would ask the House to concur in Senate Amendment #1 to House Bill 1785. This is the evidence kit Bill that passed the committee unanimously, the House 113 to 0. In its original Bill went over to the Senate, passed unanimously and is back again. This is the Bill that deals with the ability of the law enforcement officer to ask directly to the medical service, the hospital, for the evidence kit in the case of a rape of a minor. It also provides if a minor is 13 years or older, she can make the request on her own. And I would urge you to concur in Senate Amendment #1."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, I just want to ask you one question about the release of the information of a minor. It appears to me that the language bypasses parental consent."

Beaubien: "Not at all. It can be obtained by the parent, legal guardian, DCFS, or the law enforcement officer. This is really... it mainly to deal with the cases when the parents perhaps are not available, they might be out of the country. It could be a street child. It could be a situation, in fact, where the parent, could even be the

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perpetrator, or know the perpetrator and not wish to give consent. This gives the law enforcement officer the ability to request from the hospital, in writing, the evidence kit so they can get that kit into the process of law enforcement as rapidly as possible. It is no way intended to go beyond the parents. If they're there, they would obviously be the first choice to give consent."

Black: "Mr. Speaker, can you just hold on for a second? Can I just ask the Representative... just go to him and ask a question? Is that permissible?"

Speaker Hartke: "You don't want to share with the rest of us?"

Black: "Not necessarily. I'll be right back."

Speaker Hartke: "Yes, one minute."

Black: "Thank you very much, Mr. Speaker."

Speaker Hartke: "You're a man of your word, you have 29 seconds left."

Black: "I try to move things along, Mr. Speaker. I appreciate your indulgence and I thank the Gentleman for his patience. Thank you."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, Representative Beaubien, would you like to close? "

Beaubien: "Yes. I would request your 'aye' vote on the Motion to Concur to Senate Bill (sic-Amendment) #1."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1785?' This is final action. All those in favor will signify by voting 'aye'; those opposed vote 'no'. 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, there were 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate

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Amendment #1 to House Bill 1785. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Supplemental Calendar #2 appears House Bill, on the Order of Concurrence, appears House Bill 3455. Representative Davis. Representative Davis, on Amendment #2."

Davis, S.: "Yes, thank you, Speaker, Ladies and Gentlemen of the House. I would move to concur in Senate Amendment #2 to House Bill 3455. It deals with the environmental health board members that would allow them to be reappointed without restriction for as many times as the members are willing to serve. I would be happy to answer any questions on the Amendment and I would ask for its passage."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House concur with Senate Amendment #2 to House Bill 3455?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. 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, there are 116 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #2 to House Bill 3455. And this Bill, having received a Constitutional Majority, is hereby declared passed. Supplemental Calendar #2 appears House Bill 2379. Representative Silva on Senate Amendment #1. Representative Silva."

Silva: "Thank you, Mr. Speaker. House Bill 2379 originally created the Childhood Hunger Prevention Act. But Senate Bill... actually Amendment 1 in the Senate, becomes the Bill. And essentially, what it provides for is to reimburse ... the State Board of Education would reimburse

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sponsors of the free breakfast program, school breakfast programs and lunch programs. The other would be that a priority would be given to schools' breakfast programs that have 50% or more of the children eligible for free or reduced price meals. And it provides an incentive program for start-up costs for those school districts. And I wish to concur on Amendment 1."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentlemen from Logan, Representative Turner."

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

Speaker Hartke: "The Sponsor will yield."

Turner, J.: "I had a hard time hearing you, Representative, but perhaps we can shed a little light on exactly what this Amendment does. First of all, is there any fiscal impact with regard to this particular Senate Amendment?"

Silva: "Yes there was, but the Illinois State Board of Education in its budget had included the money for it."

Turner, J.: "How much money are you talking about?"

Silva: "The State Board of Education put in a million dollars and in the Education Approps Bill an additional was put in."

Turner, J.: "All right, so this entails, as I understand, I'm trying to read through the analysis very quickly here, a breakfast program? Is that correct?"

Silva: "Correct."

Turner, J.: "And is this voluntary or has this become a mandatory breakfast program?"

Silva: "It's voluntary for those school districts that want to engage in the program. That's part of the incentive program."

Turner, J.: "Voluntary for those school districts that want to engage in the program. Is that what you said?"

Silva: "Correct. Yes."

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Turner, J.: "And for those who don't want to utilize the program..."

Silva: "It's not a mandate."

Turner, J.: "...is there any affect on them?"

Silva: "No."

Turner, J.: "Do they lose any kind of funding if they fail to do it?"

Silva: "No."

Turner, J.: "Is the intention eventually then to make this a mandate on all school districts?"

Silva: "No, at this point it is not. On the original Bill, there was a disagreement about that, but Senate... the Amendment becomes the Bill and all of those agreements have been worked out. The mandate was removed."

Turner, J.: "All right. I wasn't on... I'm not on that committee. I was not there, but I'm advised that the State Board of Education has the intention of making this a mandatory program at some point in the future because they made such a statement while in committee. Is that correct or not?"

Silva: "No, it's incorrect. That particular language is not in the Bill and it's a grant program."

Turner, J.: "Well, I understand it's not in the Bill, but with the state board indicating they would like to see this a statewide program is it not, therefore, logical that if we pass this as a voluntary mechanism or procedure or program today with the state board backing it, eventually it will become mandatory throughout the State of Illinois?"

Silva: "No, Representative. I was present at all the meetings over the last two years and that is not the intent."

Turner, J.: "Okay. Well, tell me how the breakfast program works, then if you would. Could you explain that?"

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Silva: "For example, a priority is, if a school district who has eligible children, the first priority would be 50% of the poverty level of those children so that the incentive program would kick in. For example, if they needed dollars for start-up costs or for expansion."

Turner, J.: "All right. The reading from my analysis from our staff, 'First priority for these grants shall be given to schools in which 50% or more of their students are eligible for free and reduced price meals under the National School Lunch Act.' Is that correct?"

Silva: "Correct."

Turner, J.: "And is there a cap on the amount of the grant that can be provided?"

Silva: "On the grant?"

Turner, J.: "Yes."

Silva: "Yes, the thirty-five hundred."

Turner, J.: "Thirty-five hundred."

Silva: "For the start-up or expansion."

Turner, J.: "I guess I'm a little confused. This is a grant program for school districts that want to voluntarily provide the breakfast..."

Silva: "Correct."

Turner, J.: "...for the eligible students. And yet you say that it doesn't require any additional funding. Now, how can you have a grant program without additional funding?"

Silva: "If they want to expand the program because there are approximately over 600,000 children in the State of Illinois who are eligible. So, if in fact, they wanted to expand that program they would be able to do so. Part of it we also get reimbursement from the Federal Government for the actual meals."

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

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Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Hoeft: "A couple of detailed questions here. One, transportation. You are from the City of Chicago and the City of Chicago does not provide the transportation system the rest of the state does. Would this predicate that the school districts in the State of Illinois are going to have to have a separate breakfast transportation route?"

Silva: "No. That was what was in the old Bill. Those issues have been addressed through this Senate Amendment. That is no longer on the table, period."

Hoeft: "How? How has it been addressed? I mean, are they going to come to..."

Silva: "We were talking... Representative, we were talking about that when it was also the Summer School Program and that's no longer part of the Bill."

Hoeft: "Okay, but..."

Silva: "So, transportation is not required."

Hoeft: "So, either the kids are going to come a half an hour early to get the breakfast and everyone's going to have to wait outside? Or are they going to come... are the kids going to eat lunch while they're supposed to be in the educational program? I don't understand. When they... you have a single transportation system, the kids come to the school, half the kids stay out in the playground and half the kids come in for breakfast?"

Silva: "That's a decision that can be made locally. If in fact, you wanna provide transportation, you can. But it's not in the Bill, it's not mandated that it be done. So, it's a local decision. If you want to engage in this program,

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then it would stand to reason that you would make those accommodations, but it's not mandated."

Hoefl: "Okay. If I have a school district that accepts this program, does this mean that every school in the school district must provide this service, or is this optional by school within a school district?"

Silva: "It's optional."

Hoefl: "My school district has 57 schools in it. Can three of the schools be part of the program and 54 not?"

Silva: "There's nothing in the Bill that says that all of them have to do it district wide."

Hoefl: "So it is an option by school building not an option by school district."

Silva: "Exactly."

Hoefl: "You said 600,000 kids are eligible in the state?"

Silva: "Those are the estimates."

Hoefl: "And we have a million dollar appropriation."

Silva: "This is only for the incentive programs."

Hoefl: "Well, that comes out a dollar fifty per kid, per year. I mean, we're talking about a major investment here in terms of I don't know what oatmeal they're going to have... I don't know what, but... A dollar fifty per kid, per year, doesn't... How are they going to choose what schools are going to get the money because, obviously, this doesn't even come close to the needs of this state. Who's going to get the money? How is that going to get distributed? How do we know that's going to be distributed statewide? How do we know that this is going to be done demographically so that one group doesn't get cut out and the other doesn't? What is the criteria for the selection of these schools?"

Silva: "There's criteria in the Bill related to priorities of poverty level. I think that, you know, you're right in that

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it's a little bit of money, but it's a beginning and those are decisions that have to be made."

Hoeft: "To the Bill, folks. We're talking about a huge step forward here. We're talking about making the schools, the responsibility of the schools, the breakfast program, the feeding program. Understand that the million dollars is just a very small, small portion of the amount of money necessary for this. We're talking about tens and tens of millions of dollars if this is going to be appropriately implemented throughout the state. A healthy kid is a well fed kid. This is something we ought to be very pleased with in our society, but the question is, 'Are the schools responsible for this?' Is this going to be eventually a mandate and will we have the money to do it? I think there are an awful lot of questions that have to be asked and I think that the questions actually are far greater than the number of answers and I intend to vote 'no' until there are some specific questions addressed to this."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, there is one fundamental fact about this Bill that I do not understand, and that is the necessity for the Bill at all. If a locally elected school board wants to identify one or more or all schools within their district and designate them as a breakfast, low cost or free breakfast center, can they not do so under current law?"

Silva: "Yes, they can, but we've also heard from school districts where if they had the incentive they would actually be able to work on it and they're open to it."

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Black: "My wife leaves the house every morning at quarter of seven because the elementary school where she teaches has had a breakfast program for the last 12 years. I assume that the Danville Community Consolidated School District #118 got into that breakfast program knowing that they would be reimbursed at some level by the State Board of Education. Are you telling me they are not reimbursed?"

Silva: "Representative Black, not all the school districts have the same capacity or funding levels to operate that program and with a little of assistance we will be able to include more children in the program, statewide."

Black: "Representative, my home school district is one of the poorest school districts in Downstate Illinois. The school where my wife teaches is the only school left in Danville that is strictly a neighborhood school. No one is bussed to this school. It is in a neighborhood of transition. I don't think it has anything to do with resources. My question to you is if a locally elected school board deems it necessary or vital or in the interest of their students and parents to have a breakfast program, they can do that now. Correct?"

Silva: "Well, I take off my hat to the Danville School District for their foresight in actually feeding children so that, in fact, they could be in a better position to learn. I wish they were all as enlightened as Danville but again, I think that again we're talking about capacity and if this program is going to help bring additional children into the classroom prepared and ready to learn, I think that we ought to encourage it."

Black: "Representative, I'm not sure you answered my question. The elementary school where my wife teaches offers a breakfast program. Obviously, the school board, knowing

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that neighborhood, deems it vital that they do so. And I believe they are reimbursed currently and have been for years by the state board for that breakfast program. It's also my understanding that there are schools within the Danville Consolidated District that do not offer a breakfast program because again, of the wide range in demographics, shall we say. There are some schools in Danville where that program would not be necessary or would not have the participation, let's say, to make it worthwhile. My whole concern is, I don't know why this Bill is even necessary. This, as far as I know, and I spent ten years teaching, as far as I know, if a school board wants to do this, they can do so. And they can designate one of their schools or all of their schools to serve this breakfast program and apply for a reimbursement level. While not very high, that reimbursement level is available and as far as I know, is sent to that school district for implementing the program. So if they already have the local authority to do so why is this State Law necessary?"

Silva: "The intent here is to encourage that through the incentive to participate."

Black: "Well, thank you, Representative. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "You know, I realize it's no longer fashionable nor politically correct here to stand and say, 'What ever happened to the concept of local control?' When I go to the polls and vote for my locally elected school board members, I expect them to make these kind of decisions. Do they want a school breakfast program? Do they need a school breakfast program? And if they do, I expect them to implement that and then to come back to the state board and

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request reimbursement for that program that already exists under State Law. I don't think it's our place to pass a State Law telling locally elected school boards, 'Hey, we encourage you to do this.' That's not our role. That's the role of the locally elected school board. Why can't we learn one fundamental precept in this Body? Those of us in Springfield do not always know what's best in a state as diverse as Illinois. Now, if you want to do away with locally elected school boards, put it on the board. Otherwise, let the locally elected school board make these kind of decisions. They know their community, they know their student body, they know their resources. That's their decision. It should not be a decision of the Illinois General Assembly. Some people here have never been to my community, I've never been to some of your communities. This is an outrage that we continually usurp the power and authority of locally elected school boards. They already can do this if they deem it vital and necessary. That's where the power should rest, let the local school boards make the decision. We don't have to pass anything here that encourages them to do that. That's their job, let 'em do it. Vote 'no'."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Woolard: "I'm really confused. I'm about as confused as you can be. I want to know, is this a mandate?"

Silva: "No, it's not."

Woolard: "I didn't think it was. In fact, Senator Cronin who was the Sponsor of this Amendment in the Senate concurred with

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me the other day and said, 'I don't believe in mandates. I believe that we should afford the opportunity of every child in this state to come to school in a posture that would put them in the mood to learn.' This was Senator Cronin, someone who comes from one of the richest areas of this state. But he recognized that there are children across the state who don't have that same ability. And I'm here to tell you that I agree with him. I think that we have a responsibility, if in fact, a local school district decides that they want to institute a program to make their children ready to learn every morning of the week. And a breakfast is the thing that encourages that. I know that Representative Silva has been very hard working on this issue. This has been an issue that I've been involved with for ten years. And I recognize the importance of us insuring that every child receive a good education. But sometimes we have to help get them in the mood to learn. A hungry child does not have the reason or the desire or the commitment to learn at the same level that a child does with breakfast in their belly. I'm very proud to say that I'm a cosponsor of this legislation today. I'm very proud to say that Representative Silva has done a tremendous job in getting us to this point. But I'm extremely pleased that Senator Cronin put this Amendment together that's agreeable hopefully, with this Body as it was that Body and we shall see every child who lives in a school district that has a school board who so desires the opportunity to be prepared to learn when school starts."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Oftentimes, I don't get up and rise to speak, of

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course, on every piece of legislation. But then there's a time when there's a piece of legislation is just... I just feel compelled to get up and express my views. I am just shocked and appalled that we have to stand or sit in this chamber this afternoon and to listen to the debate on legislation that will feed or help the children of the State of Illinois. This piece of legislation is going to help anywhere, approximately to about 600,000 of our school children that needs to be fed in our public schools. It is just appalled to me that this... we have such strong debate on an issue that if every Legislator, if the children from their school district comes down here to Springfield, every Legislator will come down in the aisle to try to get a picture with their children from their various school district, will befriend them as to make sure that they get a chance to view the Capitol, the dome in which we legislate laws that will make sure that they will continue to express to those children that they are here fighting for them. It is just appalling to hear the type of rhetoric that we hear on such important legislation. And it's appalling to me because this is an issue of humanity for me. This is an issue of respectability. This is an issue that we should put green votes without any debate because this is one of the things that we have been sent down here to do and that is to represent our children. To make sure that they get the possible and the best education they can in this state. Right now in the State of Illinois we're going through a period of prosperity. And so why not try to make sure that 600,000 more kids get a chance to get a breakfast in the morning. Each and every one of us here, we don't have a problem with getting a breakfast in the morning and we work for the State of

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Illinois. But you know, when it comes the time for... let's talk about money. Someone mentioned that this is going to be a mandate and it's going to be... and this price tag is going to just, you know, blow the ceiling. Let's talk about money. Let's talk about what we have funded in this state. We have funded prisons. We have floated bonds to build super max prisons in this state. Now, I know we need to incarcerate some people, but we will put our money, we will throw the dice on our future to make sure that those prisons get built in this state. But when we talk about putting any type of funding in education we get the biggest debate on this floor. That is a true travesty. We have also provided a lot of subsidies for a hotel and I won't mention the name. We have also had subsidies for ball parks, entertainment centers, conventional centers. We have had subsidies, I know no one knew about this, for the horsing industry that we put all sorts of monies into. But when we start talking about monies for education to help our kids to get the opportunity to be educated so they can compete with the brightest and the biggest schools of this state we want to suppress, depress and oppress. We want to argue. We want to talk about local control. This language is permissible. There's no reason that every Legislator shouldn't put a green vote. We should continue to fight for more programs like this. To put more resources in programs like this. And it's, once again, it's just appalling to sit in my seat and listen to debate on such an issue in which every Legislator in here when we have kids that come down that we'll embrace them and hold their arm and let them know that I'm here to fight for you and your future. I encourage everyone to put an 'aye' vote on this

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legislation. And I'm proud to be a Sponsor of this legislation."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Whiteside, Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. The Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Mitchell, J.: "Representative Silva, I understand that you're continuing on with a program that you started in the last General Assembly, that of trying to provide breakfast for youngsters. Can you tell me, basically, how this program's going to operate?"

Silva: "For example, if a school is interested in the program and they currently don't have one, the incentive program would give them money for start-up costs, perhaps they might have to buy a refrigerator and some other kinds of equipment, that would be something that they could do. It would also be done based on priority, as you know, the 50% level of poverty would be number one priority."

Mitchell, J.: "Representative, how much money is in the budget for this program at this time?"

Silva: "Currently, the Illinois State Board of Ed put in a million dollars, and we also put in an additional million dollars into the Education Approps Bill. But what we're talking about, essentially, is just \$1 million. And again, you know, I think that some of the priorities that we do have to think about is that if, in fact, there are children in the State of Illinois in the richest country in the world who go to school hungry, it's unconscionable. Especially, as Representative Giles pointed out, we give tax subsidies to corporations every single year and what we're talking about is \$1 million."

Mitchell, J.: "Mr. Speaker, all I asked for was an answer, you

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know, and I hope that we're not going to start timing this because, if so, I'm going to have to cutoff the presenter of this Bill at various times. I have several more questions, but I'm afraid that you might get impatient with me. Just remember, I'm not doing the majority of the speaking. One of the questions I have is to you, Mr. Speaker. Most of the Amendments that came over from the Senate have gone back through committee. Many technical Amendments have gone back to committee. My understanding is this one came straight to the floor without going through committee. Was there a request to waive the committee hearing on this Amendment?"

Speaker Hartke: "Mr. Mitchell, I'll check on that."

Mitchell, J.: "Thank you. I believe Representative Moffitt had a Bill that just simply said, 'subject of detail' was the only difference and I think went back to committee. I would think this one that involves money and a change in direction in state board would certainly... should have gone back to the Education Committee before it came to the House Floor."

Speaker Hartke: "Mr. Mitchell, Rules Committee submitted this directly to the floor."

Mitchell, J.: "Well, I realize that. I'm just not so sure that that was the proper thing to do with this particular Amendment. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Mitchell, J.: "My concern is that, yes, as far as Representative Silva knows, this is a permissive program at this time subject to local control. However, in Education Approp the superintendent was asked the question about what the \$1 million was for and he said, well, basically that it was for a voluntary breakfast program, but the direction is

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that right now it's an incentive, but the intent eventually is to make it a mandatory program. That's the main concern of Representative Black, that's the main concern of many people downstairs or downstate that have a concern over the fact that there's a move afoot to put \$38 behind every private school student, there's a move to put money in ADA Grants, there's moves all over the place to put money in education and we're very concerned that that might come from the coffers of downstate. It's not that we're worried about the fact that young students don't get breakfast. We're all concerned about the nutrition and all concerned about the learning of young kids. But we're very concerned about where those dollars are going to come from. If we sacrifice the education of students anywhere in the State of Illinois for a program that is now volunteer and soon will be mandated, then I think we've done an injustice to all. I join Representative Bill Black in my concern that this particular program, although maybe it is not a mandate now but it will be in the future. I've concerned far enough and we're not far enough along in the budgeting process to allow this kind of Bill to move forward without a 'no' vote or at least a 'present' vote for my colleagues from downstate until we find out what the funding's going to be for schools. Downstaters, beware. This money could come from what little we get now. Vote 'no'."

Speaker Hartke: "Representative Black, for what reason do you seek recognition? You've already spoken in debate."

Black: "Yes, I certainly did, Mr. Speaker, but my name was used in debate. I rise for that privilege."

Speaker Hartke: "Proceed."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. You know, I can stand here and say I'm

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appalled that my remarks were deliberately distorted and misinterpreted. I at no time said this was a mandate. I know exactly what the Bill is, it's permissive. My entire point for speaking was that the Bill has no force of law of any kind. Any school district in the State of Illinois who wants to have a breakfast program, can do so. All you have to do is to go to your locally elected school board or your locally elected school council and ask them to do that. You don't need to get up on the House Floor and rip me for saying that I happen to believe in local control. I didn't say this was a mandate. I simply said what the facts of the Bill are, that it encourages school districts to join in a breakfast program. If you want to encourage school districts to do that, do it with a House Resolution. You don't need legislation to encourage a school district to get into a school breakfast program. It's not necessary, they can do it right now. They can start Monday morning if that's what they want to do and that should be a local decision. Somehow I don't think Lake Forest will probably initiate a school breakfast program next week, but there are school districts throughout the state who have already done so. And some of them have been doing it for years. That's the way the process is supposed to work here. We elect locally elected school boards to make certain decisions and then carry those decisions out. I'm appalled that anybody would get up on the House Floor and say that anybody who dares to speak against or vote against this permissive piece of legislation, doesn't care about hungry children. That is a canard and one that I absolutely reject out of hand. I care just as much about those 600,000 kids as anybody on this House Floor. I've spent a good deal of my adult life teaching school. My wife goes

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to work every morning and works in the breakfast room, so don't try to lay some guilt trip off on me and say that I don't care about 600,000 kids that may go to school hungry. What I do care about is that that decision be made by that local school board who understands or should understand their community. Who should understand, and I hope they do, what the local resources are and what the grant possibilities are from the State Board of Education. It's a local decision. And if you want it to encourage local school boards to participate in a breakfast program then that could have been done by a House Resolution sent to the State Board of Education and everyone of the school superintendents, and presidents, or chairmans of the school board throughout the State of Illinois. We don't need to put it in legislation. And I hope that my remarks will not be misinterpreted in the future and I do also rise to second what Representative Mitchell said. If you want to care about children, come over here and look at my state aid printout. Almost everyone of my schools will be losing thousands and thousands of dollars in state aid next year and I just have a hunch, since the Bill we sent and many of you supported and we thank you for that, the Bill that we sent to the Senate that would have made the cuts less severe was never allowed out of the Senate Rules Committee and all that did was to average the ADA, but that's another question. That's another issue."

Speaker Hartke: "To the Amendment."

Black: "To the issue and you're right, Mr. Speaker, and I apologize for digressing. At no time did my remarks say this was a mandate. At no time should my comments be construed as saying that we don't care, we care a great deal. My wife, as I said before, leaves home every morning

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about quarter of seven to go monitor the school breakfast program, she doesn't have to do that, she has chosen to do it for about the last seven years. So I'm a little disturbed at some of the rhetoric I heard in response to what I said earlier. If you feel like I do, that schools already have the authority to do this and they do, then let them do it, and then hold them responsible, hold them accountable if they don't. So I would say that if a 'no' vote offends your sensibilities, a 'present' vote would certainly be, I think defensible in a Bill like this that says, we're encouraging school districts to do what they already have the ability and the means to do, and if they don't, then hold them accountable. We don't need any more Bills in the General Assembly taking up space in the statute books where the school districts should make the decision. You either believe in local control or you don't. I intend to vote 'no' or 'present' on this Bill."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Davis."

Davis, M.: "Mr. Speaker and to the Sponsor of the legislation. I would like to say, as Chairman of the Human Service Appropriation Committee, we heard testimony from those who sponsor soup kitchens. And at a time when the State of Illinois, as well as the rest of the country, is experiencing great prosperity there is also a large increase in the number of people who are visiting soup kitchens. The soup kitchens pointed out to us that near the end of the month, it appears that some of those who are working parents may be getting up at a quarter to six to get there before seven maybe not getting home until six or seven, that that money and that food is running out before the month ends. And this number or group of people is

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growing. Therefore, in my opinion, this legislation should pass because we should not have children who come to school hungry, no days of the month, absolutely none. Now, the program is a grant program which means if one is from a very affluent area, they need not apply. Only those who are in need should apply. And if those who are not in need do apply, hopefully, those who award the grant will realize those children in those communities may not be hungry and need breakfast that day. I urge an 'aye' vote for this excellent piece of legislation. I really think our responsibility here is to protect children and in this case, to make sure in our time of prosperity, that none of them are going into the classroom hungry. This is a good vote."

Speaker Hartke: "Representative Silva, to close."

Silva: "Thank you, Mr. Speaker. I just want to remind you that there are over 600,000 Illinois children that go hungry everyday and that could benefit by this particular program. I want you to know that the State of Illinois ranks 43 in the nation. There are only seven other states that are doing worse than what we're doing in terms of taking care of Illinois children. I also want to tell you about the economics of it. For every dollar that's spent on this program, we actually get a great return from the Federal Government. Again, I want to remind you within the next couple of days, we give tax subsidies to corporations, we provide incentive programs to relocate businesses and sometimes questionable in terms of TIFs. Again, this is only an incentive program and if, in fact, we want to make them all Resolutions then we wouldn't have to have this discussion. We wouldn't be giving tax subsidies to corporations. Again, children don't vote but their parents

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do. I think that we need to do the right thing. All it is, is \$1 million out of a budget of \$46 billion. I don't understand the thinking when everyone knows that children that go to school hungry are not prepared to learn. We want to keep children educated and out of jails. I would urge an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2379?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. 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, there are 85 Members voting 'yes', 25 Members voting 'no', and 7 Members voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 2379. Mr. Clerk, do you have an announcement? This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, you have an announcement on... committee schedules."

Clerk Rossi: "The following committees will meet immediately upon adjournment. The Telecommunications Review Committee in Room 114; the Appropriations General Services Committee in Room 118. The following committees will meet on Wednesday, April 12; at 10:30 a.m. the Electric Utility Deregulation Committee in Room C-1; at 11:00 a.m. the Environment and Energy Committee in Room D-1; the Judiciary I-Civil Law Committee will meet in Room 114, and the Judiciary II-Criminal Law Committee will meet in Room 118."

Speaker Hartke: "Representative Poe, for what reason do you seek recognition?"

Poe: "Mr. Speaker, I need to make an announcement."

Speaker Hartke: "State your point."

Poe: "Tomorrow we come in at 12:00 noon and I'll be serving lunch

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out in the hallway at 12:30."

Speaker Hartke: "Mr. Clerk, anything further? Mr. Clerk, anything further? Allowing perfunctory time for the Clerk, Representative Garrett now moves that the House stand adjourned until the hour or 12:00 p.m., April 12th. Providing perfunctory time for the Clerk. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does stand adjourned until the hour of 12:00 p.m., Wednesday, April 12th."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction and First Reading of Resolutions. House Joint Resolution 66, offered by Representative Lopez, is assigned to the Rules Committee. Senate Bills-Second Reading to be held on the Order of Senate Bills-Second Reading. Senate Bill 1524, offered by Representative Crotty, a Bill for an Act concerning real property. Second Reading of this Senate Bill. The Bill will be held on the Order of Second Reading. Being no further business, the House Perfunctory Session stands adjourned."