

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

19th Legislative Day

February 17, 1995

Speaker Johnson, Tim: "The House will be in order. Members will be in their Chairs. All unauthorized personal please clear the House Floor. Representative Johnson, in the Chair. The Chaplain for the day is Pastor Ken Zinn of the Sherman United Methodist Church in Sherman, Illinois. Pastor Zinn is the guest of Representatives Raymond Poe. Guest in the Gallery may wish to rise for the invocation. Members please rise."

Pastor Zinn: "Let us pray together, almighty God we come to You at the beginning of this day. To ask for wisdom and the discerning spirit at this crucial time in the history of our state and nation give our law makers courage, to undertake constructive and beneficial change. Guide them in the establishment of moral truth, family values and common sense. Let legislators seek the common good and bipartisan cooperation on matters that clearly need attention and correction. Restore in our thinking the unchanging principle of scripture which declares that righteous exalts a nation, but sin is approach to any people. May our lives, words and works be governed by the one goal of accomplishing that which is pleasing to and consistent with the ways and purposes of God. Amen."

Speaker Johnson, Tim: "We will be led in the Pledge of Allegiance today by the Representative Lang."

Lang - 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 Johnson, Tim: "Roll Call for Attendance. Representative Currie your recognized on the Democratic side to report any excused absences on your side."

Currie: "Thank you, Mr Speaker. Please let the record reflect

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that Representative Laurino and Martinez are both excused today.

Speaker Johnson, Tim: "With leave of House, the Journal will so reflect. Representative Cross you're recognized to report any excused absences on the Republican side.

Cross: "Thank you, Mr. Speaker. On the Republican side we are all here today. The Journal will so reflect that, please.

Speaker Johnson, Tim: "Have all record themselves to wish. Have all record themselves to wish. Mr. Clerk take the record. There are 116 Members answering the roll, a quorum is present. The House will come to order. Supplemental Calendar Announcement. Committee Reports.

Clerk McLennand: "Committee Reports, offered by Representative Tom Johnson, Chairman from the Committee on Judiciary, for criminal, to which the following Bill were referred, action taken on February 17, 1995, reported the same back with the following recommendations: 'do pass as amended' House Bill 203.

Speaker Johnson, Tim: "Supplemental Calendar announcement.

Clerk McLennand: "Supplemental Calendar #1 is being distributed.

Speaker Johnson, Tim: "Mr. Clerk read the Motion. Supplemental Calendar #1 Motion in writing. If you would read the Motion Mr. Clerk, please.

Clerk McLennand: "Senate Bill 10, Motion offered by Representatives Churchill and Representatives Morrow pursuant Rules 715(a) having voted on the prevailing side wish to move to reconsider vote by which Senate Bill 10 passed.

Speaker Johnson, Tim: "It is the understanding of the Chair that some confusion last night regarding the vote on Senate Bill 10. Various Members on both sides of aisles have indicated

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to the Chair that wish to have their votes corrected for the record. The Bill has not been sent to the Governor and has not...and has been held for vote to be reconsidered. So on the Motion to reconsider. The Chair would recognize the Gentleman from Cook, Minority Leader Representative Madigan."

Madigan: "Has the Motion been made?"

Speaker Johnson, Tim: "Yes it has. By Representative Morrow and Representative Churchill."

Madigan: "Has anybody offered the Motion? I know it's on the Calendar. Has anybody offered the Motion?"

Speaker Johnson, Tim: "The Motion was read in by the Clerk, into the record, and the Chair would recognize the Gentleman from Lake, Representative Churchill, to make the Motion."

Churchill: "I so make the Motion."

Speaker Johnson, Tim: "On the Motion to reconsider, Representative Madigan."

Madigan: "Mr. Speaker, there are a couple of basic problems around here. Number one, very few of us can understand the Clerk. Very few of us can understand you. And so, for the Majority of people in the Body, this is a Motion to reconsider the vote on the welfare reform Bill last night. Because, given the way this place is being operated, there's a whole group of people on both sides of the aisle that voted the wrong way. Number one, because the place was out of control because people were not permitted to speak. Number two, because the board flashed the wrong insignia in terms of what was being done. And so now, they're going to come in and they want to re...they want to correct everything that happened last night. I find it very interesting that one of the people who wants to changes his vote is the same person that objected to

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Representative Wyvetter Younge having more time in debate last night. And that goes to the heart of the problem. This is a terribly significant Bill for people all over this state. People on this side of the aisle wanted to talk at length about the Bill, but they were arbitrarily cut off. Why? Because there's a rush to judgment on a series of Bills which certain people in this Body think are going to change the world and turn everything back to a glorious day that's been forgotten by a majority of people in the world. This is exactly what happens in a legislative Body when there's a rush to judgment. And we know that everybody around here thinks they got all the answers. It's all embodied in one or two Bills, and everything's going to move along very happily. This is what happens. And so, Mr. Speaker, I stand in opposition to the Motion. It wasn't our error on this side of the aisle, the error's over there. And so, if you want to reconsider the vote, but your votes on to reconsider the vote."

Speaker Johnson, Tim: "On the Motion to reconsider. All those in favor say 'aye'; those opposed say 'nay'. On the Motion to Reconsider, those in favor say 'aye'; opposed say 'nay'. In the opinion of the Chair of the 'ayes' have it and the Motion passes. Third Reading. If I could have some order. If I could have some order. If I could have some order from the...if we could just have...maybe...maybe this side would work better. You complain about disorder, if we have a little order, then perhaps...perhaps you can understand. We're having a Roll Call Vote. The question is, 'Shall Senate Bill 10 pass?' All in favor vote...We will...we will have a Roll Call Vote at the request of Representative Lang on the Motion to Reconsider. The Motion is to

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reconsider the vote on Senate Bill 10. All in favor vote 'aye'; opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this motion there are 64 voting in the affirmative 59...49 voting 'no', no 'present' and 5 'absent', and the Motion prevails. Mr. Clerk, Third Reading."

Clerk Rossi: "Senate 10, a Bill for an Act concerning Public Aid. Third Reading of this Bill."

Speaker Johnson: "Now the question is, 'Shall Senate Bill 10 pass?' All in favor vote 'aye'; all opposed vote 'nay'. Voting is open, this is final action. Voting is open, this is final action. The Chair would recognize the Gentleman from Cook, Minority Leader Representative Madigan."

Madigan: "Mr. Speaker, there are numerous people who want to speak to this Bill in debate. If the rules prohibit people from speaking in debate at this time, then you should dump this roll call and go to the Order of Debate. And then go to the roll call after people have spoken to this Bill. One of the problems that caused this was the fact that people were cut off last night. And so, I simply suggest to you in all good faith, let people talk on this Bill if they wish to talk on the Bill."

Speaker Johnson, Tim: "The voting is open. We had three hours of debate. All who wished to recognized were recognized. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question...this is the final vote on this. There are 78 voting 'yes'; 38 voting 'no', none voting 'present', 2 'absent'. This vote having...this Bill having received a Constitutional Majority, is hereby described passed."

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Speaker Daniels: "Senate Bills, Third Reading. Representative Hartke, for what purpose do you rise, Sir?"

Hartke: "I have an inquiry of the Chair."

Speaker Daniels: "State your inquiry."

Hartke: "Mr. Speaker, last week many Members on this side of the aisle, and I'm sure on your side, were curious to know when we would have a rule book. And I think the Clerk informed us last week that we would have rule books sometime this week. It's Friday, and I don't have a rule book yet, nothing to throw."

Speaker Daniels: "We'll have a rule book for you. It's going to print next week. Hopefully, when you return. I know I'm just discussing what the printers are saying. If you need some copies of the rules, we can get them for you. Okay. Representative Lang, for what purpose do you arise, Sir?"

Lang: "Thank you, Mr. Speaker. Only to say this, Sir, that the last Bill, although the previous speaker in the chair."

Speaker Daniels: "What's the purpose in which you arise, Sir."

Lang: "A point of information for the Body, Sir."

Speaker Daniels: "No, that's not a proper point."

Lang: "A point of inquiry."

Speaker Daniels: "Yes, Sir, state your point of inquiry."

Lang: "Thank you. On the last Bill, the previous speaker indicated that we weren't going to debate it because we debated it last night. But is it not a fact, Mr. Speaker and can you respond to my point of inquiry? And the point of inquiry is this, are we not allowed to debate Bills? That was last night, this is today. This was Senate Bill 10 on the board, Third Reading. Why were we not allowed to debate the Bill, Sir?"

Speaker Daniels: "I think the Bill stands for itself. You saw the roll call on it. That Bill was passed. It's now on

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it's way to the Governor. Further inquiries of the Chair?  
Representative Currie, state your purpose in arising."

Currie: "Thank you Speaker. I have a parliamentary inquiry. We  
just saw..."

Speaker Black: "State your parliamentary inquiry."

Currie: "We just saw your ability to impose a gag rule on this  
chamber. I would ask..."

Speaker Black: "Excuse me Representative. State your inquiry,  
and state it clearly."

Currie: "My inquiry has to do with why you failed to impose a gag  
rule on one of our members last night."

Speaker Black: "That's not a proper point."

Currie: "I was offended. I have a question about..."

Speaker Black: "Representative Currie, state your point of  
inquiry."

Currie: "My point of inquiry is that when a member on this floor  
uses language that is likely to be offensive to a large  
number of people in the State of Illinois as happened on  
this floor last night. The dreaded 'S' word was used.  
What is the appropriate procedure? Is it that we made a  
motion to strike from the transcript? Is it that we ask  
for disciplinary action against said member? It was a  
heated debate, no question about it, but..."

Speaker Black: "Okay. Thank you. Representative,  
Representative, if you feel that that action should be  
taken, the rules provide for that and you may follow in  
accordance. And that is the end of your inquiry. Senate  
Bills, Third Reading. Senate Bill 241. Mr. Clerk, read  
the Bill. Ladies and Gentlemen, can we please have your  
attention? Members on both sides of the aisle, please.  
We've got some important business to conduct today. Senate  
Bill 241.

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Clerk McLennand: "Senate Bill 241, a Bill for an Act relating to education. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Weaver. Can the Gentleman please have your attention? This is a very important Bill affects a lot of people in the State of Illinois. And will the caucuses on both sides of the aisle please move to the rear of the chamber. Members please be in their seats. Thank you. Representative Weaver."

Weaver: "Thank you very much, Mr. Speaker. Senate Bill 241 is identical to House Bill 442 that we passed out of this chamber several weeks ago. It essentially reduces the size and cost of government by eliminating two layers of unneeded bureaucracy, at an estimated savings of \$2 to 2 1/2 million by the removal of the Board of Governors and Board of Regents systems. It empowers seven universities through their own individual governing boards who serves as volunteers dedicated to those institutions. It enables the continued growth of our our public policy University, Sangamon State, to grow as a part of the U of I system, which began these programs in the Capitol years ago. And it also adds a private university member to the Board of Higher Education. I can go through the whole speech again, but I think at this point we've debated this Bill considerably, with the other...the House version. I would stand ready to answer any questions, Mr. Speaker."

Speaker Daniels: "Ladies and Gentlemen, please. Thank you. The Gentleman from St. Clair, Representative Hoffman, is recognized."

Hoffman: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hoffman: "Yes, Representative. This is the same Bill that is identical to the House Bill we passed out last week. Is



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that correct?"

Speaker Daniels: "Representative Weaver."

Weaver: "That is correct."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Representative, I'm just a bit confused. Why do we continue to do things twice in this chamber, why can't we just...since we passed out last week, why can't we wait till the Senate comes back, let them vote it out of the Senate and move it on to the Governor?"

Speaker Daniels: "Representative Weaver."

Weaver: "I think the House of Representatives has a job and a duty to perform business as best it can and I prefer not to wait on another chamber to take action when we can take action ourselves."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, my concern Representative is obviously, we keep doing things twice around here. If this is a Bill that's suppose to save state taxpayers dollars, why do we continually...why we continually pass a House Bill over to the Senate, a Senate Bill over to the House and then eventually, I guess both of them get sent to the Governor. We only need only one Bill to become law in this state and with that I would just like to go to further questions about the substance of the Bill. Representative, this was a Bill that would change from...make...go from four governing bodies or boards in the State of Illinois to nine, is that correct?"

Speaker Daniels: "Representative Weaver."

Weaver: "That's correct."

Speaker Daniels: "Representative Hoffman."

Hoffman: "That's nine Higher Education Boards and then one Community College Board, is that correct?"

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Speaker Daniels: "Representative Weaver."

Weaver: "Yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So what we would be doing is creating essentially five additional boards under this legislation, five additional boards that would have to be staffed, five additional boards that would have to have clerical assistance, five additional boards that would be appointed by the Governor of this state. Is that correct?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, I'm not...I don't necessarily agree with your estimate that we would have to hire five additional boards or staff for the boards simply because a lot of the activities that these boards would be engaged in, are already supported at the individual university levels. So, the additional staffing is probably not going to have to occur."

Speaker Daniels: "Representative Hoffman."

Hoffman: "With regard to the cost saving that you estimate, where did you get those figures, and is that your staff analysis, because I've not seen any quote independent budgetary agency that has said there would be a savings as a result of this Bill."

Speaker Daniels: "Representative Weaver."

Weaver: "Well, the fiscal note impact was filed, that indicated that there was no additional cost. So, at the very least we know that it's revenue neutral. Our estimates through staff analysis and through talking with the various university personnel in light of what they currently do, in their relationship with the Board of Governor's and the Board of Regions, is that there would be an estimated savings of between \$2 and 2 1/2 million."

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Speaker Daniels: "Speaker Daniels in the Chair and Representative Hoffman."

Hoffman: "But, Representative isn't this fiscal note for this fiscal year only? It's my understanding that the fiscal note is for this fiscal year and the boards won't actually take effect and the transfer of power won't take effect till January 1, of 1996. Isn't that correct?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, the fiscal note analysis is based upon the change over regardless of when it happens."

Speaker Daniels: "Representative Hoffman."

Hoffman: "But, Representative the fiscal note is only for one fiscal year. So, it doesn't tell us what it's going to cost us in the out years by creating five additional boards. Is that right?"

Speaker Daniels: "Representative Weaver."

Weaver: "I'm sorry, I didn't hear the question."

Speaker Daniels: "Ladies and Gentlemen of the House. We're having trouble the parties hearing each other. Ladies and Gentlemen, will the caucuses please break up, move to the rear of the chamber. Representative Hoffman, I'm sorry, could you repeat your question."

Hoffman: "The fiscal notes that I have been given from Illinois Economic and Fiscal Commission is only based for one fiscal year. It doesn't tell us in the out years what this is going to cost state government. It is my understanding that this reorganization is actually not going to take place essentially till later on in this fiscal year. So, what we're really talking about here Representative is that, maybe won't cost...or it will be revenue neutral this year but in the out years it's going to cost us some money, because we're going...a lot of money because what we're

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doing is going from four boards to nine boards. Those boards have to be staffed, those boards have to be given technical advice, those boards have...have to get attorneys, I would assume for bond...for bond and capitol improvement projects and et cetera. So, my concern is, is there any independent source that has looked into what...what this is going to cost over the next ten years not just over the next fiscal year."

Speaker Daniels: "Representative Weaver."

Weaver: "Well, Sir, I have to call to your attention that I think you miss spoke. The Economic and Fiscal Commission was a debt impact note, not a fiscal note. So, you're looking at the wrong sheet. You may want to look at the fiscal note that was submitted by the Board of Higher Education which does, in fact, indicate that there would be a cost savings."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, Representative, I'm looking..."

Speaker Daniels: "Representative Hoffman, excuse me, you're running out of time, I'm sure that somebody will yield their time to you. Anybody wants to yield their time, Representative Frias, you wish to do that? Representative Frias yields his time to you, Representative Hoffman. Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. Let's..."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Thank you, Speaker. I would like to move on just a bit to the specifics of the Bill. How many new board members will be appointed as a result of this legislation?"

Speaker Daniels: "Representative Weaver."

Weaver: "There will be seven new board members, voting board members at each university and a nonvoting student member

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which means that the seven universities there will 49 board members and seven student members."

Speaker Daniels: "Representative Hoffman."

Hoffman: "And the Board of Governor's and the Board of Regions would be disbanded, how many total members are there currently on the Board of Governor's and the Board of Regions?"

Speaker Daniels: "Representative Weaver."

Weaver: "Our staff tell us that there are 20 board members between the Board of Governor's and the Board of Regions."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So, essentially what we're talking about under this Bill, is giving the Governor the ability to appoint 29 new additional board members throughout the State of Illinois for the various universities."

Speaker Daniels: "Representative Weaver."

Weaver: "That's correct and the interesting provision that ought to interest those of you on the other side of the aisle is that we have changed from a Governor having the ability to...of appointing all Republicans or all Democrats to the Board of Governor's, the Board of Regions, to a brand new provision in this Bill which requires that no more than four members of each board be from the same political party. So, actually it's a more partisan fair Bill than we've been experiencing with the Board of Governor's and the Board of Regions."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Representative Weaver, actually what we're talking about, we're talking about 29 additional boards members because there's presently 20 people who are on the Board of Regions and the Board of Governor's, however, really there's no indication that these people who are presently

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...serving on the Board of Governor's or the Board of Regions, would have to be appointed to any of these individual boards. So, we're really talking about 49 total new appointments that the Governor could make and we would...there's no provision in this Bill that indicates that the vast experience of the individuals who currently serve on those boards and the individuals who know where the Capitol Development funds are. Know where the bonds are, know where the educational dollars go, will serve on any of these boards. Is that correct?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, that is correct because that's the case now. That's the case under the current Board of Regions and the Board of Governor's, as a matter of fact, under the U of I, elected trustees, not only are we not setting requirements in terms of what their backgrounds are but in many cases we don't even know who they are. So, I think this is a step in the right direction in terms of local or individual board accountability."

Speaker Daniels: "Representative Hoffman."

Hoffman: "But, Representative this Bill does not effect the University of Illinois Trustees, is that correct? Has nothing to do with it, that's a different Bill. This Bill only has to do with the Board of Governor's, the Board of Regions and all the other Higher Education Institutions in the State of Illinois."

Speaker Daniels: "Representative Weaver."

Weaver: "That's correct, but because your question was concerned primarily with the background and qualifications of the members, I thought it might be helpful to remind us all that the members who are elected to the Board of Trustees for U of I, also not only do not meet those qualification

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but in many cases are unknown to the voters."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Representative, with regard to the Sangamon State University and U of I, transfer of power. Has the University of Illinois trustees, as they currently exist, have they taken any position publicly on their wish or their desire to take over Sangamon State University?"

Speaker Daniels: "Representative Weaver."

Weaver: "They were informed of it...of the Bill's content at the last meeting, however, as far as we know they have taken no official position."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So, the governing body of the largest university in the state has not indicated that they wish to absorb Sangamon State University. There's been no vote, no official position taken, we're just going to shove it down their throats and say, 'hey, you're going to take Sangamon State University whether you want it or not and even though you are elected independently, this is what we're going to do.'"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, as...if you recall from the debate last on House Bill 442, we had had several meetings, in-depth meetings about the University of Illinois taking Sangamon State and also attending those meetings were President Stan Ikenberry who indicates his strong support on behalf of the administration for their assuming the powers over the Sangamon State University."

Speaker Daniels: "Representative Hoffman, we're running out of time again."

Hoffman: "Yes, Representative Stroger would like to yield."

Speaker Daniels: "Another powerful friend that you have there."

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Representative Stroger, yields his time. Representative Hoffman."

Hoffman: "Well the question is, the question is this, I understand that President Ikenberry may or may not taken a public position on this, Representative. But, President Ikenberry, as we all know has...is leaving the university. And the present Board of Trustees has not taken a position or voted on this issue in any manner at the University of Illinois. Is that correct?"

Speaker Daniels: "Representative Weaver."

Weaver: "They were informed of it last week at their board meeting and they had some discussion at that point but, I think of matters of this type the General Assembly really has the authority to make such changes in the statutes, not the board of trustees."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Will Representative, I'm not questioning the General Assembly's authority. I'm just trying to figure out what is good for higher education. And, I think what we've seen here in the last few days and we're going to continue to see, is that more of a power grab because now you control the House and you control the Senate and you've got the Governor's Office. So, let's give the Governor some more appointments, let's expand this fiefdom and let's move on and use the power of the Majority to do that. I'm concerned about what is best for higher education and if the University of Illinois Trustees has not taken a position and indicated that they believe the absorbing Sangamon State University into the University of Illinois system is a positive approach. That concerns me greatly, because that is their job, that is their function, that is why we have legislative created...legislatively created them.



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Another question, are you sure, and I just want to be perfectly clear, this Senate Bill does not...does not contain the provisions regarding the University of Illinois Trustees and the abolition of their election. Is that correct?"

Speaker Daniels: "Representative Weaver."

Weaver: "That's correct."

Speaker Daniels: "Representative Hoffman."

Hoffman: "You're...you're aware that S.I.U., the S.I.U. system presently has their medical facility here in Springfield, is that...are you aware of that fact?"

Speaker Daniels: "Representative Weaver."

Weaver: "Yes, as a matter of fact when House Bill 442 was due to be coming up for discussion, I had a meeting with Chancellor Brown, along with the Chairman of Higher Education Committee and along so with the Representatives from the Lieutenant Governor's Office, and we discussed that, their interest in at least part of the program at Sangamon State and the Chancellor indicated that they are conversing with...with the University of Illinois administration and they feel like they can get something worked out. So, they have withdrawn their opposition as far as I know to, to any part of this legislation and they seem to be happy with the way the discussions are going."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, my point Representative is this, is we already have this institution of Higher Education here in Springfield. We already have the staff that is available, the clerical staff and everything else here in Springfield through the S.I.U. system. I...although they have not been formerly asked to accept Sangamon State University, I think that the S.I.U. system would be very interested in

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attempting to absolve Sangamon State University within their system and make it part of their curriculum. And, I think that because we already have that in place here in Springfield with S.I.U., I think that they would be very interested and cost wise would be much more effective. Rather than pushing this Sangamon State University down the throats of the University of Illinois without them taking any official position. That's my point on that, with regard to the Sangamon State University current professors and their ability to bargain collectively. The currently have a collective bargaining unit, is that correct?"

Speaker Daniels: "Representative Weaver."

Weaver: "That's correct."

Speaker Daniels: "Representative Hoffman."

Hoffman: "And they currently have a contract with Sangamon State University, however, this Bill would say that they would have to bargain in conjunction with the rest of the professors at the University of Illinois which is, I believe some 12,000 professors. Is that correct?"

Speaker Daniels: "Representative Weaver."

Weaver: "That's not entirely correct. I think you have gloss over the point that the current contract will not expire for an additional two years. That contract will remain in force, as it is under the current law. After that point because of the way the University of Illinois statutes and rules are written, they have no option but to treat all universities facilities in their care as same units. So, if an organization attempt is going to occur it's going to have to be with all of the units, all the parts of the U of I, rather than just one small segment."

Speaker Daniels: "Representative Hoffman, you're running out of time again and Representative Hartke yields his time to

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you. Representative Hoffman."

Hoffman: "Yes, Speaker. I'm pretty sure that I won't take up the rest of the five minutes but...Representative, so in two years you're saying that the contract for the Sangamon State University current professors will stay enforced for two years but after two years they then would have to bargain in conjunction with the 12,000 professors at the University of Illinois, thereby deluding their ability, their ability to bargain collectively as it presently exist. Isn't that right?"

Speaker Daniels: "Representative Weaver."

Weaver: "I'm not sure what you're saying. Are you saying that the universities professionals would rather stay with 162 members or have 12,000 members?"

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, Representative it's my understanding that...I may be wrong, currently at the University of Illinois there is essentially no collective bargaining unit with the regard to the professors. So, they essentially do it on a individual basis. So, my concern is that what we're doing is saying to the professor of Sangamon State University, if you would like to organize, if you want to organize, in order to continue to organize even though you're organized right now you would have to convince 12,000 professors that are currently at the University of Illinois. So, what you're doing is essentially taking away their individual right as a bargaining unit and their individual rights to organize."

Speaker Daniels: "Representative Weaver."

Weaver: "Well, I'm not sure that was a question but I have never in my lifetime of public service seen a union that wouldn't like to add membership and I...for the life of me can't

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imagine a better situation for them to be in, than to walk into an entire system that is not currently organized. What a great great fertile planting ground for the seeds of what they want to do with...with not only just 162 members but 12,000 members."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, Mr. Speaker, to the Bill. I think that this Bill actually, if you look at the Bill and you really look at the contents and don't just do it on a partisan basis, you've got to understand what it's doing here. It's moving from four boards to nine boards. Now, how can that be a cost savings. It's not possible. It's not possible. It's a smoke screen for a power grab. In addition, if you represent any area that is in the S.I.U. system or is around it, you should be against this Bill. The reason that you should be against this Bill is this is a golden opportunity to expand the great governmental programs that presently exist at S.I.U. The administration at S.I.U., I believe although I can't talk on their behalf, the administration at S.I.U. would be in favor of looking into doing something like this. We as a Legislature should not be forcing down the throats of the University of Illinois a provision that they may or may not want. I believe that this is an opportunity that we are missing for the S.I.U. system. So, you like me represent an area or around an area that has to do with the S.I.U. system, you should be voting 'no' on this Bill. It's highly improbable, it's highly improbable that we are ever going to be able to get a government program here in Springfield with S.I.U. and with downstate Illinois if this Bill passes. With that because of the high cost that this is going to...result in, as well as the fact that it is unfair to labor and the fact

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that it is really denigrating this S.I.U. system by simply pushing Sangamon State University to the University of Illinois. I urge a 'no' vote."

Speaker Daniels: "Representative Hannig, the Gentleman from Macoupin."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. I rise in opposition to this Bill. Last week when we debated this proposal we heard that one of the problems with the existing system is you can't get any information directly from the universities. And, of course we heard about how this is going to save money. Well, I decided that I would try to find out from at least one of the universities what they feel would be the impact. So, I contacted them and I have to tell you they were courteous enough to get me the information back and let me just read in part what they said about this proposal. They said the Board of Governor's staff currently makes on campus employees unnecessary in three areas. Legal services, collective bargaining, and government relations. I can report with utter certainty that the university would employ a full-time attorney and a legal secretary and it goes on to say, summarily I would assume that we would need a full-time employee to handle collective bargaining issues. Clerical support would be necessary for this position too. And then in the area of government relations they say, I'm certain that at least one staff person would be added if the Board of Governor's relations staff were eliminated. Now, that's what one university says and I think that it's fair to say that they'll all find themselves in that same boat. So, it seems to me that this will not save money, it will simply create more bureaucracy and it will cost more money to the taxpayers of this state. And again, it seems

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to me that the real underlining problem or reason for this Bill is a power grab by the Governor's Office, an opportunity to increase the number of boards and an opportunity to increase the number of appointments from 26 to 65 and an opportunity to actually increase the number that he can appoint to the Board of Higher Education from 10 to 12, even as he reduces the total number of people on that board from 17 to 15. So, Ladies and Gentlemen of the House, this Bill creates more big government bureaucracy. This is not what the people of the State of Illinois sent us down here to do when they voted for us on November 8, and I would urge all Members of the House of Representatives to vote 'no'."

Speaker Daniels: "The Gentleman from Cook, Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Would the Gentleman yield?"

Speaker Daniels: "He indicates he will."

Morrow: "Representative Weaver, if passage of Senate Bill 241 occurs, how will that affect the...bond finance projects that are going on in some of these schools, take for instance like at Eastern Illinois where they are building dorms for frats, how would that affect the bonds...the bonds on that project?"

Speaker Daniels: "Representative Weaver."

Weaver: "Representative that bond responsibility would be shifted to the individual governing boards."

Speaker Daniels: "Representative Morrow."

Morrow: "To the individual boards? Are you certain on that...that the state would not be held liable for those bonds?"

Speaker Daniels: "Representative Weaver."

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Weaver: "Well, according to the state debt impact note that you're side of the aisle requested on this Bill, if you would read these things, you'll find out that their analysis indicates that it will have no affect on the transference of the bond responsibility."

Speaker Daniels: "Representative Morrow."

Morrow: "Thank you, for that answer Representative Weaver. Even though I have been cleared on that, I still will oppose Senate Bill 241. But, thank you."

Speaker Daniels: "The Gentleman from Cook, Representative Lang. Representative Lang, you are recognized, Sir."

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

Speaker Daniels: "He indicates he will."

Lang: "Representative, I note that we're going to from a system where we have 27 appointments total to a system where we have 65 appointments total. What is the policy reason why that is a good deal for the citizens of our state?"

Speaker Daniels: "Representative Weaver."

Weaver: "It's an effort to decentralize higher education bureaucracy and allow each individual university a chance to help guide its own future."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. Well, I recognize that it decentralizes but it doesn't do anything for the bureaucracy because we increased the bureaucracy by over a 100%, don't we, Sir?"

Speaker Daniels: "Representative Weaver."

Weaver: "Absolutely not."

Speaker Daniels: "Representative Lang."

Lang: "Well, let's see if I understand this. Currently the Board of Regions has 11 appointments, the Board of Governor's has nine appointments and Southern Illinois, S.I.U., has seven appointments for a total of 27. Is that correct?"

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Speaker Daniels: "Representative Weaver."

Weaver: "That sounds correct and I might add, they're very expensive employees too. The average salary in the Board of Governor's is over \$60,000."

Speaker Daniels: "Representative Lang."

Lang: "I didn't ask anything about money, Sir. I asked you about bureaucracy. Under the new plan the University of Illinois will have nine appointments, S.I.U., will remain with seven and there will be seven new boards with seven members each with 49, totaling 65 new appointments altogether. Is that correct, Sir?"

Speaker Daniels: "Representative Weaver."

Weaver: "Sir, you're comparing apples and oranges. You're comparing staff members against appointed volunteers. That just doesn't wash."

Speaker Daniels: "Okay. I wonder if we could have your attention, please. A very important Bill, we want to give full attention to Representative Lang. Representative Lang."

Lang: "Thank you, Mr. Speaker. Well, I don't know what you mean about volunteers, will there not be seven new boards with seven board members each, when you're...if you're Bill passes?"

Speaker Daniels: "Representative Weaver."

Weaver: "Board members. Yes, Sir, you are correct. Board members that serve at no pay. They're volunteers."

Speaker Daniels: "Representative Lang."

Lang: "Well, again, Sir. I wasn't asking about money, I haven't said a word about money. I was just responding to your inquiry...your statement about bureaucracy. And it is a fact then, is it not that between the University of Illinois Board, the S.I.U. Board and the seven other new



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boards with seven members each, you'll have 65 members appointed to these various boards. That is correct isn't it?"

Speaker Daniels: "Representative Weaver."

Weaver: "That is still correct."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. Let me go on. Relative to the Board of Higher Education, we currently have 17 members. Is that correct?"

Speaker Daniels: "Representative Weaver."

Weaver: "Yes."

Speaker Daniels: "Representative Lang."

Lang: "And how many of those 17 members does the Governor appoint?"

Speaker Daniels: "Representative Weaver."

Weaver: "Ten."

Speaker Daniels: "Representative Lang."

Lang: "And you wish to reduce the Board of Higher Education to 15 members. Is that correct?"

Speaker Daniels: "Representative Weaver."

Weaver: "That's correct. You're not going to complain about that are you?"

Speaker Daniels: "Representative Lang."

Lang: "No, I'm not complaining, I'm simply asking Representative. And of these 15 members, you want the Governor to appoint 12. Is that correct?"

Speaker Daniels: "Representative Weaver."

Weaver: "Yes."

Speaker Daniels: "Representative Lang."

Lang: "So, the Governor goes from appointing 10 of 17 today to a plan that you're proposing where he would 12 of 15. Is that correct?"

Speaker Daniels: "Representative Weaver."

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Weaver: "Well, it's not exactly correct because of the four public university representatives on the current BHE with the exception of U of I, the Governor essentially appointed them as well, so in truth of the current system the Governor actually appoints 13, 10 directly and three indirectly and so, actually it's a reduction. It's going down from 13 appointments down to 12."

Speaker Daniels: "Representative Lang. Representative Lang you want to get somebody to yield you some time."

Lang: "Yes, Representative Burke will yield his time to me, Mr. Speaker."

Speaker Daniels: "He...Representative Burke isn't even paying attention. We got...Representative Burke, do you want to yield some time here? Okay. He will yield his time even though he wanted to speak on the issue, he will give you his time. Okay."

Lang: "Thank you, Mr. Speaker. Well, continuing my questions Representative Weaver. What is the policy consideration that would want...that would make you want to increase percentage of the amount of the members the Governor can appoint to the Board of Higher Education."

Speaker Daniels: "Representative Weaver."

Weaver: "Well, perhaps the noise level is too high in here you didn't hear my previous answer. We are reducing the percentage that he appoints from 13 to 12 members."

Speaker Daniels: "Representative Lang."

Lang: "You're reducing the numbers, Sir, but you're increasing the percentage. I invite you to do the math. What is the policy consideration for this change. What is the purpose for the change, Sir?"

Speaker Daniels: "Representative Weaver."

Weaver: "Sir, if you...if you take a look at the way the current

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Board of Higher Education is structured. In addition to the 10 members appointed by the Governor directly and the one student member chosen by the student advisory committee, there are four public university representatives that...with the exception of the U of I, there's a member from the S.I.U. Board, the Board of Regions Board and the Board of Governor's Board. Which the Governor has already appointed. The reason we're dropping that down is, otherwise you would end up with seven more members."

Speaker Daniels: "Representative Lang."

Lang: "Are those other appointments voting members, Sir?"

Speaker Daniels: "Representative Weaver."

Weaver: "Yes, they are."

Speaker Daniels: "Representative Lang."

Lang: "Moving on. What's the policy consideration behind changing this bargaining unit situation for the University of Illinois and Sangamon State if they end up merging?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, after several lengthy meetings with Stan Ikenberry, President of the University of Illinois, who actually brought along copies of the statutes and the rules that the University of Illinois Trustee's lay down for that institution. We discovered that the University has to treat its facilities and its members as a whole. So, he really can't...doesn't feel comfortable with the current governing rules in spinning off one or another facility for separate representation."

Speaker Daniels: "Representative Lang."

Lang: "And so you take the unionized 162 faculty members at Sangamon State and you say to them because, Mr. Ikenberry wants it so that their bargaining rights will be changed, don't you? Have they been asked what they want to do,

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Sir?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, it's not Stan Ikenberry's idea. He has to function as an administrator under the statutes and the rules approved by the board of trustees which as you know are elected by the people of Illinois."

Speaker Daniels: "Representative Lang."

Lang: "However, the 162 unionized faculty members at Sangamon State are apparently going to be stuck with this, are they not? They really don't have much say in the matter, do they?"

Speaker Daniels: "That question has been asked and answered before, Representative Lang. Representative Hoffman asked that question."

Lang: "With all due respect, Mr. Speaker, that question has not been answered whether the members at Sangamon State have had anything to say about this."

Speaker Daniels: "Representative Weaver."

Weaver: "They currently have two years to run on their current contract. After that point, well even actually before that point in time they will participate in shared governance which the University of Illinois has with its other facilities so that they, in fact, will become part of the management of the system."

Speaker Daniels: "Representative Lang."

Lang: "Isn't this, in fact, union busting, Sir. Aren't you really destroying the bargaining rights of those 162 members at Sangamon State."

Speaker Daniels: "Representative Weaver."

Weaver: "No, as I spoke before it's actually the opposite. It offers them an opportunity to organize 12,000 unrepresented members."

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Speaker Daniels: "Representative Lang."

Lang: "Do you expect 162 members of the faculty at Sangamon State to convince the 12,000 at the University of Illinois that they should join their union?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, there's actually only 4,000 faculty members in the U of I system, there's 12,000 employees. But, I've heard great things about the faculty at Sangamon State and I think they can accomplish almost anything."

Speaker Daniels: "Representative Lang."

Lang: "Is there any other...time in Illinois history that we have told anybody what their bargaining rights ought to be under these kinds of circumstances?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, I can't go back to the dawn of time but the it is my understanding we've only had the labor law in effect for a few years. So, it's really hard to tell. I don't know of any."

Speaker Daniels: "Representative Lang."

Lang: "Have we ever ended anybody's union right in this way. By the way, Representative Dart will yield his time to me, Mr. Speaker."

Speaker Daniels: "Representative Dart, you wish to do that? Okay. He will do that. Representative Lang."

Lang: "Well, I asked a question. Did Mr. Weaver hear the question?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, I think this landmark piece of legislation is a one of a kind. We've never reorganized Higher Education before."

Speaker Daniels: "Representative Lang."

Lang: "Let's go on. Will not there be...some cost with the

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University of Illinois absorbing Sangamon State. Is there some cost involved in that?"

Speaker Daniels: "Representative Weaver."

Weaver: "Undoubtedly there will be, Sir, in terms of changing the name on stationary, changing signs, a lot of technical stuff that we're still...we're still trying to do analysis of and that will have to come out during the appropriation process."

Speaker Daniels: "Representative Lang."

Lang: "Our estimate, Sir, that will cost approximately \$2 million. Would you dispute that figure?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, I can't dispute it anymore than you can support it."

Speaker Daniels: "Representative Lang."

Lang: "Do you think that would be a reasonable figure to pay if that's what it cost to do this?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, without seeing where you got your numbers or where you get your information, our fiscal note indicates that there is not a cost to this change, there is actually a savings. So, if you don't believe the fiscal notes that you request, I don't know where else we can go for the information."

Speaker Daniels: "Representative Lang."

Lang: "Well, so you didn't answer my question so, I'll ask it again. Do that if the figure is \$2 million for U of I to absorb Sangamon State that that would be a reasonable amount to pay to do that. Simple question. Do you think it's worth \$2 million?"

Speaker Daniels: "Representative Weaver."

Weaver: "I don't know that \$2 million is correct or incorrect,

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because I have no idea where you're getting your figures from."

Speaker Daniels: "Representative Lang."

Lang: "I'm going to try one more time. Let's assume it's \$2 million, I didn't ask you to tell me whether \$2 million is the right or not the right figure. Let's assume it's \$2 million. Would it be worth \$2 million to do this?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, first of all I guess I'd have to ask you what you're spending that \$2 million on. If you're going to buy a car for \$2 million, I'd say 'no'. If you're going to buy a brand new building for \$2 million, I might say 'yes'. Tell me what you're going to spend the money on."

Speaker Daniels: "Moving on, Representative Lang."

Lang: "The question is, whether it would be worth \$2 million for whatever it took to absorb Sangamon State by the University of Illinois. Would you be willing to pay \$2 million for the absorption cost, whatever they're for?"

Speaker Daniels: "Representative Weaver."

Weaver: "Sir, I forgot my check book and if I did it wouldn't have \$2 million in it anyway. So, I am not in a position to make that decision. I can't give you an answer on numbers and expenditures that you haven't identified for us."

Speaker Daniels: "Representative Lang."

Lang: "Well, you've finally gotten me to give up on that line of inquiry, Mr. Weaver and I appreciate your efforts in doing so. Let me ask you one other area here. Governor's State, a very small institution, a two year institution, by your Bill is put on the same playing field with the University of Illinois. Do you think that is a reasonable thing to do?"

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Speaker Daniels: "Representative Weaver."

Weaver: "Well...unless things have changed, it always has been on the same playing field with the University of Illinois."

Speaker Daniels: "Representative Lang."

Lang: "Let me clarify. I'm talking about in terms in competing for dollars. So, the FY95 appropriation for Governor's State is about \$25 million and the University of Illinois was about \$770 million. Do you expect them both to come down here and compete for funds together. Do you expect Governor's state to go out and hire expensive lobbyist with that kind of budget, to come down here and lobby us for funds. Are they going to fight each other for funds down here every year?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, you know last week when we debated the other Bill there were a number of folks on your side of the aisle that got up and complained that their university, whether it's Governor's State or Chicago State or Northeastern, was not doing as well as they would like to see it do. And that's under the current system and why you all would want to perpetuate failure of the current system is beyond me. I think they will do immanently better, simply because there are more representatives that call Governor State, their constituent than probably most of the universities in the State of Illinois."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. So, it would be your expectation that these universities that you just mentioned, Northeastern, Chicago State, and Governor State would all go out and hire lobbyist which in essences are more bureaucrats, to come here and lobby us and ask us for funds?"

Speaker Daniels: "Representative Weaver."



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Weaver: "We expect a lot of those functions to be handled in house with the current administrative offices of the office of president or some administrator within the governance of the university. If you recall last week on our other debate, I mention the fact that during debate in the Senate on this Bill, during committee, there were 21 staff members from the Board of Governor's and the Board of Regions in that room watching the debate."

Speaker Daniels: "Representative Lang. Representative Lang, your..."

Lang: "Thank you. Representative Giles would like to yield his five minutes to me."

Speaker Daniels: "Well, you know, you're running out of friends so you better make it quick here, okay. Representative Giles will yield his time to you. Representative Lang."

Lang: "Thank you. Has not Eastern already hired a new lobbyist in anticipation of this Bill passing?"

Speaker Daniels: "Representative Weaver."

Weaver: "The only one that I've heard of that has hired a lobbyist already is Eastern Illinois University and they started that process several months ago."

Speaker Daniels: "Representative Lang."

Lang: "Let me go on to one other area. I was asking you about appointments before, in a previous Bill that I think you Sponsored, although I may be wrong. There was a screening council for the appointments that would be made to the universities. Your Bill today does not include that, why was that removed?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, we were so concerned about your reaction over bureaucracy that we eliminated that whole layer ourselves and decided to help setup a mechanism with each university

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to make recommendations to forward to the Governor for his appointments."

Speaker Daniels: "Representative Lang."

Lang: "So, does the Bill setup a mechanism for each university to have some sort of...task force or committee to make these recommendations to the Governor?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, actually we did not want to dictate in statute and setup something so inflexible that the universities could not adapt to it. We had a meeting just this morning, as a matter of fact, with the Governor's folks to talk just about this very issue and we plan on bring all the university presidents together to get their recommendations to go through JCAR."

Speaker Daniels: "There are several caucuses going here, could you please...please be in your chairs or move your caucuses to the rear. Both sides of the aisle. Gentleman. Representative Currie, could you ask them to move to the back of the chambers? Thank you. Representative Lang."

Lang: "Thank you. So, let me get this straight Representative. You did not want to dictate to the universities how to handle these appointments but you did want to dictate to the Sangamon State faculty who their bargaining agent could be."

Speaker Daniels: "Representative Weaver."

Weaver: "Well, we don't intend to dictate to anybody. What we're trying to do is setup a mechanism where by the individual universities can make recommendations based upon their alumni association, their foundation people, even the student body and faculty will have a representative on these boards."

Speaker Daniels: "Representative Lang."

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Lang: "Thank you, Mr. Weaver. Mr. Speaker, Ladies and Gentlemen, to the Bill. I would recommend a 'no' vote. My opinion hasn't changed since we voted on the House version of this Bill. Let's go through a few of these things. We're going to take something that the Sponsor says is going to reduce bureaucracy from 27 appointments to 65 appointment, an increase of about 130% in the bureaucracy of the state universities. In addition the power of the Governor in making these appointments is dramatically increased. Dramatically increased and along with the Bill regarding University of Illinois Trustees being appointed, gives the Governor far too much authority in our universities. In addition, there's union busting going on in this Bill Ladies and Gentlemen. Whether you're pro union or anti union, we're not to be about the business of union busting. We're going to take 162 faculty members at Sangamon State and tell them that their representater...their rights of representation from the union that they have chosen is out the window. That's unfair and it's wrong. In addition this Bill puts very small universities, Governor State, Chicago State, Northeastern on the same playing field that the University of Illinois and other larger institutions in terms of coming down to us for their money. So they can survive and do a good job of teaching the students that go to those universities. You cannot expect the small universities to properly compete with the larger ones in terms of lobbyists and terms of how they go about their business. It doesn't work. In addition the...the merging of Sangamon State with the University of Illinois will cost, by our estimate about \$2 million and whether it's a million or \$2 million or \$3 million, is not the point. The point is that we'll be significant absorption cost. So,

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for all these reasons we have a Bill that might have worked if attention was paid to some of these issues, but attention was not paid to these issues. Accordingly we have a Bill that's flawed. A Bill that really should be changed, a Bill again that's being rushed through here, the House Bill is already out of here. I don't know why a Senate Bill has to be out of here today to go to the Governor's desk, but nevertheless an effort is being made to do that. Seems to me, if we really care about Higher Education we should draft a Bill that works for all the institutions that's fair in terms of who has the power in these institutions and deals with the finances and the money the State of Illinois, our taxpayers money in a fairer way. I would recommend a 'no' vote."

Speaker Daniels: "Representative Klingler."

Klingler: "I rise in support of this Bill. I'm especially supportive of the part which arrives at the University of Illinois at Springfield will be known as what is now Sangamon State University. I am a member of a group of citizens in Springfield which strongly support the University of Illinois coming to Sangamon State University and the merger. This will bring jobs and growth to Springfield. It will provide economic opportunities and tremendous educational opportunities for the residents of Springfield. I rise in support of this legislation.

Speaker Daniels: "Representative Poe, the Gentleman from Sangamon."

Poe: "Mr. Speaker and Ladies and Gentlemen, I too, rise to support this. This is a hometown issue with us and we feel it is growth to our city and it helps economic growth and the students in our area are very excited about this and so, I would ask all of you to support it."

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Speaker Daniels: "Representative Weaver to close."

Weaver: "Thank you, Mr. Speaker. You know the debate on this Bill is interesting as compared to a week ago on an identical Bill. The same questions keep coming up...but apparently the ears are not open. You're listening but you're not hearing. This is actually going to save money according to the fiscal note that was requested by the other side of the aisle. It is going to have no effect on the debt or the way the debt is handled except to transfer the responsibility to the new boards. But let me tell you what other inconsistency we've seen. A previous speaker on the other side indicated that we're trying to ram Sangamon State University down the throats of U of I Trustees and yet in the second breath says, well let's give it to S.I.U. without even checking with them. Why do we want to take steps that we haven't studied. This is not a new Bill. It's been around, at least in my care, for four years probably longer than that but what this Bill will do is encourage a more intense and effective relationship among the Legislators, their universities and most importantly, the students who will be the beneficiaries of how we govern Higher Education in Illinois. I ask you to vote 'yes' on this Bill. Thank you."

Speaker Daniels: "You heard the Gentleman's Motion. The question is, 'Shall Senate Bill 241 pass?' This is final action. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 66 'aye', 50 'noes', none voting 'present'. This issue having received the Constitutional Majority, is hereby declared passed. Senate Bill 242. Mr.

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Clerk, read the Bill."

Clerk Rossi: "Senate Bill 242, a Bill for an Act relating to the University of Illinois. Third Reading of this Senate Bill."

Speaker Daniels: "The Gentleman from DeKalb, Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. Senate Bill 242 which is identical to House Bill 444 that we debated and passed out of the House last week. The bottom line, what this Bill is calling for would move the University of Illinois trustees from an elected situation to appointed...be appointed members of the University Trustee Board."

Speaker Daniels: "Excuse me, Representative. Ladies and Gentlemen of the House, we have a lot of work to do today, it's very important legislation, I know you want to hear it. Representative Wirsing."

Wirsing: "Thank you. Thank you. This would become a nine member trustee board and the requirement would be that no more than five of the members of that trustees would be from one political party. We debated this last week, I answered questions and I'm willing to do that again on Senate Bill 242."

Speaker Daniels: "The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hoffman: "Yes, Representative, we did debate this last week and I believe the provisions are similar to Amendment #1 on House Bill 444. Is that correct?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "That's correct."

Speaker Daniels: "Representative Hoffman."

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Hoffman: "In fact this is the same Bill. Now, Representative, just so everybody in the chamber knows, what happens to the current trustees that are presently elected to the University of Illinois under this...under this Bill."

Speaker Daniels: "Representative Wirsing."

Wirsing: "Their terms would expire and the new appointed board would take those positions."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Now, Representative let's listen to what you just said. Their terms would expire, in fact, in fact, that's not true is it. Actually what would happen is, we would expire their terms. We would say, even though you were elected even though the voters voted for you, even though you were just elected in the last general election, as of January 1, 1996 we're not going to listen what the voters did. You're no longer a University of Illinois Trustee. Correct?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Upon the enactment of this Bill then, yes, those terms would expire on that date."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So, in other words Representative, by the action of this Body we would be saying that even though you were elected to a four year term or a six year term or whatever the terms are, I apologize, I'm not exactly sure. Whatever the terms are that you would not be able to serve out that full term, that we would say, 'Hey, voters. Hey voters, you were wrong that on January 1, 1996 even though these individuals were elected they...there terms will end and the Governor will make these new appointments. Is that correct?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Well, yes, but I think you need to recognize that each

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one of those current members would also be eligible to become a part of that appointed board and so they are not out of the picture totally."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Representative how long are the terms currently that they are elected to?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "That part remains the same, it's six years under the elected, six years under the appointed."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So, if you were elected in this last general election and sworn in January of 1995, you essentially would be eligible to serve because you are elected till the year of January, 2001. Is that correct?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "But under this Bill you would be cutting those terms short to those elected trustees to January 1st of 1996. Correct?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Now, Representative although I'm not a constitutional lawyer, I have read a few cases regarding this. What you're really doing here is you're taking away the right of the voter who has spoken and you're saying, 'Hey, even though you elected these individuals, we're not going to recognize that.' Aren't you really disenfranchising the voters of the State of Illinois who voted on this matter by cutting these terms short which is in direct violation to the Illinois Constitution and the Federal Constitution?"



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Speaker Daniels: "Representative Wirsing."

Wirsing: "First of all they're not Constitutional Officers. Secondly, the reason for this Bill is to correct a situation that is has not been good. Everybody here has heard comments from people when they go to vote and they come out of voting booth and they say, 'Who is the University of Trustees', I don't know those people. Where did that even come from on the ballet.' And, so for this particular situation regards to being elected or appointed in this case the appointment corrects a negative and bad situation. And that's the bottom line and the reason for the piece of legislation."

Speaker Daniels: "Representative Hoffman."

Hoffman: "But, Representative this does not say, this Bill does not say that you will serve the term that you have been elected to and then an individual would be appointed. This Bill says that even though you are elected by the people, even though they voted for you, you are assuming under this Bill that they did not know what they were doing, that the voters had no idea what they were doing and that under this Bill you're taking their vote away that they previously cast instead of waiting till the appointment...instead of waiting until their term is over and then appointing. Representative, I see."

Speaker Daniels: "Representative Lang, you want to give Representative Hoffman your time? Oh, he does not. Representative Hartke, will give you his time."

Hoffman: "Thank you."

Speaker Daniels: "It was a good try, wasn't it. Representative Hoffman."

Hoffman: "Wouldn't have minded."

Speaker Daniels: "Representative Hoffman."

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Hoffman: "Yes, I believe I asked a question. The question being, Representative what we're doing under this Bill is we're not letting people who are Trustees on the University of Illinois, serve out their entire term. What we're saying to them, is we're going to end your term. We're not saying that you serve out your term and then we make these appointments. We're arbitrarily ending your term on January 1, 1996. Isn't that right?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Yes, that's correct. But, I think we have to recognize that there is a change occurring here which...which this legislation will move us into a better situation and the decision is made when you do that. Do you do it all in one sweep with alternating terms or do you wait for that. The decision here has been that it's better to do it all on one sweep and make it clean...a cleaner approach."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Now, Representative you understand, you understand that the University of Illinois is in the midst of a major, major decision. The current President of the University is stepping down. And what this is all about is what's good for higher education in Illinois. So, President Ikenberry is stepping down and the current trustees are in the midst of attempting to hire a new President. And during that search they are interviewing people and they need to do that in the very near future. Don't you think that it is problematic, it is problematic to individuals who come, some of the best potential candidates for higher education presidents in this country, who come here to Illinois, get interviewed and find out, hey, what's going on here, the people who are interviewing me, the people that are hiring me, the people that I'll get hired by, just got canned,

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they will be taken out of office and as of January of 1996 I will have an entire new board to answer too, entire new bosses. Why in the world would some of the best minds in the nation want to come to the University of Illinois knowing that that is going to exist."

Speaker Daniels: "Representative Wirsing."

Wirsing: "Well, I guess I don't agree with your analogies of how the process would work or wouldn't work. First of all the President is leaving this summer, this takes effect January 1. That gives time for those appointments to be made. At the same time there's an accumulative group of organizations and people who are involved in that selection process for the President. Isn't solely, the process isn't solely up to the trustees, the final decision may be and it's my understanding that decision is not going to be made instantly upon the current President leaving. So, there is time, in some respects, I believe it is appropriate to make the change now."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Representative, it is the intention of the University to have a new President in place prior to January 1, 1996. And as such, that decision...that decision, that decision of who that person is, is going to be made by the current board. So, why would anybody want to have...be hired by a set of nine bosses with the possibility that there will be an entirely new set of individuals that will be their bosses as of January 1, 1996. My question, Representative, is don't you think realistically some of the better minds, some better candidates are going to run from that situation because of their concern with the lack of continuity with regard to the present board."

Speaker Daniels: "Representative Wirsing."

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Wirsing: "Well, here again I cannot...I can't agree with your scenario. There is a search committee that is in the process of seeking out and making that determination for the final...the final pick. Some of those members who now serve as trustees may very well be trustees who will be appointed and take office in January 1. And I would guess that would happen, so there is continuity from the trustee realm."

Speaker Daniels: "Representative Hoffman."

Hoffman: "There's nothing in this Bill, Representative that would indicate that the Governor would have give first priority to individuals that are presently appointed. There's nothing in this Bill, Representative that says the Governor has to even interview the presently...the present trustees. There's nothing in this Bill that's indicates that any of the present trustees who are currently serving on the University of Illinois Board need to be given any consideration whatsoever when it comes to who the new trustees are going to be. Isn't that right?:"

Daniels: "Representative Wirsing."

Wirsing: "Yes, that's right but there still is that...there's still that possibility that current trustee members may still be appointed."

Speaker Daniels: "Representative Hoffman, can you bring your remarks to a close...Representative Hoffman."

Hoffman: "Representative Flowers would like to yield her time."

Speaker Daniels: "She's a wonderful Lady. Representative Flowers yields her time to you."

Hoffman: "Why, I just think Representative without belaboring the point cause, you're right. We have debated this before and I think that everybody in this chamber, everybody in this chamber needs to know what's really going on here."

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Understand currently today, currently today, we have an elected board of representatives at the University of Illinois. That is controlled by a 6 to 3 majority of Democrats. This Bill says, regardless of what happened, regardless of how you are elected, regardless of if you have a six year term though, that is going to end. So, this is pure and simple. Pure and simple, Representative, this is pure and simple a grab by the Majority Party to say that we're going to now take the Democratic controlled board in their terms and appoint Republicans, at least five of them to control this board. My concern is this, my concern is this. As what we have had here is that we have an elected body. We have an elected body and the Majority, we never know, we never know how you're going to come down on these issues. Because what you're saying here is, even through these people are elected they don't deserve, they don't deserve to serve. And the people were wrong, well when it comes to the people speaking, when it comes to the people speaking on property tax Caps, hey, those collectors they were right. When it comes to the people speaking on the Comptroller of this state, hey, those electors they were right when it comes to any Constitutional Officer. Hey, those electors, they were right but when it comes to certain things such as truth and sentencing where the people of Cook County have spoken, oh, they might not...they might not have been right, we're not going to push that Bill. When it comes to the voters speaking about truth and sentencing in Madison and St. Clair County, maybe they won't right, we're not going to call that Bill. But when it comes to the people speaking on University of Illinois trustees, hey, they don't have the brains to make intelligent decisions so they can't be right, we're going

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to end those terms arbitrarily and we're going to appoint Republicans to take over this board. Why, I tell you Representative, the problem with this Bill is pure and simple. If it said, if this Bill said that the current elected University of Illinois Trustees could serve out the present term, could end their six year terms and then you make appointments. It would be a good Bill. It would be a great Bill. It would be a Bill that I could support. But what you're doing is you're saying, pure and simple, we are going to have a power grab here, we're going to go from a six member Democratic controlled board to a five member Republican controlled board simply because of politics. And I tell you on that side of the aisle, this is the ternary of the Majority at its worse. This is your power grab once again saying to us, hey, we won and I understand that. You won. You won. Push reasonable legislation that gets rid of the election process of the University of Illinois Trustees but still gives credit to the voters for the people that were already elected. If you really cared about Higher Education and if you really cared about the university and if you really cared about what's happening with the children going to those university, then you would provide continuity in this Bill to insure that the University of Illinois Trustees aren't completely wiped out and the electors are given their due."

Speaker Daniels: "Representative Lang."

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

Speaker Daniels: "Representative Wirsing, will you yield, Sir?  
Representative Wirsing."

Wirsing: "Yes, for five minutes. I would yield to Representative Lang for five minutes."

Speaker Daniels: "He will yield to you for five minutes,

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Representative Lang. Representative Lang."

Lang: "Thank you. We may ask for additional time after that. Representative, do you think that the people that ran for the University of Illinois Board in the last election knew that you were going to try to take their jobs away from them after the election?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Well, I believe they knew that because, this particular legislation has been around at least three years, and there was growing support for this Bill. So, anybody who has ran for the trustee office certainly knew that."

Speaker Daniels: "Representative Lang."

Lang: "Is there anything in this Bill to pay back the campaign expenses for the candidates that ran for that election since it's going to take their jobs away from them?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Well, first of all they are non paid positions, and that's one of the ironies of electing these trustees for the University of Illinois, is the fact, that the system does not allow for the opportunity for those people to capture some of their cost. So, because of that it is an extreme burden on anybody who does decide to run and therefore, the field of those who do run gets very narrowed as far as a good choice of people, a large number of people to select from. And that's one of the downsides to current system."

Speaker Daniels: "Representative Lang."

Lang: "Sir, what is the public policy reason why we would want to go from an elected board to appointed board?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Well, there has been a lot of concern for some time as to who really elects the trustees. Whether it is

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a...whether it's a fair and appropriate elective process. As I stated earlier, most people that I've talked to...who...when they vote and they come out from the voting booth and they don't know who they voted for on the trustees. They don't know the people, they've had no insight as to whether their...what their background or credentials are and that...that's the bottom line reason, the police reason, the public policy reason why the process ought to be changed. It ought to be changed so that those trustees are responsible and under appointment system there is somebody responsible, who ever is Governor, and makes those appointments. If the Governor makes a bad choice in appointment that's an elected official who has to take the heat for that. Under the current system we don't have that opportunity because, they run statewide and there is not the dollars, non paid position, there's not the dollars there to bring forth a good pool of people to select from."

Speaker Daniels: "Representative Lang."

Lang: "Don't you believe, Sir, that elected officials are more responsive to the general public than appointed officials?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "In the general, yes. But as I already indicated, the University of Illinois Trustees does not fit that mole because it is a statewide election, the members that run, those individuals that choose to run are just not known. So, the selection process when the voter goes into booth is kinda A, B, C, or the dart process in some cases. And, I'm not demeaning anybody who serves as a trustee, I'm making the point that people who vote do not know who they're voting for. And if that's the case, then the elective process doesn't work."

Speaker Daniels: "Representative Lang."



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Lang: "Well, isn't it true, Sir, that the reason that no one knows the University of Illinois Trustees is that they don't spend millions of dollars to run for that office. How many people do you think really knew who the Comptroller of the State of Illinois was? Who the candidates were for that office. How many people in your district, if they didn't spend money to run for that office you'd think would know who they were today."

Speaker Daniels: "Representative Wirsing."

Wirsing: "Well, that's my point exactly. If the elective process works in electing trustees then people in general who do go and vote would have some knowledge of, this is the person I'm going to vote for and we don't hear that. And that's why there continues to be a growing concern about whether that's an appropriate way to select the University of Illinois Trustees. It just doesn't work."

Speaker Daniels: "Representative Lang, you're running out of time. You have..."

Lang: "Mr. Speaker, Representative Giles will yield his time to me."

Speaker Daniels: "Very courteous man, Representative Giles."

Lang: "Representative, let's go on to another area because..."

Speaker Daniels: "However, I should tell you, Sir, that Representative Wirsing said he'd only yield to you for five minutes. So, you may want to bring your questioning to a close, Representative Lang."

Lang: "Might I ask Representative Wirsing if he would be willing to let me ask a couple more questions?"

Speaker Daniels: "He said a couple more."

Lang: "Thank you. Representative on page 20 of your Bill, discusses when the...end of the terms of the current elected officials are and when the new terms begin. And I

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point you to line 12 that indicates that on the second Monday in January, 1996 the terms of all the elected trustees end. And then in the next paragraph you discuss when the appointed terms would begin and I note that the end of the terms of the currently elected trustees is the second Monday in January, 1996, the terms of all the elected trustees end. And then in the next paragraph you discuss when the appointed terms begin and I note that the end of the terms of the currently elected trustees is the second Monday in January, and the beginning of the terms of the next trustees to be appointed are the third Monday in January and I'm wondering if you can tell us who's going to govern the State of Illinois during that one week?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "If you'll read further, it says, on line 23 it says or when a quorum of the trustees initially to be appointed under this Amendatory Act of 1995 is appointed and qualified, which ever last occurs."

Speaker Daniels: "Representative Lang, this is your second question."

Lang: "Let me...I'm only going to give him one question and I'll speak to the Bill, Mr. Speaker."

Speaker Daniels: "Great."

Lang: "Ladies and Gentlemen, Representative Hoffman was completely right previously. This is nothing but a power grab. As we all know very well from being elected officials ourselves, elected officials are more responsive to voters than appointed officials. Appointed officials are only beholden to the person to appoints them. Elected officials are beholden to all the voters. Representative Wirsing himself indicated that in general he believe that elected officials are more accountable. So, we're going to

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take this board, which is now fully accountable to every citizen of the State of Illinois and determine that rather than being responsible to the citizens of the State of Illinois. The board members will solely and completely only be responsible to the Governor of the State of Illinois. So, we'll go from 13 or 15 million people, whatever we have today in our state to one person. These people will be responsible and accountable only to one person and if this one person, the Governor of our state whether Democratic or Republican irrelevant, whoever that one person is is going to determine whether these people remain on the board, whether he thinks...he or she thinks they're doing good job or a bad job. That's not what this is all about. We wouldn't want our jobs to be appointed. Some would say in our communities that appointments may be better than some of the people we have elected to serve here. But the fact is that we believe in Representative Democracy. You can't believe in Representative Democracy and then turn your backs on Representative Democracy and turn over the rights of millions of people to one individual. Aside from all the other flaws with the Bill, let's just talk about that. We're turning over the rights of everybody in our state and the responsibility of these board members to be accountable to everybody in our state to one person. That cannot be good government, vote for it if you will but you know it's not good government. You know it does not serve the University of Illinois or all of our constituents very well."

Speaker Daniels: "The Gentleman from Washington, Representative Deering."

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

Speaker Daniels: "Says he will."

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Deering: "Representative I read through this Bill and in no place in here did I happen to see where their districts are going to be drawled for appointees to this board by the Governor to come from certain areas of the state. This leads me to believe that...all the gubernatorial appointees could come from City of Chicago or they could come from Springfield. So, is there any guarantee that all areas of the state must be represented in these appointments?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Well, under current law and the current trustees there are no districts. So, the trustees that have been elected can come from any pocket in the state or, you know, whatever. So, the appointee process may very well be a better process of having good representation from around the state, because you and I both know that there will be a variety of organizations and individuals wanting to make sure that their area is represented with a trustee on that nine member board. So, there again in this particular situation, the appointed process appears to have...be the better route to go."

Speaker Daniels: "Representative Deering."

Deering: "Well, in...in looking or listening to your analysis acknowledge, I still think even though the trustees run on a statewide ticket. They have to get out and meet the people as to the best of their ability through the election and campaign season. In my opinion there's no guarantee that, as you may say, of the gubernatorial appointees might be a better process. There's no guarantee that they can all come from one area of the state. Now, we all know that the U of I, is one...is the major University in the State of Illinois, they're probably world renown and what...yesterday during some of the debate on the Bills we

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were all worried or there were a lot of people in here worried about downstate medical facilities. How are we going to be sure that downstate...the real downstate, the southern tip of the state will be represented on this board as we are now."

Speaker Daniels: "Representative Wirsing."

Wirsing: "Well, there again it becomes...comes down to the input and suggestions and direction to the Governor by a variety of people to insure that, that happen. As I already stated under our current system, there's no guarantee where those elected people come from and I think that the appointed process has a better opportunity to disperse those members throughout the state."

Speaker Daniels: "Representative Deering."

Deering: "Do you think, since you think that the appointed process is better, do you think that the voters in the State of Illinois who we...hold accountable to elect our Governor and our Constitutional Officers and Members of the General Assembly, are they then in your opinion to ignorant to elect the trustees to the U of I Board?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Well I certainly don't use the analogy or the assessment or the judgement of somebody being ignorant. I don't think I have that...I don't have that right. But, what I do say and what I have been saying and repeating is the fact that under the current elective system people who go to the poll to vote for other reasons and they get to that section on University of Illinois Trustees and they come out of the polls in puzzlement because they don't know who the people are, because of being state...running statewide, not having dollars, not wanting...having limited dollars to spend in the campaign process. And so it's not

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the ignorances...it's not the ignorances of the voter it's downfall of the...of the system for this particular group of positions."

Speaker Daniels: "Representative Deering."

Deering: "Okay, let's switch gears a little bit. The other day when we talked about this Bill, I asked a question about the up coming reapportionment and the political makeup of the...or the bench mark makeups when we draw the map and I think you may be...had taken that question half heartedly and thought that I meant that the...elected Members were elected only for political reasons of a map. I think the trustees do a fine job serving...the University of Illinois, serving the people of the state of the way there done now. But it is no secret and, Mr. Speaker, I think Mr. Novak would yield his time."

Speaker Daniels: "Okay."

Deering: "It is no secret that both political parties, both sides of the aisle rely on the percentage vote from these trustees because they are...innocuous to the political makeup that we use them when we draw these legislative districts. If we're going to appoint them, and I ask again in a serious tone, if we're going to appoint these...by gubernatorial appointment. What will we use, the respective parties use for the make-up of the districts in the next redistricting, because without a doubt it's going to come to a draw out of the fish bowl again anyway. And the winner is going...to the winner...to the loses goes to spoils so, how...what will we use again as a bench mark in drawing the legislative districts?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "I believe that...when you did ask the question the other day and I did take it seriously, maybe a little too

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seriously, it didn't sound that way but the...in recent years that process of making that assessment for districts or whatever has not followed through, it has not been a good gauge and I know in my own district that's been very evident. That it really doesn't give a good gauge, and so maybe that process is not working so well and there are certainly other areas that we can look too, and I'm not an expert in this area as far as selecting what they may what they may be. But, there may be Constitutional Offices that might be...have some value in that realm and there would have to be that decision made when this Bill becomes law."

Speaker Daniels: "Representative Deering."

Deering: "Well, I do agree with you in your analogy that, you know, the percentage in the district hasn't always worked for...maybe your district, my district, a lot of districts here but I think we have to have bench mark to start out, so we know where we're starting from and we go from there. To the Bill, Mr. Speaker. I think, and I put the trust in the voters as much as probably anybody in this Body, any elected individual whether on a state or local level. I think the voters had spoken their mind in the November 8, election. They want less government, they want to have a say in...how their state and how their institutions are run. I think we have that process in place right now, when we elect these individuals to govern the University of Illinois. I think by electing them, sure maybe nobody knows who they are when they go in and vote them but when they are electing...voting on these individuals they are voting on a clear conscious. There's not political contributions involved, there's not hidden contracts. I think it's a process that works. I think we should leave it alone. As my Republican Senator, Senator Ralph Dunn has

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said many time and even to this issue, 'It's not broke, let's not try to fix it.'

Speaker Daniels: "The Lady from St. Clair, Representative Younge."

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

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

Younge: "Representative Wirsing, what are the qualifications in your Bill for appointment to Trustee of the University of Illinois?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "There are none."

Speaker Daniels: "Representative Younge."

Younge: "There're no qualifications, then the Governor could appoint anybody. The second question is, under sort of a natural selection isn't it true that the elected trustees tend to come from all around the state now. Or the people who serve that all the areas of the state are represented?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Well, the current Trustees do not...there's nobody from Western Illinois, there's not a good representation from the southern part of the state, as well. So, my answer would be 'no'."

Speaker Daniels: "Representative Younge."

Younge: "The Representative from the southern part of the state is, Mark O'Malley, and we think we have a excellent Representative there. Do you think that the criteria of whether or not the present system is working ought to be, not whether or not you...when you talk to somebody who came out of a booth, whether or not they knew everybody or...should be whether or not there's an excellent quality of education at the University."

Speaker Daniels: "Representative Wirsing."



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Wirsing: "I think I understand your question, a little difficult to hear."

Speaker Daniels: "Ladies and Gentlemen."

Wirsing: "Could you restate the question, please? I'm sorry."

Speaker Daniels: "Could we please have your attention. Representative Younge."

Younge: "Would you comment on the quality of education at the University of the University of Illinois. Do you think they have a outstanding quality of education, or mediocre quality of education?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Certainly, it is the University here in the State of Illinois. But what we've seen in recent years with the elected Trustee Board, we've seen politics playing into a whole variety of areas. Okay. One of those is...just a couple of years ago in the election process of...or the appointment hiring of the chancellor. We can't have that at the University of Illinois and so, this is one of the ways to cementite that, is by going to appointed process. When politics, from the University Board of Trustees start to play into the everyday operation of the University. That's a negative and we want to insure that we don't create that happening at the University of Illinois, not...just stays the same but it improves. And we believe under current system that we could see deterioration ultimately in some academic programs."

Speaker Daniels: "Representative Younge."

Younge: "The question was, do you believe that there is an excellent quality of education...presently at the University?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "I'm sorry, excuse me again..."

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Speaker Daniels: "She wants to know if the University of Illinois has excellent form of education. You can compare it to many other schools and talk about Iowa, if you like. But, answer to your question University of Illinois."

Wirsing: "Thank you, Mr. Speaker."

Speaker Daniels: "The University of Illinois."

Wirsing: "I...certainly, I think that as we look at...as we look at quality and address it to the Board of Trustees and that whole aspect of it. I would like to make a point here that passed members of that board, Republican and Democrat both have indicated that that board does need to be appointed. And, I think that's...that's another piece of evidence that's extremely important in this...in this very important issue that we're talking about."

Speaker Daniels: "Representative Youngue."

Youngue: "Representative Wirsing, is there any other case were there has been a statewide...elected office abolished by the General Assembly without the...people."

Speaker Daniels: "Representative Wirsing."

Wirsing: "I believe the Regional Superintendent elective process was abolished by the Legislature."

Speaker Daniels: "Representative Youngue."

Youngue: "But that, that is essentially by county and it's local. My question was, as to whether or not there...is a statewide elected office."

Speaker Daniels: "I think Representative Jones, you wish to yield your time. Is that correct? Yes. Okay. Representative Wirsing."

Wirsing: "No, I'm not aware of any."

Speaker Daniels: "Representative Youngue."

Youngue: "The cases is having to do with the ability of the General Assembly to abolish local offices because there had

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not been any statewide cases...tend to just be local rather than taking away the election of a person who has run all around the state. And, I think it is constitutional questionable whether or not there is the power here to take away a persons statewide office after all the expenditures. And, I...don't you think that there is a distinction between a local office and a statewide office?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Well, it's a process that's within realm of the Legislature to do. I don't think, I don't believe...the debate is whether we can do it, it is within the realm of the Legislature to be able to do that."

Speaker Daniels: "Representative Youngue."

Youngue: "Representative Hoffman asked you about the fairness of taking away a persons elected office. Your answer seemed to equate the ability to be selected, or the possibility to be selected trustee as the same as being elected the trustee. You don't think those two are equal in value, do you?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Well, I'm not sure about equal in value, but I do know that as I've stated that this process of University of Illinois Trustees under the current system has...has some flaws that need to be addressed. And the bottom line here is, that the reason that needs to be done is because the University of Illinois should be the mentor, if you will, for all other state Universities. And, it is the only University with elected Trustees and we've got problems with the politics aspects of it, we've got other boards and proposed other boards that would be appointed. Once again another reason in my mind that it seems appropriate that they are all on the even keel as appointed boards. And,

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I'm sorry, but to me I just truly believe that has a great deal of value for a better University system."

Speaker Daniels: "Representative Youngue."

Youngue: "Thank you, Mr. Speaker. To the Bill. I think that the ability to be fair is one of the basic tenements of our government. We might have the power to do a lot of things but whether or not it would be fair and equitable should always be a consideration. We have people, particularly Martha O'Malley who has just been elected to the board. She has gone all around the state, and to take away any trustees right to an office after having pursued it by a public election is very, very unfair. And, I think it is a good case that power corrupts, an absolute power corrupts, absolutely, and that we ought to be very careful about how we handle individual people and situations. The University of Illinois has an excellent level of education. It's working. It is a premier institution and I don't think that, just the possibility to be selected maybe as a trustee should be equated with...a person already being in public office. And for those reasons, I think that we ought to vote 'no', because it is so blatantly unfair and I believe that the court would rule that it is unconstitutional for a statewide officer to have their position and have their office taken away from them by the General Assembly. This has only happened at a local level and I think...to have run on a statewide level is entirely different than having run on a local level with local expenditures. And for those reasons, I think that we ought to vote 'no'."

Speaker Daniels: "The Gentleman from Cook, Representative Turner."

Turner, A.: "Thank you, Mr. Speaker. To the Gentleman, I have

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one question. Do you realize that...at this point there is one African American female who serves on the U of I Board of Trustees elected by the residents of this state. And will there be any consideration in terms of minority representation on this board in the future?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Absolutely. Just as the Governor has on...on a whole variety of boards that the Governor appoints, is indicated and given good representation for minorities. And I'm glad you asked that question because in my mind that brings up another...another plus for going to the appointed. You may very well see more of that through the appointed process than the elected process."

Speaker Daniels: "Representative Turner."

Turner, A.: "Certainly, the voters have spoken in this state, the very fact that they did elect an African American female. I mean, on the previous Bill that went out of here there was some concern because the head of the Board of Governor's at this point also happens to be an African American female, Dr. Sutton. And so it's, you know, there's this settle piece that we certainly have to be concerned with that we're losing a black women as the head of the Board of Governor's, who now lose a black women who serves on the U of I Trustees. The second in command on the Board of Regions happens to be African American male, Dr. Charles Morris and I understand that Chancellor Groves will not be running again for reelection, well certainly at this point there won't even be a Board of Regions, so there was a good possibility that there could have been an African American male in charge of the Board of Regions. So, we have some reason to...to look at this with a jaundice eye and certainly the votes are on your side of

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the aisle. And it appears that this may...this issue has been before us already and it may very well be passed and sent to the Governor. And so, I guess a word to the Governor as he signs this particular Bill, is that we hope that the African...the minorities in this state, not only African Americans but the minorities in this state, certainly will be represented on the various Boards, the U of I, and whatever the governing board and all the appointments that he have. That our communities be represented because there is some genuine concern regarding the gains that we've made thus far as a result of the past structures. And those are structures that we felt were very good, that worked for us in terms of the betterment of our community, making certain that we're represented not only as students but also in terms of faculty representation. But it is that concern that certainly stands out in our mind and we only hope that it will fair in that representation. And by fair, I don't mean 10%, you know, this 10% or 25% but I think that we can certainly do a little better than that in terms of representation. Thank you."

Speaker Daniels: "The Gentleman from Saline, Representative Phelps."

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

Speaker Daniels: "He indicates he will."

Phelps: "Representative Wirsing, I will attempt very hard not to duplicate questions because I don't want to be here any longer than you. I know that you've expressed the motive for this Bill, evidently as you feel that there has been some...to much politics under the present system. Is that correct?"

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Speaker Daniels: "Representative Wirsing."

Wirsing: "Yes, that's certainly one of the...of several reasons."

Speaker Daniels: "Representative Phelps."

Phelps: "In order to try to...improve upon that, I guess the...your idea of the appointment it says, if I read the Bill right. That no more than five shall be affiliate with one political party. The...since there's no outline of qualifications other than that, that I see, the way that you would go about to determine who is affiliated with one political party. Can you answer me, will this be a part of a question on an interview or application or how would you know...because right now when someone files to run for public office they designate their party affiliation. In order to achieve no more than five of one party be appointed on this Board of Trustees, how would you determine which five are of which party?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "First of all that question would be asked by the Governor, is that part of the process in the initial...looking at the candidates if you will. The second aspect of that is, in Senate conformation of those appointees that question would be asked as well. So, there's two ways in which that would be check and balanced to assure that that...proper representation is on that board."

Speaker Daniels: "Representative Phelps."

Phelps: "Anywhere in your legislation does it say, the other four members, I know there's one student, I think. Of the other remaining members that do not have to meet the requirement of political affiliation. Where do they fall in...are they the opposite party or nonpartisan or..."

Speaker Daniels: "Representative Wirsing."

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Wirsing: "Well, yeah, it could be either. I would suppose if Democrats in charge it would be five Democrats as if that time was long enough. But we need to remember that those terms are six years and so it isn't that every two years there would be a reappointment and a real stacking by any Governor ultimately. Once the process is in place because of the number of years that those terms are, but it could be either...either party."

Speaker Daniels: "Representative Phelps."

Phelps: "Can you reflect for me or remind me, because I honestly don't know maybe I could find the answer, maybe you know it. The last...before this election what the balance of the Board of Trustees has been according to party affiliation?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Last two election has been six - three Democrats."

Speaker Daniels: "Representative Phelps."

Phelps: "The last two elections you say. Okay."

Speaker Daniels: "Yes, Sir, he did."

Phelps: "Do...do you feel that outside of a political party affiliation being established as the only criteria to this Bill that other qualifications of that a person as a candidate putting their credentials to run for candidate, will be as clear, as clear or more clear to the voters if they are appointed. That seems to be another concern of yours that people need to know who they are voting for. So, when this appointment is achieved and it's announced by the Governor who ever else that we have achieved appointment, there are five of one particular party and the other four are an array of variety of folks. Do the people know any more than they did when they...the candidates have presented their credentials and petition for running other



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than name?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "I think first of all, I'm not sure if I understand your question I guess."

Speaker Daniels: "Representative Phelps, could you restate your question, Sir?"

Phelps: "I'm not sure that I can. I believe, Representative that what I'm trying to ask is that, by your new system appointment your concern, I understand was that people need to know, they don't know who they are voting for right now. You asked, all these people say they don't know. After this is achieved and they're appointed will those same people know any more about the candidates that were appointed than they were voting for when they were being elected?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Thank you, Representative Phelps. I believe, as I kind of stated before, but I believe that going to the appointed process that those candidates will much...will be more dramatically scrutinized as to what, certainly the base of what their qualifications are to serve in that role. I think for two reasons, one is the Governor is going to want to make...in the whole, good selections. Second reason is, that there is going to be people who want their candidate to be considered and they're not...there're going to put up good candidate for that process. Will the people know better what they have then under appointed than they do elected? No, probably not. But I think that's exactly the point, there has to be somebody that says, we know what kind of people are going into that position and the currently elective process does not allow that. It just doesn't allow that...that opportunity to really make sure

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that somebody qualified to the nth degree. And I think more importantly, not making judgement on anybody but more importantly the current system reduces the number of people who are willing to financially and time wise, run for the office."

Speaker Daniels: "Representative Phelps."

Phelps: "To the Bill, Mr. Speaker. I'll be brief. Thank you, Representative Wirsing for trying to answer my questions. I'm a little confused on what you indicated your sincere motive in improving and yet the ultimate result, you admit, you're not sure it will improve. So, I don't know what the bottom line of concern and motive here is, we all have our own questions which maybe we get a little paranoid around here when people start talking about things being too partisan. I've always been told that when someone is talking about a big dog barking, it may be that they want a bigger dog barking bigger. And, I think that happens a lot times. I think what you have in this election, in this Bill in doing away with the election of the trustees is a real open admission that we can't trust the voters very far. When they don't know about the candidates and yet, I believe I'm closer to the people in my district as far as questions being asked me about a particular candidate or so. When the elections come up about these trustees, I had a lot of calls and people asking, what do you know about these folks. Many times it calls me to find out more about them myself. Now, I don't know if the Governor can handle all those calls or when they call me, if I can get into the Governor's Office and ask more about these candidates that are going to be interviewed. So, I think we have a breakdown in what we really treasure in the election system as the trust of the people and I'm not too eager as one of

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the Members of the General Assembly to open up the whole debate as to what offices we want to scrutinize as those being, those worthy of being appointed and some that should be elected. Many people brought up that maybe school boards should be appointed instead of elected. I don't know where you want to draw the line as far as the knowledge of a candidate verses those are in place being able to make able appointments. Are they to be elected ultimately or shall we have appointments, making appointments. The line is very, very hazy here and I think we're treading on dangerous ground..."

Speaker Daniels: "Would you bring your remarks to a close, Sir."

Phelps: "I will, Mr. Speaker. I think the whole idea of free elections and the will of the people being expressed is worth trying to preserve in this instant. Whatever your motives might be, I think start making decisions about public service positions being appointed rather than elected opens up a whole other debate. Thank you, very much."

Speaker Daniels: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Daniels: "Indicates he will."

Granberg: "Representative Wirsing, I understand what you're attempting to do. But if we take this to its logical conclusion, from the numbers I've seen the people who vote for Comptroller and Treasure had the same basis as the Board of...U of I, that is, they really don't know the candidates. Would you be in favor of appointment of the Office of Treasure and the Office of Comptroller?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Well, I'm not sure I know enough about that but, I

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guess it's a different issue. We're talking about the University of Illinois Trustees. We're not talking about...we're not talking about a statewide office position here in Springfield. I don't see its parallel."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Wirsing, the point I'm making is that, the numbers that we've looked at and the polling indicates that your argument is, no one knows the U of I Board of Trustees. The polling indicates no one knows the Comptroller or the Treasure of this state. They both has statewide office, they're elected on a statewide basis as are the U of I Board of Trustees. So, would you therefore, be in favor of the appointment of the Office of Treasure and the Office of Comptroller and if not, how would you distinguish those two?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Those are Constitutional Offices, I don't see...I don't see the relationship here."

Speaker Daniels: "Representative Granberg."

Granberg: "Do you believe therefore, Mr. Wirsing that the people, all the people of this state understand who the candidates are for State Treasure and State Comptroller. They have the same name recognition and therefore, the people know who they vote for those offices?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "First of all those are paid positions. One difference, no parallel. I think that whether I think, what I think about what people in the State of Illinois know in regards to those two positions, I would venture a guess that they certainly do. Because they have ran statewide because they've had a campaign fund to do that. Difference scenario though, it's not a parallel. We've talking about

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an office that pays and we're talking about a Trustee Office that doesn't pay."

Speaker Daniels: "Representative Granberg."

Granberg: "That would be the main difference, Representative Wirsing between...with that analogy, that the Office of Treasure pays and the U of I Board of Trustees, does not. That is the main difference between the appointive powers which you embrace and that of the elections by the people of this state."

Speaker Daniels: "Representative Wirsing."

Wirsing: "Well, it still comes back to, I mean we're talking about people knowing...knowing who the University of Trustee, I think that's what this whole questioning started from and there again we're talking about Constitutional Offices that people know...the people will know there's a Treasure Office and they will know there's a State of Illinois Comptroller Office. They may not...they may not all know who that person is, or they all...they may know who it is but certainly that's the difference. The Universities of Trustees, people tell me that they...over the years, I've done it in the passed. Went in and thought I had a handle...even had a handle on the Trustees and found some names that I had not seen or just hadn't investigated well enough. So, I still don't...I still don't catch your...I'm trying to answer here but I just don't get your parallel."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, what I'm trying to point out is that, right now the power is vested in people of this state on whom they can elect and who they cannot elect or they decide not to elect. The Office of Comptroller and the Office State Treasurer are general not recognized by the

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vast majority of voters in this state. So, if you want to take that...your principle, your arguments to its logical extension. You would extend that to those two offices and rely on the appointment powers of the Governor is appoint the best possible people that he thinks would serve in those capacities. Now, would you agree that the Governor should have that appointive power for those positions?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "I see no reason at this point and time for that, no."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, through the distinction that those positions are salaried would you therefore, think that people at the local school boards be appointed and not elected?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "There again that's a local issue. I have served on a school board and I'll tell you there's no parallel. No comparison."

Speaker Daniels: "Representative Smith, are you yielding your time to Representative Granberg? Representative Granberg."

Granberg: "So there would be no comparison between any of those Offices and the appointment powers?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "Right. We're talking about...talking about school board, we're talking about a local situation. If you're talking about U of I Trustees, we're talking people running for statewide office that doesn't pay...or for statewide office but running for a Trustee Office that does not pay a salary. And therefore, they are not going to go out and spend campaign dollars or the appropriate parties are not going to pump dollars into those campaigns. And, I think that's the bottom line here that we have to recognize."

Speaker Daniels: "Representative Granberg."

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Granberg: "Representative Wirsing, do you know how many Trustees on the U of I Board are currently from southern Illinois?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "I believe there's one."

Speaker Daniels: "Representative Granberg."

Granberg: "Do you know how many U of I Board of Trustees members will be from southern Illinois, if your legislation is declared law?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "No, I can't...I can't answer that, I could make a guess, an assumption but I'm not going to do that."

Speaker Daniels: "Representative Granberg."

Granberg: "Is there any guarantee, Representative Wirsing that people from southern Illinois will be appointed to the U of I Board of Trustees?"

Speaker Daniels: "Representative Wirsing."

Wirsing: "No, there's not."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Wirsing, I speak as a downstater and we're concerned that we, in fact, will be overwhelmed by the population centers of this state and we will, in fact, not have a voice. And this...and to the Bill, Mr. Speaker. This is not a partisan issue although I have to wonder, Sir. Currently given the priorities of this chamber and the new Majority, I saw the election results in November and I thought there were a couple of very clear messages. One of which, that we should work together on a bipartisan basis for the needs of the people of this state and put politics aside, put politics as usually aside. And, secondly, that we should have a more open government, a more open process. And that was certainly what I heard during the debate on these rules in the House. But, from

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what I've seen and from what I heard are two substantial differences. So far in this House, we've seen downstate pitted against the suburbs in Chicago on school formula funding. Taking away resources from downstate schools with property tax Caps. That has been the issue. We've seen labor verses management on the Scaffle Act and other issues. Now, we see the process of government being closed even further. Yesterday we saw local control being taken away from juries in our southern Illinois counties from central Illinois and from the northern part of the states. Control being taken away from the people of this state and today we see once again the elected process being foiled because we believe in appointive powers, are certain people do. What has happened to the power of the people of this state. So, in reaction to the election in November, we're going in the opposite direction. We're closing down government, we're closing down the process by the people. This House, which is in the embodiments of power of the people is being made a sham. We're seeing unprecedented control put in the administration. It's reminiscent of the days of Huey Long, where all the appointment were made by the Governor of one party, all appointed positions and that's what occurring today and that's what is occurring in this process. Ladies and Gentlemen, this is not good policy for the state...for the people of this state. Certainly not good policy for downstaters when you see unprecedented control in one person. This is the same administration that awarded a \$10 million, no bid contract last year to chief contributors. So, if we want to invest all the appointment powers in one...one person that is what you shall do. But speaking as a downstater, I want more people involved in the process. I think they should have



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more opportunity to get involved in the process and we should...and we should be accountable to those people. What you're saying today is, no, they don't know enough. Juries don't know enough. The people don't know enough. We know better. We in Springfield know better than the people around the State of Illinois and that is a terrible, terrible thing for the people in this House to say. We serve at their leisure, the next thing you know, you will want to be appointed yourselves. That is not going to be the policy of our party, if you prefer to do it that way that's certainly your prerogative. But we read the results a little bit differently from the election in November and we intend to listen to the people and we'll try to keep them with that power."

Speaker Daniels: "Representative Wirsing to close."

Wirsing: "Thank you, Mr. Speaker. Well, certainly in my mind this Bill has been well debated, last week and again today. I think we need to recognize bottom line once again that the University of Illinois Trustees, being appointed would offer, I think some opportunities that are not there now. There's been discussion and debate here and questions about representing the state as a whole as that Trustee Board. Under the appointed process, I would see that there is a greater opportunity for that to happen then under the elective process. I think that those areas downstate, western Illinois, wherever, would better have a chance to be represented on that...on the University of Illinois Trustee Board. I think we have to remember that all the other boards and the Bill passed prior to this one that those are appointed boards. And I think that that lends, that the University of Illinois, as I call it, The University of the State of Illinois, ought to be in the

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same...the same ball park in regards to that. I think that we want to make it as non political as we can within...within that University system and I believe...in this situation the appointed process would do that. When we've had...when we've got passed members of the Board of Trustees who are saying, it needs to be an appointed board, when we've got people who...its been talked about the individuals who has currently served and their terms are going to be cut short. But what about all the people that ran and invested their own money and didn't get elected. Those...those people never had that opportunity and through the appointed process, once again it would open the door for a larger pool of qualified candidates to be appointed to the University of Illinois Trustees. I think these are some of the reasons why there is a need to do this and I'm asking for a 'yes' vote so that we can move on with improving our state educational system."

Speaker Daniels: "You've heard the Gentleman's question. The question is, 'Shall Senate Bill 242 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. This is final action. Mr. Clerk. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 66 'aye', 49 'nay', 1 voting 'present' and this issue having received a Constitutional Majority, is hereby declared passed. Representative Black in the Chair."

Speaker Black: "Order of House Bills, Third Reading. Appears House Bill 545. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 545, offered by Representative Cowlshaw. A Bill for an Act to amend the School Code. Third Reading of this House Bill."

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Speaker Black: "As Chair recognizes the Representative from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you. Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 545 consists of four major sections. The first permits school districts to apply for waivers or modifications of mandates imposed by this state upon, upon local school districts. The second is the establishment of the Chicago Learning Zones. The third is the extension of the repayment period for school district inter fund loans from one year to three years. And, the fourth is the authorization language for a school construction and renovation and technology acquisition state matching grant program. That is a very brief description of the four sections of this legislation and the reason the explanation is brief Mr. Speaker, is because all of these four sections have been a matter of public policy debate for a very long period of time. All of us who have served in this chamber for one term or more are fully aware of all of the issues involved in these four sections, and even those who are freshmen here, if they have followed the activities of this chamber and I presume that they have, and if everyone here knows how to read, and I presume that they do, then no further explanation of what is said in this Bill is actually needed. In addition to that Mr. Speaker, after the excruciatingly prolonged session we had yesterday, I went back to the place that I stay here and I read the rules over again, Mr. Speaker. And, I could not find in the rules anywhere a requirement that I should suffer fools gladly. Consequently, I am glad to answer any questions. If you want to ask a question once, I will gladly try to answer it. But, I will not answer the same question asked repeatedly. Thank you, Mr.

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Speaker. If there are any questions I will certainly do my best to try to answer them briefly."

Speaker Black: "Is there any discussion? Is there any discussion? The Gentleman from Rock Island, Representative Boland."

Boland: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Bill. One of the problems I have with it was already referred to by the Chairwoman and that was that the process itself I have a problem with. As one of 13 Freshmen on the Elementary and Education, Elementary and Secondary Education Committee. We heard no testimony on this and so I have a problem with that. Now, part of the Bill I find fully acceptable and would gladly support. But, I have some problems with the waiver section of the Bill. There may in deed be waiver... mandates that need to be waived, but if so then I feel this Body should have those brought before us singly. They were the result of years of legislative action. They must not of been just very frivolous, but indeed must of had some merit in the past. And, so I think that they should be brought before this Body and therefore we could examine each mandate and see which one should be kept and which one should not. But, this seems to be typical of the sort of throw out the baby with the bath legislation that we've been doing here lately. And, as I have read through the list of mandates that have been passed from 1981 to the present, I found the following mandates dealing with some very crucial subjects. Now, some of these mandates could be waived: legal school holidays, student civil rights. Apparently some of the staff civil rights issues have been resolved. Collective bargaining issues, gifted education. What about gifted education? For 27 years I taught gifted

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classes, I think they're extremely valuable. The parents want them kept, but yet we're going to throw it up to each school board to decide if those kids in a certain area are going to get that depending upon the whims of a certain school board. Health and safety mandates, performance and financial audits, the Open Meetings Act, the Freedom of Information Act, assessment programs, the school improvement process, non-disclosure of sexual assault victims identity, parental notification of a child's absence without cause for two hours, criminal background checks, conservation education, instruction on the holocaust, black history, labor history, instruction in the U.S. and Illinois Constitutions. Mandatory employer withholding for employees orders of support, reciprocal reporting systems, health education, staff education regarding suicidal behavior and abuse and neglect, which all staff members are responsible for, early intervention, electronic paging devices, prohibition of tobacco use on school property, abduction avoidance education, bilingual education. Many of these I believe are vitally important to our children and should make us ponder very carefully, the ramifications of this blunder blest approach. These important mandates also belie the myth that local school districts know better than State Government. Well, as a former school board member and career educator, I can tell you what my experience is. That there's many school districts that would dump many of these vital mandates if given a chance to shirk their responsibilities. The reasons we have these mandates is that many school districts were not meeting these needs of kids. Also, I have a problem that no teacher input in the district school board decision is, is in this Bill, there's nothing that

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requires the school district, the school board to take into consideration the faculty, the front line warriors you might say. The people who know day to day what's needed in the classroom. So, Ladies and Gentlemen one of the real problems I have also with this Bill is that it really has nothing to do with the real problems facing our kids and our schools. Instead of wasting time on trying to dismantle much that is good in education, those subjects that I've already listed we should be spending our time and efforts and energy addressing the problem of school funding inequities where by we have some schools with one counselor for every 50 students, as was in the Chicago Tribune recently. While there's other school districts in my Representative district that can't even afford one counselor for the entire school. We should be spending our time and energy addressing the problem of finding more funds for all of our schools. Including the suburban school..."

Speaker Black: "Excuse me Representative, excuse me. Your five minutes have expired. Do you wish to bring your remarks to a close, or do you want someone to yield time."

Boland: "I would like Connie..."

Speaker Black: "Is Representative Dart giving his time? I'm sorry. Representative Howard, donate her five minutes. Proceed."

Boland: "Thank you, Mr. Speaker. Thank you Representative Howard. We should be spending our time and energy addressing the problem of finding more funding for all of our schools including the suburban schools what, that now with...we have put on tax Caps in Cook County and the collar counties. They may soon find that some of their districts are joining the over 100 downstate school

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districts that are on the financial watch list. We should be spending our time on really improving education by lowering class size so that we can reach the goal of individualized education. Research studies as well as common sense tells us that smaller class size results in better education for kids. We should be spending our time on creating smaller schools. Once again research and common sense tells us this results in a safer environment, better student self-esteem and higher student academic achievement. We should be spending our time putting elementary school counselors into every elementary school in this state, so that we can catch those kids with academic or social problems early on before they become greater problems, harder to solve and that end up costing us tax payers a bundle of money for welfare, for prisons and unemployment and so forth. Ladies and Gentlemen, I'd like to close with a quote that a former president, President Andrew Johnson had when he was in the United States Senate back in the early 1860's regarding a certain type of legislation. This legislation does nothing to improve education for our young people. I urge a 'no' vote quoting former President Andrew Johnson; 'This is Hoakum and Bunkum.'

Speaker Black: "The Gentleman from Effingham, Representative Hartke. Are you seeking recognition? Evidently not. The Chair would recognize the Representative from Cook, Representative Currie. Do you have questions, Representative?"

Currie: "Thank you, Speaker and Members of the House. No, I have no questions. I did read the Bill, it's a pretty simple Bill to read. And if you read it you'll see that it's filled with flaws. The Bill would set up two different

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kind of alternate ways of doing public education, one applying in the City of Chicago the other applying downstate. Among the things that could not be waived in the City of Chicago learning zones would be student and staff civil rights, health and safety requirements, Open Meetings Act, Freedom of Information Act, testing to see how children are performing. If that's a good idea for Chicago, it's hard for me to figure why we ought to craft legislation, support legislation that says that those items can be waived by downstate school districts. I think that the proposal for Chicago was a lot tighter, a lot better crafted than the one for schools all over the rest of the State. I find it difficult to, to understand why in this Bill there are no standards under which the state board might decide to approve or disapprove a specific request for a waiver. How is the state board to decide whether a school district can better meet a goal by ignoring a law that we have passed or not. It doesn't make a lot of sense to me. Finally this Bill is lacking, I think, in that it creates for us a new and I think inappropriate role. We get to sit like a super school board and we'll start doing that should this legislation become law, sometime this fall, during our six day Veto Session. There are some 900 plus school districts in the State of Illinois. Let's assume each of them asks for one waiver, or maybe 10 waivers, maybe there are 9,000 waivers that to the State Board of Education between the time this Bill becomes law and the time the state board acts upon that request. If the state board disapproves any of those requests, guess where the ball gets landed? Right smack dab in our court, and we have 30 days in which to sit, not as a usual house, not in our usual legislative roll but we get to sit as if



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we were educational experts deciding whether waiver A, waiver B, waiver 194, waiver 1,412 ought to be granted or not? You know traditionally, we're here about six days during the fall veto session. Do we really want to spend those six days sitting as if we were a school board instead. I think this is a Bill like some of the other back track legislation that we've been dealing with this session. This is a Bill that should go back to the drawing boards. They're may be some specific mandates, we agree it might be sensible to waive under certain circumstances. But, let's spell it out. Let's be clear what we have in mind. Let us not offer to school districts the option of ignoring laws that we did think were important because we didn't say how this whole program should work. What's good for Chicago, no waivers for freedom of information for Open Meetings Act. What's good for Chicago is good for the rest of state as well. This Bill is inheritantly inconsistent. It's badly drafted. It's badly flawed, but I think we can work together in a deliberative process to see to it that we offer some flexibility to our local school districts as long as that flexibility is really guaranteed and really working toward and improve education for our young. I encourage a 'no' vote."

Speaker Black: "... The Chair would recognize the Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Would the Lady yield?"

Speaker Black: "She indicates she will."

Brunsvold: "Representative Cowlshaw, let's go first to the, the construction fund, which we have worked on and supported on in the past and I think that everybody on the committee thought that after 15 years of no school construction that we ought to do something. Our whole problem has been,

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where's the money come from? There was a Bill introduced the other day for what \$900,000,000 bonding. Is that related to this issue?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I'm sorry Representative Brunsvold. I was distracted and I did not hear what your question actually is."

Speaker Black: "Representative Brunsvold, would you repeat the question please."

Brunsvold: "The construction fund that's in this Bill is going to require a lot of money if we're going to deal with any schools. My staff indicates that a Bill for \$900,000,000 of bonding was introduced the other day. Does that have anything to do with this construction fund, and if it does, how are we going to pay for those bonds?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I do not believe there is any relationship between the two, at least no firm relationship at the moment. And to answer to the second part of your question, the determination of about how the... first of all the scope of this program as well as the source of revenue awaits to be determined until after the Governors Budget Address."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Are you, are you confident that this provision of this Bill is going to have some money in it to do school construction?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I personally am very confident that, that will help, happen during the course of this Spring Session. This is a program for which Governor Jim Edgar has been in... he has been in accord with this. He has applauded it. He has supported it. I am confident that this time, now that we have a Republican Majority in the House, it will happen."

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Speaker Black: "Representative Brunsvold."

Brunsvold: "My indications, is that that Bill had 750 million for construction, and 180 million for technology in it. I mean, is this.. is this the 900 million, approximately their going to use and where's the flow of revenue to pay of these bonds?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I have already answered this question once."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Well, you know I... evidently she's not going to answer the question about how we're going to pay \$900,000,000 of bonds off. So, we'll go to the next question."

Speaker Black: "Proceed."

Brunsvold: "The waiver of provisions, Representative Cowlshaw is probably one of the most serious issues that I've seen in 12 years I've been in the General Assembly. We are in fact waiving our responsibility as Legislators to do our duty to the educational arena in this state. For an example. Let's do an example here of Rock Island would make application to the state board for waiver of, let's say, the holocaust education. How would the state board determine whether to grant or not grant that provision?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "That is an excellent question and it gives me an opportunity to get on the record something that is truly important. This mandate waiver and modification language is not without standards. You cannot just apply for anything on any old arbitrary basis that you may happen to choose. The legislation, if you would take the time to read it, clearly states that a school district may seek a waiver or modification of any existing state mandate only

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if the local school district can demonstrate the following. One, that it can address the intent of that rule or mandate in a more effective, efficient, or economical manner or that it is necessary to stimulate innovation, or it is necessary to improve student performance. If it cannot meet one or the more of those standards it cannot be granted."

Speaker Black: "Representative Brunsvold."

Brunsvold: "The state board is going to have to make that determination on a lot of these mandates that... that this Bill addresses and at which we're trying to waive here. The school organizations are going to put together a program of waiving mandates, and there's going to be in my opinion, in order to do what this Bill is asking to do, waive the state control. Their going to have to grant a lot of waivers, and I don't see how you and in any case are going to make a decision on holocaust education for example, to determine whether the district or not should waive that. I mean, there's no criteria for that. How are they going to judge that? I don't understand that."

Speaker Black: "Representative Brunsvold your time has expired. Will you seek another five minutes? Yes, Representative Mautino do you wish to yield your five minutes to Representative Brunsvold? Thank you. Representative Cowlshaw, I believe Mr. Brunsvold ended with a question. Would you like to proceed?"

Cowlshaw: "What's the question?"

Speaker Black: "Representative Brunsvold would you like to repeat your question?"

Brunsvold: "Representative Cowlshaw, I, there's no criteria to judge where these, these, this waiver on the holocaust should be granted or not granted. I don't know what your

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going to use to grant this. Are they going to look at the district and say, well you have 50% of your constituents are jewish so we, we don't need to teach this, they already know it."

Speaker Black: "Representative Cowlshaw."

Brunsvold: "This is an important issue for the... the jewish community..."

Speaker Black: "Representative Cowlshaw."

Brunsvold: "And, it should be addressed."

Speaker Black: "Is that the question? Representative Cowlshaw, would you like to respond?"

Cowlshaw: "Mr. Speaker, I have already answered this question. I have read into the record very clearly the standards by which these judgments are to be made. Effective, efficient, economical, innovation, improve student performance. Those are the standards by which the State Board of Education must judge these requests. I am not going to explain that again."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Well, you know, I think this is... this is a very, a very important subject, because I just received a letter. It said, 'Dear Legislator, this years annual state of, State of Illinois Holocaust observance is scheduled for Wednesday, April 19, 1995 at 11:00 a.m.... at the State Capitol. Governor Edgar is the keynote Speaker on the holocaust. This is important stuff that is going... and you and I both know this is going to be waived and so are a lot of other programs, black history, and a lot of those mandates that we...that we put in for a good reason are going to be waived. And even Governor Edgar here is observing the holocaust."

Speaker Black: "Yes, Representative...Excuse me, Representative

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Brunsvold. Representative Cowlshaw do you wish to respond?"

Cowlshaw: "Yes, please. The Jewish federation came to us with the very concern that you have raised, Representative Brunsvold, and if you will notice in the language of this Bill it now... it now provides that any district requesting a waiver or modification for the reason that intend that the mandate can be addressed in a more economical manner. Shall include in the application of physical analysis showing current expenditures on that mandate and projected savings from the waiver or modification. It is perfectly clear that the Jewish federation that with this provision that could not be waived, nor could anything else to which they cannot show a specific cost."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Representative, let's go on. Everybody identifying, I'm not going to throw this book, Speaker Black, I'm not going to wing this thing, it's Susan's only copy."

Speaker Black: "Thank you very much."

Brunsvold: "This is a school code folks. This is what we worked on, Mary Lou and I have worked on this for 12 years together, we're classmates and we have done a lot of work on this, this book. And now, about everything in here is going to be fair game for a waiver. And if they do, they come in and do this, and this is not going to be used anymore. The state board over there, a body sitting over there that you and I don't see much, or even know who sits on that board is going to make that decision. Mary Lou, if we waive this book, the school code, we're not going to need as many people at the state board, I assume. Are we going to cut the state board members?"

Speaker Black: "Representative Cowlshaw."

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Brunsvold: "...personnel at the board of education."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. The standards are set. I've explained that now, twice. The fact is that either we have faith in the folks back home through the public hearing process that is required in this legislation, to determine their own destiny to decide for themselves what they want done in their local schools. There are really two schools of thought here in Springfield, and that is...there is no pun intended. There is a school of thought that believes that all wisdom emanates from Springfield. The only people who can make wise decisions are elected Members of the Illinois General Assembly. Then there is the other school of thought to which I subscribe, and that is that the folks back home can decide for themselves a whole lot better than we can, what is best for them. All we exist to do here is to enable those folks back home to do for themselves what they could not otherwise do, to set their own directions, to determine their own destiny, and that is what this legislation is all about. It's about local control."

Speaker Black: "Yes, Representative Brunsvold your second five minutes has expired. Is there someone giving you... Representative Morrow will yield his five minutes to Representative Brunsvold. Representative Brunsvold, proceed."

Brunsvold: "Thank you, Mr. Speaker. If the Sponsor of the Bill could keep her answers a little shorter. Okay, so here's what's going to happen, their going to waive this book. This is what happened in the middle 80's folks. You're going to have waiver, your going to have waivers out of here and then some...some Democrat or Republican is going to come into Education Committee, and their going to

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present a Bill, and their going to put onto the end of that Bill the waivers mandate does not apply. I mean, that's happened and that's what can be passed out of the Education Committee and it will totally preempt all the provisions of the waivers. That, that happened in the middle 80's and that's what's going to happen with, with Bills going into education now. Because, I don't know, Representative Cowlshaw, or your Chair of the Education Committee. If Bills come into that Education Committee that can be passed through the House and the Senate and the Governor and waive the next day. Are you going to allow this waiver situation to exist on Bills?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I would most certainly resist that. I think the behavior of this chamber in relation to the State Mandates Act, certainly has not exactly made us popular with people back home. And not just the municipal and county and other local government officials, but the taxpayers as well. And consequently, I would certainly resist to the extent that I can as one Member of this chamber, anything that exempts anybody from anything. If we are going to provide to let the folks back home have something to say about what they are going to do, then we should let them have it."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. To the Bill."

Speaker Black: "To the Bill. Proceed."

Brunsvold: "I think Representative has just voted on the U of I Bill in a different manner. This Bill is probably one of the most important as I have said before on Education that we have, we have done in years on the Education Committee. We sat there and really diligently worked on all this legislation. Representative Cowlshaw and I worked



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together on a lot of this legislation. And yes, we did not always agree, but we came to compromise and put together some pretty good packages and now we're in a situation where we're going to waive a lot of this and it scares me folks, it does. Because we're going to be putting out in the communities a lot of different situations. School district doing different things in their areas, all at the discretion of the, of the state board. Not our responsibility, even though it will eventually probably come back here but, that, that situation I don't think is going to really happen. So we are putting the responsibility that we were elected to do in charge of the educational system in the State of Illinois and appointed peoples hands. That is not what I want to do and it shouldn't be what you want to do. So, I would suggest that you look very carefully at this and ask yourself if you want to go back and waive a lot of good provisions that we have worked on for many years and take this whole control out of our hands. Please vote 'no'."

Speaker Black: "The Chair would recognize the Gentleman from DuPage, Representative Persico."

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

Speaker Black: "She indicates she will."

Persico: "First of all Representative, I want to say that I intend to support this Bill. I think that you have put a lot of work in. You've listened to concerns on both sides of the aisle, especially concerning teacher certification, also teacher tenure and seniority. But, I still do have a few questions that may be you could possibly help me understand the Bill a little bit better. Concerning the waiving of mandates, what is the school code, what does the school code read in terms of drivers education let's say?"

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Speaker Black: "Representative Cowlshaw."

Cowlshaw: "The school code requires high schools in Illinois to provide driver education for children ages 16 and 17."

Speaker Black: "Representative Persico."

Persico: "And if a student doesn't take drivers education at, during the ages of 16 and 17, when would the student be eligible to retry for their drivers license?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "On his 18th birthday."

Speaker Black: "Representative Persico."

Persico: "When, if a school board decided to waive drivers education, let's say. Would this be a modific...and give it to a private company let's say. Would this be a modification or a complete waiver of the mandate."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Clearly that would be a modification. The modification in this legislation is defined as; meeting the intent of a mandate in a different way, than has traditionally been done. Traditionally the intent of that mandate has been met by the school district providing that education. Should the school district wish to submit a proposal to the State Board of Education for fulfilling that educational goal by contracting out to a local driver facility, driver education facility, a private firm that would have to be applied. There would have to be public hearing. It would have to come to the State Board of Education and the State Board of Education would have to approve it before it could happen. But it would be a modification."

Speaker Black: "Representative Persico."

Persico: "Okay, so then let's say then my child, let's say 16 or 17 and they, they give this and they approve this waiver

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and the school board goes to a private company. Then the cost of the private company then would be born by the parents of the child that's doing the driver's education. Correct?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Not necessarily. That would have to be a part and included in the proposal that is sent to the State Board of Education. Should the school district choose to continue to absorb the costs for that phase of high school education that of course would be fine. I'm sure no one would object to that at the state board. However, should the school district decide that it wishes to charge some form of fee to help to compensate for the costs of the private firm delivering this education to students, then I would...I am confident Representative that not only would the, would any kind charge like that to be imposed upon the parents of those students have to be approved by the state board, but also there would have to be a specific plan on how they intend to cover that in the event there is a student whose parents simply cannot afford it."

Speaker Black: "Representative Persico."

Persico: "Thank you. That clarifies a lot. I mean, I would have no problem spending whatever cost it would be to send my child to a private school, but I can see circumstances where students at a poverty level may find it very difficult and I would hope that school boards would take that into consideration when they are applying for this mandate. One other question. I notice that in your mandate waiver part that you exempt special ed, teacher certification, tenure and seniority. Nowhere did I see in at least House Bill 545 that you exempt life safety codes. Is that correct?"

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Speaker Black: "Representative Cowlshaw."

Cowlshaw: "It is not intended, and I am certain it is...just a moment, let me look this up please, if you will. It is not the intent although we have limited very carefully the things that are specifically stated in the legislation as not waiverable and not available for modification. It is not the intent, nor would any responsible Member of the State Board of Education ever approve anything that would deter from the safety of children in our public schools."

Speaker Black: "Representative Persico, your time is about to expire. Do you wish to proceed."

Persico: "Representative Pankau said that she would yield her time to me."

Speaker Black: "Yes, Representative Pankau will yield her five minutes to you. Proceed, sir."

Persico: "I have no more question of the Representative. I think she did a fine job of explaining the Bill. I would like to speak to the Bill just a little bit and basically..."

Speaker Black: "To the Bill."

Persico: "It is what I said before, I think that Representative Cowlshaw has gone out of her way to accommodate some of the wishes on both sides of the aisle in terms of this waiver Bill. I think that some of the concerns that I had initially have been answered. I think some of the concerns that possibly could come up, I believe that the Representative has set up a system that would protect many of these rights. I think that in terms, I think like drivers ed for students that might not be able to afford it. Life safety obviously would be a concern of mine, but I think overall if you look at the whole package in terms of what else is included in the, in this Bill, the Chicago learning zones, the interfund transfers as well as the

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technology grants. I think like any other piece of legislation you look at the good the bad, you weigh it in your own mind and in my case I would come down in favor of this particular piece of legislation."

Speaker Black: "The Chair would recognize the Lady from Cook, Representative Monique Davis."

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

Speaker Black: "She indicates she will."

Davis, M.: "Thank you. Representative are the schools in DuPage County successful?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I believe they are."

Speaker Black: "Representative Davis."

Davis, M.: "Do they have learning zones?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "No."

Speaker Black: "Representative Davis."

Davis, M.: "Who makes, what makes those DuPage County schools so successful?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Many factors."

Speaker Black: "Representative Davis."

Davis, M.: "Are any of these factors included in the learning zones?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Yes, parental participation."

Speaker Black: "Representative Davis."

Davis, M.: "There's nothing in this legislation with the learning zone that talks about parental participation. Let me ask this question. How many authorities do we have over the Chicago Public Schools? Currently, we have the local school council, the subdistrict council, the Chicago Board

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of Education, the School Finance Authority, and now we're adding the learning school zone. Is the learning zone commission also under all of these other authorities I just named?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "This is entirely voluntary. The local school, our cluster of schools is not required to apply for this or to do it unless of course it is the wish of that...that local...that local school, that local school counselor, the local cluster of schools and incidentally the criteria for becoming a learning zone school. There are 10, the fifth one is parental and community involvement."

Speaker Black: "Representative Davis."

Davis, M.: "You speak of local control and local participation then why does the legislation state that the Governor will appoint the chair person of the commission?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Because he's the Governor."

Speaker Black: "Representative Davis, proceed."

Davis, M.: "Because he's the Governor, he should appoint all of these local boards chairpersons. The local board of the commission cannot even elect it's own chairperson and you talk about local control."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "The Chicago Learning zone Commission shall consist of nine members. They are appointed by the Governor, the State School Superintendent, the President of the Chicago School Board, the Mayor of Chicago and five public members. It does stipulate that the selection of the chairman shall be made by the Governor."

Speaker Black: "Representative Davis."

Davis, M.: "Well, not only does he select the chairperson he also

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appoints twice as many as anybody...as the Mayor, whoever appoints the other three. He appoints six. He appoints double that amount of people, is that correct?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "He appoints a total of six. It is a nine member board."

Speaker Black: "Representative Davis."

Davis, M.: "Do you think these new employees are going to cost and what will the compensation be since they don't have to adhere to a personnel code? By not having to adhere to the personnel code, I would assume that means you can pay them more than you pay the other employees?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Representative, particularly on a commission the majority of the members of which are appointed by the Governor, it is highly likely that this commission would be able to operate on a very small budget and probably would not need to employ any more than a total of three people."

Speaker Black: "Representative Davis."

Davis, M.: "We, we started a no salary position with the School Finance Authority, whose budget is now over a million dollars. Will this Body also be able to contract people the way the school finance authority does? Will they be able to give contracts to people for millions of dollars of the Chicago public school childrens money?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "The dollars follow the children."

Speaker Black: "Excuse me, Representative. Yes, Representative Jones for...are you seeking recognition to give your time. Yes, that will be fine. Representative Shirley Jones will give her time to Representative Davis. Proceed Representative. Representative Davis."

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Davis, M.: "My, my question was is there a ceiling on the amount of dollars that can be paid to this new staff that will be hired by this new commission. It says that the commission does not have to adhere to a personnel code. The personnel code that's adhered to by the board gives top salaries and minimum salary. Are we saying here, that because the Governor is appointing this commission and these people will be working under his offices, they can be paid a lot more money? That's my question."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "You are free to make any assumptions you choose."

Speaker Black: "Representative Davis."

Davis, M.: "Okay, obviously she doesn't know the answer. Do you know Representative Cowlshaw that Jay Hoffman, that Mr. Wheeler are former Legislators who helped to put state mandates on the books?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I'm sorry Mr. Speaker, I don't understand the question."

Speaker Black: "Well, let's see if she can repeat it. Representative Davis."

Davis, M.: "The question is, I asked did she know two former Legislators who were in this Body, who helped to pass legislation that Gene Hoffman, I'm sorry, not Jay, I'm sorry, Gene Hoffman who helped, but I'm sure she knows Wheeler. Who helped to put legislation on the books that we now call mandates. They weren't done frivolously, they were done with careful consideration. They were done with Legislators elected by the people and are you telling us Representative that you choose to have, I don't know how many State Board of Education members who are not elected by anybody, but who are appointed. You choose to give them



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the authority of Legislators of deciding what mandates should go for school children in the State of Illinois."

Speaker Black: "As Representative Cowlshaw, do you know Gene Hoffman?"

Cowlshaw: "Mr. Speaker, I believe we are supposed to be debating the merits and the contents of House Bill 545 and who I do or do not know has nothing what so ever to do with House Bill 545."

Speaker Black: "Proceed Representative Davis."

Davis, M.: "Obviously there's very little knowledge in reference to the effects of this legislation and that does concern me. Because when we promote legislation we should have knowledge as to what occurred in the past and who participated and what affect it will have upon the future. Let me ask her a few more questions."

Speaker Black: "Proceed."

Davis, M.: "...and I'm going to make it quick. I'd like to know Representative, has the State of Illinois reduced the gap in pre-school participation in three to five year olds from high and low income families?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Yes. In answer to that question Mr. Speaker, last session the...the committee that had studied learning zones in Chicago suggested the legislation that it was included in Senate Bill 1274 which passed the Senate 31 to 26 and failed to pass out of the House Education Committee on a vote of 10 to 10. Unfortunately, Chicago learning zones then and apparently now were not supported by Democrats despite overwhelming support of this initiative from all of the Chicago reform groups. Apparently these folks don't listen to the folks back home. No wonder they don't want give them any authority."

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Speaker Black: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. What we do need is for the folks at home to be able to use their authority and not have authority imposed from a far. Meaning, it is certainly a power grab to have the Governor appoint the president or chairperson of a commission located in Chicago. Representative, has the state reduced the gap between the percentage of public school eighth graders and the 13 year olds in the...from the highest scoring country's? Have they increased the reading score of the children in the State of Illinois?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, I think there's...I don't think there's any doubt but what we are all aware of the fact that our schools, our public schools in the State of Illinois are not what we would prefer that they would be. We are all aware that there are problems with student learning. We are all aware of the fact that we have particular problems, acute problems in attempting to be of real service to the children in the public schools of Chicago. Now, this Bill is not about what has gone on in the past. It is about what we need to do for the future. It is about local control. It is about attempting to serve children differently in different parts of the state depending upon their very different needs and the very different characteristics of the regions in which they live. This is a local control initiative, but it is not intended to cause us to look backward. It is intended to cause us to look forward."

Speaker Black: "Excuse me Representative Davis, your second five minutes has expired. Do you wish to continue? Representative Flowers, do you still wish to give your

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time. Yes, proceed Representative."

Davis, M.: "Thank you Representative. You continue to talk about local control and yet we know that we're going to have six members appointed by Governor Edgar who does not reside in the City of Chicago. So, you know you can't keep using that. Representative, has the State of Illinois reduced the percentage of public high school students who report using marijuana or alcohol in the last 30 days."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I do not know and that is not relevant to House Bill 545."

Speaker Black: "Representative Davis."

Davis, M.: "Representative has the state increased the percentage of adults who drop out of school as becoming literate? Has the state improved that score at all, the number of adults who have dropped out of high school. Have we increased the number of those who become literate?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Question is not relevant to House Bill 545."

Speaker Black: "Representative Davis."

Davis, M.: "Representative, have the children in eighth grade increased their math scores so that they can be comparable to other children across the country?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "The question is not relevant to House Bill 545."

Speaker Black: "Representative Davis."

Davis, M: "To the Bill Mr. Speaker."

Speaker Black: "Yes, to the Bill. Proceed."

Davis, M.: "Obviously, obviously the intent is not to improve education for children in this country, in this state or in this city. Obviously the Bill has something to do with attempting to run from a far the authority over the

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education of children to whom you choose not to live near. It is really significant here that the children who are being experimented on are little African American boys and girls, little Hispanic boys and girls. These are the children whose lives we think it's safe to play with. We're going to experiment with their education. Now let's ask ourselves, do we know...do we know how to educate people. Do we know what schools are successful. Saint Ignativus is successful, those DuPage county schools are successful, but they don't have a learning zone. They don't have a School Finance Authority. They don't have a nine member commission over them, because that's not what makes schools successful. It is the appropriated dollars to design programs that make schools successful. I object to your attempt to play with my children. I have two grandchildren who attend the Chicago public schools and I really don't want you from DuPage County telling the teachers or having a commission over my children. Because I don't believe you, in earnest, have any interest in their education. Control, yes. You do want to control their lives and I'm beginning to think you want to make sure they don't learn. I'm beginning to think when you find a program that's working you want to cut that program instead of letting that program be some place besides where it is successful. I think your intent is malicious and violent. To be perfectly honest, I urge everyone in this Body to prevent and let me repeat, to prevent a revolution in the City of Chicago because we have no intentions of allowing you to rule from a far. Our deficit is already tremendous and this legislation will increase that deficit and yet when the people come here seeking dollars, you too will turn a deaf ear. We urge you to butt out. We do not need

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your high falutin ideas without any dollars connected to them. We do not want the Governor telling us what to do. We do, we have some more time, thank you. We do not want people who live in DuPage County coming to Chicago not hiring the parents of these same children you purport to care so much about. These same children whose parents often find themselves having to use the welfare roles that you just dumped yesterday. We're to believe that you have some concern about the education of their children. It is highly unlikely. We have a superintendent of schools. We have a school board. We have a nominating commission that picks those school board members. Now how many more..."

Speaker Black: "Yes, Representative Giles. Do you wish to give your time to Representative Davis. Fine. Continue, proceed."

Davis, M.: "How many more boards are needed in Chicago to educate these children? How many more boards do you believe will help to improve the quality of education in the City of Chicago? When we talk about the schools that are successful, they don't have all these boards all over them that they have to listen to. They don't have nine member commissions that the Governor has appointed. Though he has picked the chairperson. All they have is enough dollars to operate and enough autonomy to do what's best for the children. Here's another question. Here's another question. The State of Illinois has departments in the Board of Education. Those departments are there to monitor or help facilitate some of the mandates that are there. Now, if these mandates are so called removed are we going to close down these state departments and then if the school decides not to have the mandates the next year are you going to open the departments back up? My question is,

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where is the stability in the State Board of Education with this kind of a system? I don't believe that in these less than 60 days people have sat down and considered what do we want to do to educate children in the City of Chicago or even in the State of Illinois. I think people have sat down and asked what can we do to grab some more power from some more people. Well, I say to you unless you had the Haitian military, unless your going to bring the Haitian military with you, you're going to have a very difficult time governing people who are satisfied with what's already governing them. Think about it. We're going to take over the Board of the University of Illinois. We're going to take over all of these boards and be ruled by one person. One person is going to appoint all of these positions. Well, what is that saying. It's saying that those people who elected every one of us in this room is insignificant and I don't believe the public is going to buy it. The children who are kept out of school because of a birthdate. The children who don't have enough classes for headstart programs, all of this is ignored. The reading scores that are dropping, the math scores, not just in Chicago. You know, why are we having it in Chicago. There are 170 schools on the school finance list. Why are we putting a school learning zone in the City of Chicago. I would like to have that answered. What is the purpose? Is it racism? Is it the three R's I hear about, Reading , Writing and Racism? I conclude by saying to you this is one piece of legislation that is truly about school. It's about reading. It's about writing and it's about racism. Vote 'no'."

Speaker Black: "The Chair would recognize the Gentleman from Washington, Representative Deering."

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

Speaker Black: "She indicates she will."

Deering: "Can you deduct this from my time while she's on the phone."

Speaker Black: "Go ahead and ask your question."

Deering: "Representative, a Representative from the other side of the aisle asked a question earlier about the state board waiving life safety funds and you said that it wasn't in the intent of the legislation or in your opinion, you didn't think that the state board would risk the safety of the children. Now, I want to read something to you on the Amendment that I have on page 4. It says that any waivers that have been approved by the local school board that comes to the State Board of Education. They, if they approve with the waiver or if they disapprove it still has to come to the General Assembly. I read this to say that the General Assembly has to approve them irregardless of what the state board says, we have the final say. So, in fact, if the waivers come to the General Assembly and we do not act on them in 30 calendar days, they're automatically granted. Now, could this not affect the safety of those children in those schools?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "There is a distinction in this legislation between a mandate modification and a mandate waiver. A modification is simply a different way of going about meeting the intent of the mandate. In which case the State Board of Education has the authority to grant that with no action by us whatsoever. However, if they fail to grant it and the school district wants to appeal the appeal process as to bring it to the General Assembly. That's if there's a modification. The mandate is still in place, it is just

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being met in a different way. If the request is for a total waiver of that mandate. If the school district has held the public hearing, has gone through all of the processes to involve that local community, put that proposal together and send it to the state board and the state board reviews that and determines that what is being asked for is a waiver. Then that has to come to the General Assembly and it has to be, come before us because since we were the Body that cause this mandate to be in place in the first place we are the appropriate Body to waive it."

Speaker Black: "Representative Deering."

Deering: "Okay, Representative. It also says on the Amendment of page 4, line 18, or let's start on line 16. It must come before the Senate, the House of Representatives and the Secretary of State before October 1st, 1995 and there after before each May 1st and October the 1st. Is that two times in a calendar year that these waivers can be submitted, or should the, or should I read that to say that the intent is through May 1st, or May 1st through October the 1st."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "The intent is that this report on any request for outright waivers should be submitted to this Assembly by the State Board of Education on May 1, no later than May 1 and on October 1, no later than October 1 every year."

Speaker Black: "Representative Deering."

Deering: "So, in fact then they can report twice?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "That is correct."

Speaker Black: "Representative Deering."

Deering: "Okay Representative under the school technology and capital enhancement program it says school districts can



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use these grants from the State Board of Education to purchase instructional technology, including computer hardware and software, necessary staff training on that equipment and other items defined under rules adopted by the State Board of Education. Now, I can read this to say as, and I know that this is a problem especially in the school district up in Naperville. It's a big school district, one of the largest ones in the state. They have a problem with not enough classroom space and they need to build more space, but because of tax Caps they are now hampered to do that. Is this in a way to circumvent tax Caps?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "No."

Speaker Black: "Representative Deering your time is about to expire. Would you wish another five minutes? Yes. I'm sorry, who? All right, proceed. Representative Deering."

Deering: "Well Representative, you know I whole heartedly disagree with you here. It says that these school districts can use these grants for other rules adopted by the State Board, that's through the JCAR process. We have no control over it except the bipartisan Members on that, on that commission. Now, if the State Board of Education says that these grants can be used for school construction, those monies can be used especially in those richer districts in the state while downstate districts that many of the downstate Republican Members represent that are poor, that can't, that are tax set their limit now can't go out and pass referendums or buy the bonds to build schools. This now says that you can do that and I would...I would believe in my opinion that this is a way to circumvent the tax Caps that many Members on the other side of the aisle

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thought was a savior to the, to the high cost of living in the State of Illinois."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "The Joint Committee on Administrative Rules which reviews all proposed rules and regulations from any and all departments, divisions or agencies of the State Government before those rules and regulations can be adopted consists entirely of Legislators, equal Members of Senators and House Members. Equal Members of Democrats and Republicans. If you have no faith in the Democrats who serve on JCAR then perhaps you ought to be disturbed. If you have any faith whatsoever in them, you ought to trust them. To be able to look at the rules and regulations that the State Board may generate as a result of this legislation and look at the intent of the legislation which JCAR does, I am a Member of JCAR, so I know that to be a fact and trust that of course the Joint Committee on Administrative Rules would make a wise decision."

Speaker Black: "Representative Deering."

Deering: "Well, I thank you for the civics lesson Representative. I do have some faith and trust in what JCAR does. However, I see this as way to circumvent legislation passed here in the form of tax Caps. However, moving right along. Under the Section Inter fund Transfers, where we can transfer money from the transportation fund into the operation and maintenance fund and to use to operate for one time expenditures, I think, that we can pay back in three years. Now, I...I understand and I think a portion of this is good, but in my opinion, can you take opera...or let me ask you this question. In your opinion, can you take operating monies out of the transportation fund and use those monies to construct new classrooms or new buildings?"

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Speaker Black: "Representative Cowlshaw."

Cowlshaw: "No."

Speaker Black: "Did you hear she said 'no'. Representative Deering."

Deering: "I'm sorry Representative, just nod your head was that answer 'no'? I was, that answer was 'no', okay. Well, I like this opportunity here for the downstate schools to use this. My...some of my school districts were complaining because their transportation fund was very, they had more money there. They were hurting in operating funds. Now, a lot of school districts, especially in those collar county areas and in the Cook County now, with the tax Caps that are have been imposed are going to have problems raising money for their operating fund. Do you think that this is another way to circumvent the tax Caps by using the transportation monies in these years, two or three years after the Caps have been imposed so you didn't have to go in and work on those existing funds you have. Now it's coming back to haunt you. Do you think that this is another way to circumvent the tax Caps?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "The answer is 'no'. And since we're involved in civics lessons, let me explain something. I served on a school board for ten years before I came to serve here. There are very precise rules about which funds you can exchange monies among and you cannot take money from any operating fund, which would be the education fund the bond and interest fund, the transportation fund and use it for capital projects. Nor can you take money that has been set aside for capital projects and use it for any of the operating funds. Consequently, you could not use the transportation funds to build a building anyway."

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Speaker Black: "Representative Deering."

Deering: "Thank you Mr. Speaker. I believe Representative Saltsman is going to allot me some more time when the time comes."

Speaker Black: "Well, that time is about fifteen seconds away. You want it allotted now?"

Deering: "That's fine with me."

Speaker Black: "Thank you. Proceed."

Deering: "Representative, you just answered that, or give me that short civics lesson again, something that this Bill circumvents inter fund transfers. Your giving the authority to the school districts to transfer money to, to go against what the code already says."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "As I just explained. There are already strict provisions that prohibit certain kinds of inter fund loans. This does not change those provisions in any way. All it does is say, that now instead of having to repay that in one year, you have a total of three years in which to do it. Now is that so difficult to understand."

Speaker Black: "Representative..."

Cowlshaw: "That is probably the simplest part of this whole Bill."

Speaker Black: "Representative Deering."

Deering: "Well Representative, that's not what this says though. If you look on page 7 of the Amendment, line 27 through line 30 it... I'm sorry, line 25 through line 30 it specifically spells out what funds you can transfer monies to and from. I understand that we're extending the time to pay those monies back from one to three years, but it's telling the school boards that, that it's going to be easier for them to transfer money from one fund to another."

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To the Bill, Mr. Speaker."

Speaker Black: "To the Bill."

Deering: "This is a highly complex Bill. As Representative Brunsvold and many others has spoken, you know very serious with the school code. That's fine, I understand that. But I think for those downstate Members that are representing the cash strap school districts on both sides of the aisle. You need to take a very close look at this. This Bill should of been divided up in three Bills, we could of debated each one of these separate. But by rolling it in because mandate waivers are very popular, you can roll up some more votes. I think we should of debated these issues separately and voted on them separately on the merits because I think you would of seen some changes in some votes individually on the issues. I respectfully request my colleagues to vote 'no' on this Bill."

Speaker Black: "Thank you very much. The Gentleman from Cook, Representative Santiago."

Santiago: "Thank you... Thank you Mr. Chairman, I mean Mr. Speaker. Would the Sponsor yield for a couple of questions?"

Speaker Black: "She indicates she will."

Santiago: "Thank you. Representative Cowlshaw, is the main objective or intent of this legislation to eliminate unfunded mandates?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "No."

Speaker Black: "Representative Santiago."

Santiago: "No. Let me ask you another question. How were these mandated selected for elimination?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "None, none at all has been selected. The selection

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is done by the local people in the local school district throughout the state. We are not telling them what to do. We are simply giving them a process by means of which they can express to the State Board of Education and to us, how they would like to go about controlling their own destiny."

Speaker Black: "Representative Santiago."

Santiago: "Representative Cowlshaw with all do respect to you. That's not what the Bill says. Another question. Is bilingual education a funded or an unfunded mandate?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "It is a partially funded mandate."

Speaker Black: "Representative Santiago."

Santiago: "Could you explain to me what partially funded means?"

It is my understanding their either funded or not funded."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "We all understand that there are specific fundings that are provided by the state for specific programs called categoricals. Perhaps the, among these the one that is probably best known to all of us is special education. Some of these mandates are funded only partly, by that I mean, it costs the local school district more to fulfill that mandate than the state gives them to spend to do it. Special education falls into that category and so does bilingual education. Now some people when they say unfunded mandate mean a mandate where we don't give them any money at all. But you have to make a distinction between a mandate that is totally funded where we pay all of the costs and those where we pay a portion of the costs. Bilingual education like special education falls into that partially funded category."

Speaker Black: "Representative Santiago."

Santiago: "Representative Cowlshaw, if we proceed with this Bill

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and the Bill passes and all of these mandates are eliminated. How much money are...are we saving the taxpayers of the State of Illinois?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "There is no way to estimate that at this time and the business of trying to save funds is only one of five standards that we are hoping can be used by the people at the local school district level in trying to determine how they want to go about selecting whichever mandates they want to ask to have modified or waived. I will go through those still again. The Bill says you have...have to follow one of these standards. You have to know how to go about meeting the intent of the rule or mandate in a more effective, efficient or economical manner. Now, economical is...is a matter of saving money then it goes on and there are two more, to stimulate innovation or to improve student performance."

Speaker Black: "Representative Santiago your time is about to expire. Is there someone who will give you additional time? Representative Burke gives his time to Representative Santiago. Proceed, Representative."

Santiago: "Representative Cowlshaw with all do respect to you, how much money are we saving the taxpayers of the State of Illinois? One dollar, ten million, one hundred million, give me an estimate. Just an estimate."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Since this is totally permissive, it says if you want to do this back home you may. If you don't want to do this you don't have to. Clearly there is no way to make any such an estimate."

Speaker Black: "Representative Santiago."

Santiago: "Representative Cowlshaw, can you tell me what are the

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potential savings that we're going to save the taxpayers of the State of Illinois?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I have already answered that question."

Speaker Black: "Representative Santiago."

Santiago: "Well, with all do respect to you, I think your avoiding the issue. But I will go onto another question. Let's talk about the learning zones. Am I correct in stating that, a learning zone is essentially a geographic area of the city where all public schools are charter schools. Am I correct in giving, in stating that definition of a learning zone and if not, tell me why and if yes also tell me why."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I do not understand the question."

Speaker Black: "Representative Santiago."

Santiago: "What is a learning zone? Basically, tell me what a learning zone is. Is a learning zone similar to a charter school or how...how does that work, because I got to get...go back to my district and explain this to the local school councils and to the local schools so there will be no confusion about charter schools and learning zones."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Although there are certain similarities between the charter school concept and the proposal for Chicago learning zones, it is important for us to recognize that the specific focus of Chicago learning zones is really on three goals which it is hoped by all of those people who have worked on this for a very long time would help the students in that area of Chicago selected as a learning zone which would be a cluster of schools that chose to ask to be a learning zone. This is not something imposed, it



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is something permissible. There is also a guideline that says that no more than ten percent of the total student population of the City of Chicago may be included in one of these learning zones, so that in fact it is the equivalent of a pilot project. The focus of these learning zones is on three goals. One, to improve student achievement. Two, to increase the flexibility of local school operations and three, to increase parental involvement in school activities. Those are worthy goals and as I said, the people who have worked on this for a very long time believe that if we were to follow the requirements in this legislation as to what has to constitute a learning zone. What sort of things have to be put together in the initial proposal, that we could, in fact, achieve those three goals."

Speaker Black: "Representative Santiago."

Santiago: "Yes, Representative Cowlshaw, can you explain to me how are these goals, how are they going to be achieved?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Through the initiatives of the folks back home in your communities who would determine what they want to do about creating these learning zones."

Speaker Black: "Yes Representative Santiago your time has expired for the second ten minutes. Is there someone who wishes to give Representative Santiago time. Yes Representative Dart, are you seeking recognition to give your time. I'm sorry I thought I saw you waive your hand. All right. Yes, all right. Proceed. I'm sorry, proceed Representative Santiago."

Santiago: "Representative Cowlshaw, who makes the decision on where these charters...these...pilot programs of learning zones. Who decides where are they going to go in the City

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Speaker Black: "Representative Cowlshaw."

Cowlshaw: "This is absolutely and entirely a local initiative. Let me re...reassure you about something. All learning zone applications must be supported. They cannot even be submitted until they can prove that they are supported by the building principal and a majority vote of the local school council and a majority vote of the staff in that attendance center. So, the majority of the teachers. The majority of the local school council and the building principal, all have to be in accord before the proposal to become a learning zone can even be put forward. The decision is then later made by the nine member commission."

Speaker Black: "Representative Santiago."

Santiago: "Yes, Representative Cowlshaw...I don't know if you answered this question before or not, I...I would appreciate it if you do it... What will be the role of the commission?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "To...to approve and monitor the applications for learning zone status."

Speaker Black: "Representative Santiago."

Santiago: "Yes, could you please tell me how is that going to be achieved."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Well Representative, this is all in the Bill. It's just a matter of sitting down and reading it. It says in the Bill that the commission must consider the following factors when determining or monitoring the learning zone school status. There are 10 of these things. I will gladly read them all. Oh, you indicate that's not necessary. Well, thank you very much."

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Speaker Black: "You don't want to hear the 10, Representative.  
All right. Representative, proceed."

Santiago: "Is there anything in the Bill which describes the  
responsibility of the commission?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Yes. The Bill requires the commission to meet as  
often as necessary to evaluate applications from attendance  
centers within the City of Chicago, provides that  
applications must be in the form prescribed by the  
commission, directs the commission to approve learning zone  
designations only by a majority vote that in their  
judgment, satisfy the goals and requirements of this law  
and requires that commission to establish policies and  
procedures necessary to implement the law."

Speaker Black: "Representative Santiago."

Santiago: "Yes, Representative Cowlshaw. So, would creating a  
commission of nine members, am I correct in stating that?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Yes."

Speaker Black: "Representative Santiago."

Santiago: "Is one of their responsibility to oversee the  
operations of the other boards, like the local school  
council, the SFA, the Chicago Board of Education?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "No."

Speaker Black: "Representative Santiago."

Santiago: "What enforcement procedures does this commission have  
if, let's say these schools do not comply with the rules  
and regulation as stipulated in the Bill?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "The commission has no power to cause anything other  
than the granting and monitoring of this. However, of

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course being certain that people are following the rules and regulations as well as the statutory requirements. In all school...public schools in Illinois is the oversight responsibility of the State Board of Education."

Speaker Black: "Representative Santiago, your third five minutes is expired. Do you have another friend on your side of the aisle, or would like to bring your remarks to a close. Yes, all right. Pro..."

Santiago: "So, they don't have any enforcement power. Is that what you have stated?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Representative, they do not have any enforcement power except that they do have the power to revoke the learning zone status. Now that does not mean that is different than having the power to go in there and cause the people in a given school to do anything. All the commission has the power to do, if it appears that one of these learning zone schools is not progressing as had been hoped is to revoke it's learning zone status and that can be done only if the commission finds one of four conditions. A material violation of the condition standards or procedures established by the program. Two, failure to make reasonable progress toward the achievement goals contained in the application. Three, failure to make generally excepted principal...follow generally excepted standards of financial management and four, conditions jeopardizing the health or safety of the students."

Speaker Black: "Representative Santiago."

Santiago: "Yes, thank you, Representative Cowlshaw. What, what are the qualifications for these commission members? Are there any specific qualifications spelled out in the Bill of these commission members?"

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Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Thank you, for waiting Representative. It's on page 9, line 15, it says that the public members of the commission shall be persons with a demonstrated knowledge of or interest and experience in matters related to Chicago public school reform."

Speaker Black: "Representative Santiago."

Santiago: "So, you could pick anyone out of the blue that comes in and says, I'm interested in being a commission because I'm interested in the education of the kids in the City of Chicago. Is that the only qualification?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I suppose Sir, that is all a matter of whether you believe that the Mayor of Chicago, the Chicago school superintendent, and the Governor of Illinois would arbitrarily choose people who were not qualified to do this."

Speaker Black: "Representative Santiago."

Santiago: "With all do respect to you, Representative Cowlshaw. It had...it has happened many of times and that's why I'm trying to find out what intent is so that we don't make the same mistakes. So, to review this and go into another line of questioning, basically the...there are a no qualifications to be a commissioner. There...they don't have any enforcement powers. So, what...what good is this commission? What good...what...it doesn't do anything. It's just another layer of bureaucracy to hamper the educational system in...in Chicago. But, let me... To the Bill, to close."

Speaker Black: "To the Bill, proceed Sir."

Santiago: "I'm particularly interested in the education of the children of all the children in the City of Chicago,

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whether they come from different background, cultural background, race ethnics, religion, whatever. But particularly I'm interested in the bilingual education aspect of trying to waive the bilingual education mandate. For those of you that do not understand or don't know how the bilingual program functions or works within the State of Illinois, I would like to give you just a brief, a brief analysis or synopsis of what bilingual education is. Overall there in the City of Chicago known, there are about 63,000 kids that are participating in the bilingual education program. A statewide, I approximate there are about 90,000 kids."

Speaker Black: "Representative, I'll give you one minute to bring your remarks to close. I owe you one minute, all right."

Santiago: "Two minutes? So, what...the main objective of the bilingual program because I'm running out of time here is to make sure that kids learn English. That is the main objective of the program for the kids to learn English. Bilingual education has demonstrated that it works. As students in the Chicago bilingual education programs have consistently demonstrated improvements in standardized test scores. They have...they have proof in all these standardized tests that they have surpassed the regular, the kids are in the regular programs. So, it is a successful program that we have that is teaching kids how to read, how to write and transition them into their regular classroom. That is the purpose of the bilingual program. A good successful program. Thank you very much Mr. Speaker and thank you Mary Lou. You have been very kind. Thank you."

Speaker Black: "The Chair recognizes the Gentleman from Cook, Representative Dart."

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

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Speaker Black: "She indicates she will."

Dart: "Representative, where's the money coming from, from the school technology enhancement program?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I'm sorry Mr. Speaker. Could...could you repeat the question?"

Speaker Black: "The Gentleman asked, where the money is coming from for the technology program."

Cowlshaw: "I apologize, I didn't hear you."

Speaker Black: "Representative. Representative Cowlshaw. The Gentleman was asking where the money would come from for the school technology program, I believe."

Cowlshaw: "I have already answered that question."

Speaker Black: "Representative Dart."

Dart: "It's that going to be coming out GRF, if appropriated?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "The answer I have already given, is still the correct answer."

Speaker Black: "Representative Dart."

Dart: "Thank you. I only was going to ask a couple question, but instead I'll ask a lot. Is it not a fact that the President of the Senate, Senator Phillip has said that there is no money for this program and as a matter of fact, that's why it's not in the Senate version?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Until we hear the Governors budget address, I do not believe that we are knowledgeable enough to make certain kinds of judgments and also I have not spoken directly to Senator Phillip about this. Consequently, I do not know what he may or may not have said, and I certainly do not necessarily believe anything reported in the newspapers."

Speaker Black: "Representative Dart."

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Dart: "Well, if we don't know what's in the budget yet, isn't it a little irresponsible then to go ahead putting forward something that may blow the Governors budget, such as this?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I have already answered this question interminably."

Speaker Black: "Representative Dart."

Dart: "Well, for your information for whatever it's worth. Senator Philip made it rather clear that this specific program was something. There was no money enforced. So, maybe he has a better idea of what's going to be in the budget than we do here. And he has made it clear that that's the case and that's why it's not going to be in the Bill we're going to debate in an hour or so, right after this one. If we are, in fact, trying to loosen up the hold by granting all these waivers. Why is it that we are granting waivers, but yet for learning zones we're adding waivers...we're adding things that cannot be waived."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "To make clear the legislative intent."

Speaker Black: "Representative Dart."

Dart: "So, we...we do not want the learning zones to be as free from waivers or free from mandates as the other schools around the state, is that correct then?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "That remains to be seen."

Speaker Black: "Representative Dart."

Dart: "Well, it's your Bill. You should know what's in it. I mean, we're trying to put some intent here that would require some intelligent conversation as to what your trying to do here. You have...added a list of mandates which are waivable for all schools and in the learning



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zones which are supposed to be these interesting little areas which are going to be free from everything. We've actually had more mandates in there that they cannot waive. That seems to be contrary to what you say your going to be doing here."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Both the mandate waivers and modifications as well as the Chicago learning zones are permissible. They are a matter of local control and consequently, the perimeters of what may or may not occur sir, are dependant entirely upon local decisions by people other than ourselves."

Speaker Black: "Representative Dart."

Dart: "Well Ma'am. One thing I did pick up through the course of all this was the part about the local control and that brings me to my next question which I don't think has been answered properly either. Is the fact, we have nine members, only two of which can be...will be appointed by people from the City of Chicago. If in fact we are so concerned about local control, why have we decided that the people outside of Chicago will be better able to run the schools inside of Chicago?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "There is nothing to preclude the five public members from all being from Chicago and it is highly likely that they all would be."

Speaker Black: "Representative Dart."

Dart: "Well, if it's highly likely why don't we just spell it out for them. And say that they have to be residents of the City of Chicago. Don't you think that would make common sense. Then their really definitely local people then...they're from the city. I need some time."

Speaker Black: "Representative Cowlshaw."

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Cowlshaw: "As I explained previously, the legislation requires that those five public members be knowledgeable about and have been active in Chicago school reform."

Speaker Black: "Representative Dart your time has expired, I believe. Representative Schakowsky are you donating your time? All right, thank you. Proceed Representative Dart."

Dart: "Thank you, Mr. Speaker. It says they have to be knowledgeable in. It does not require them to be residents of, which I would think if we we're really concerned about local control, that's something we would probably want to spell out for these folks. In another area here, the...following up on Representative Persico's question about the health and safety mandates, those can be waived under this Bill, correct? Just for intent in getting this straight, because I wasn't sure of it. They can be waived, but your statement was it's highly unlikely they will be waived?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Highly unlikely."

Speaker Black: "Representative Dart."

Dart: "Thank you. And, and I tend to agree with you there. Unfortunately, I think thought that if...that statement and the feelings of numerous people are that those are things that should not be waived and that it would be better for us to in fact make that crystal clear in what we're doing here, because it makes no sense. To the Bill."

Speaker Black: "To the Bill, proceed."

Dart: "Thank you, Mr. Speaker. As to making no sense. This Bill makes no sense. We're setting up a learning zone in the City of Chicago which will be over seen by Members not from the City of Chicago. It flies in the face of our statements about local control. It makes no sense in that

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area. We are allowing people to be...waive things such as capital punishment and actually if you read down the list of the Bill it makes quite a bit of sense if you go by the criteria here. Well, will capital punishment improve student learning. Well, you're darn right it will, if you beat the kid. It sure will. What about adoption of rigorous standards. Number two...these sound pretty rigorous to me all right, so I think we're on a roll here. We got...we can do that and quite a few other things such as safety. We can get rid of that as well because that also probably improves student learning because we can have the kid...the fire doors locked so the kids can't get out of the school. That will make it a little bit easier. And as far as civil rights to, that will make it a heck of a lot easier too. So, I think we really have a great idea with that. That makes loads of sense. I appreciate being given the opportunity to pose questions and I emphasize the word pose questions here, because unfortunate I was unable to get answers to most of them. But that's nothing unusual in this new House of openness we have here or the House of horrors, whatever you want to call it. I had the fortune of running into someone last night after we left this place, who I'd never met before who, who told me he had witnessed what went on here last night and said that he had thought all since he had grown up that this was deliberative Body where people talked and brought forward ideas and debate was held so that we could arrive with a knowledgeable decision. And I told him well that's sort of how things used to be, but we gave that up under the new rules. And that is something that he found rather humorous that we could spend hours and hours...and we did spend hours and hours here and not get an answer. So, when

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someone gets up and says I'm not going to answer questions anymore and I'm going to hold my breath and stamp my feet, and huff and puff. Well that's fine, but if you want to just give us a straight answer, we could probably get to the point a lot quicker around here."

Speaker Black: "All right Representative Dart. Representative Dart. Yes, Representative Dart. For clarification of the record, the Chair...the Chair would like to...perhaps you would like to expand or expound. Did you say that this is going to give us the right to waive capital punishment in schools? Yes, Representative Dart."

Dart: "We got a Bill on that. It was one of the Amendments we couldn't get heard."

Speaker Black: "I thought maybe you met corporal punishment...all right, thank you. Yes, the Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. A question for the Sponsor, will the Sponsor yield?"

Speaker Black: "She indicates she will."

Schoenberg: "Representative, how does this version, House Bill 545 differ from Senate Bill 22 as amended and currently pending before us?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Well, I think I'll take a page from the book that seems to be published on the other side of the aisle and tell you precisely the difference between the House and Senate versions of this multi-faceted legislation. On page 4, line 20 the House version...version uses the word that instead of such when it refers to the 30 day period the General Assembly acts on waiver requests and appeals. On page 4, line 29 the House version uses five as a numeral

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instead of five written out, when it refers to the length of the waiver and modification affective period. On page 7 line 26, the House version uses of the district instead of, of said district when it refers to a district making inter fund transfers. On page 7 line 29, the House version uses that the transfer instead of such transfer when providing that a transfer is made solely for the purpose of meeting one time nonrecurring expenses. The Senate version repeals the section in the school code creating the Chicago Learning Zone Advisory Committee which is no longer necessary, since their recommendations were filed on January 1, 1994 with the General Assembly, the Chicago School Board and the SFA. The Senate version does not include the School Technology and Construction Grant language."

Speaker Black: "Representative Schoenberg."

Schoenberg: "Thank you. Representative, as I've communicated to you before privately, one of the concerns that I had under a similar Bill which was submitted had to do with House Bill 206, I believe it was. That there seemed to be a constitutional question that was perhaps before us as to whether or not...as to whether administrative agencies could take away rights from teachers or any other individuals which were granted under statute. This is protected under a decision by the United States Supreme Court in the case of Zimmerman Brush versus the Illinois Fair Employment practices commissions from 1980. We've communicated on this with respect to House Bill 206. Could you please let me know how this is...relates to this particular Bill. Is there any mechanism under this Bill which would enable an administrative agency to take away rights that...of individuals that are statutorily granted?"

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Our supreme...the Illinois Supreme Court ruled on this and in 1980 the United States Supreme Court overturned that decision."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Representative, I'm really glad that you asked that question. Because I do need to get that information into the record. When the perimeters of this legislation were first being discussed the issue was raised as to whether an actual waiver of a mandate could be granted by any body other than the Illinois General Assembly. Clearly, that would not be a constitutional provision. That is the reason why a modification can be granted by the State Board of Education. Because that is simply a different way of fulfilling the intent of the law, but a waiver must come to the General Assembly. In your questions about rights, the distinction is truly important and it needs to be made and be part of the record. There is a significant difference between a mandate which is a requirement imposed on units of local government by the state, and a right which is a protection afforded to an individual or a group of individuals. This Bill does not address anyone's rights. It is not intended to per...permit any administrative agency or the General Assembly to waive anybody's rights. That includes the rights of students, the rights of teachers, the rights of anybody who may be involved in a public school system. This has to do only..."

Speaker Black: "Excuse me Representative Cowlshaw. The time has expired, does someone wish to... Yes, Representative Davis you wish to give your time to Representative...all right fine. Continue. Continue Representative Cowlshaw."

Cowlshaw: "This legislation has only to do with those mandates that are the requirements we impose on local school boards."

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They have nothing to do with the rights of individuals or groups of individuals."

Speaker Black: "Representative Schoenberg."

Schoenberg: "So, in other...so in other words, if I understand you correctly, the rights of teachers, students, and any other individual associated with educational process administrators that they are fully protected...that there's no provision under this which would allow even a partial erosion of their rights. Correct?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "That is correct."

Speaker Black: "Representative Schoenberg."

Schoenberg: "Thank you...thank you very much, Representative. To the Bill. I...will respectfully disagree with those who are in opposition to this Bill. I think that we should not be so fearful of the question of change. The provisions in this Bill which are part of the Chicago learning zones are matters which Representative Gash has invested a great deal of time and energy and a number of other colleagues have. With respect to the issue of waiving...providing waivers for mandates. I don't know that we, when it comes to mandates, and when it comes to any other regulation that we shouldn't have some form of constant reevaluation. Perhaps, we should have sunseting for more of the Bills that we pass. So that we can reexamine whether or not their genuinely applicable. Times indeed do. change. I believe that this Bill melts the educational cold war mentality, which unfortunately is too pervasive in this Body. It's sad enough that we don't provide schools in this state with adequate resources. At the very least, we should provide...we should take the hand which is often tied behind the back of some of these school districts and

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allow people to exercise greater flexibility and greater creativity. In districts like my own, I can tell you that when this Bill becomes law or it's companion version, Senate Bill 22. Teachers and administrators and parents alike will rush to the State Board of Education so that their schools, which have demonstrated levels of performance will not have to teach and instruct and spend hours of time and resources for the IGAP test when in fact they have a proven threshold of performance. We shouldn't be afraid to show some flexibility. We shouldn't be afraid to change. I would respectfully urge my colleagues to vote 'aye' on this measure."

Speaker Black: "The Gentleman from Cook, Representative Blagojevich."

Blagojevich: "Thank you Representative Black. Would the Sponsor yield for a few questions."

Speaker Black: "She indicates she will."

Blagojevich: "Thank you."

Speaker Black: "Proceed, Representative."

Blagojevich: "Representative Cowlshaw, if I could just ask you a couple of questions regarding the learning zones and estimated fiscal impact, if there is any. Do you have any numbers on what the implementation of these learning zones to these Chicago schools would cost?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Representative...I am really hesitant to have to say this but, I have said several times already this afternoon that...you know it is really not a good idea for us to keep asking the same questions over and over and over. The answer is still the same. This is permissible. We don't know how many people might want or not want to take part in this. We don't know what their plans are going to be. We



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don't know what's going to be included in their proposal. It is impossible to make any financial estimate under those circumstances."

Speaker Black: "Yes, Representative Blagojevich."

Blagojevich: "Fair enough. Let me rephrase the question then, Representative Cowlshaw in a way that will be at least a new question, so it respects your wishes. The question I would ask you is, the Civic Committee of Chicago did a study and they...they determined that the impact of your Bill on 41,000 school children in Chicago would cost roughly \$700 extra per pupil spending, which would require a roughly \$30 million dollar increase. Assuming those figures are true. Do you intend to provide the state money to pay for that additional \$30 million dollars?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I have not seen the document to which you refer. I have seen the estimates from the office of Mayor Richard Daly, which of course are considerably lower than that. And I would...would point out to you that there is at the moment no expectation that the cost for the...for the education of each of the children in the learning zone will be any greater than it would of been if they weren't in a learning zone. Because, in fact what the Bill provides is that the dollars will follow the children. That is with any each learning zone school, the school will be entitled to receive it's funds in lump, lump sum allocations based on the number of enrolled regular and special need students and shall include operating funds for salary, supplies, equipment, repairs, energy, maintenance, transportation, and professional services. It...the Bill requires that all special education funds must follow those students and permits the Chicago Board of Education to deduct a sum

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equal to 3.2% for centralized administrative services."

Speaker Black: "Representative Blagojevich."

Blagojevich: "Thank you Representative for that answer. Let me just kind of shift over to another question before I just briefly address the Bill. I think I may have discovered a loop hole in this Bill and maybe I'm wrong, so you can help me with this. If I could refer you to page 5 of your Bill, section 2-3.117, the section that says...section a, subsection a, and I'm quoting from the Bill. School districts may use grants for capital projects to purchase instructional technology including computer hardware and software, necessary staff training...on that equipment and other items to find under rules adopted by the State Board of Education for purposes of this section. So let me ask you something about other items defined under rules adopted by the State Board of Education. Moments earlier, Representative Deering asked you a question regarding the Naperville school district. Whether or not...whether or not that would be...whether or not the school district would be able to access moneys for capital improvements, for building schools in your district. Now, your a Member of JCAR and evidently they deal with rules that relate to an issue of this sort. Would you make a statement today that if you say...sitting on JCAR that you would not vote in a hypothetical situation that if the Naperville school district asked you for money to use this technical grant money for capital improvements that you as one member of JCAR would not do that?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Representative, that question is unworthy of you. The Joint Committee on Administrative Rules does not spend money, it does not grant any form of request from anybody

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for money. It votes on the rules and regulations suggested and put forward by the departments and agencies of the State Government. As a member of JCAR, I would feel perfectly free to vote on any rules and regulations submitted to JCAR by the State Board of Education. Then, of course, it would be up to the State Board of Education and you know that. It would not be up to me as to which school districts would get these grants. I would be grateful if one of mine did. We send a whale of a lot of money to Springfield and we get back a minnow."

Speaker Black: "Representative Blagojevich."

Blagojevich: "Thank you Representative. Can I ask you...and again...this may be a loop hole, you could help me with this. Would JCAR be in a position to define what other items might mean in the future?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "JCAR has no authority to initiate anything. It only rules upon those things that are brought to it. The reason other items and I have...this is I think at least the third time I've answered this question. Apparently, the people on the other side of the aisle are not very good listeners. The reason the term other items was there is because it refers to technology. Technology is changing rapidly. There may be some items not set forth specifically in here that have to do with technology, that the State Board of Education might want to include in this at some later time. That would be left up to the State Board of Education to determine which things it wanted to propose..."

Speaker Black: "All right, your time is expired Representative. Does somebody want to yield you another five minutes? Representative Wyvetter Young has indicated she will give her five minutes to you. Proceed, Representative."

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Blagojevich: "Thank you. I'll need less than that.

Representative, thank you very much for the spirit in which you answered the questions and I appreciate the passion you have. I'd just like to address the Bill. There is an interpretation that is floating around this chamber that this particular provision could be a way of circumventing the local property tax Caps when it comes to capital development projects our building new schools. It could be...it's conceivable that local school districts under a property tax cap may not be able to access funds to build schools and build more classrooms, but it might seek to do so through this provision in your Bill, the school technology and capital enhancement programs section. So, I want to raise that as an issue. I don't frankly feel I've had it sufficiently answered and I'd like to just address again the numbers that I received from the City of Chicago and those numbers that I quoted from the Civic Committee of Chicago were numbers given to me by the Mayors office, and those numbers indicate that the City of Chicago schools would seed an impact of 41,000 students at a cost of \$700 per pupil which would be \$30 million to our school district without a commensurate state sum of money to pay for those...that additional cost. And so your asking us to add a layer of bureaucracy that allows the governor to pick six members and those six members incidentally can be chosen with the unlimited ability to hire staff. But our local taxpayers are going to be required to foot the bill. And so I would say that while learning zones are a good concept and it's something that we should take a look at, I'm not so sure that this definition, or this construction of the learning zones is the appropriate one for our schools. So, I would urge everyone to vote 'no' and again this sounds

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very much frankly like an old Democratic proposition. Your taking away from local control rather than from...your taking away our local control and providing state mandates. This is in fact a state mandate, this learning zone. Because your mandating to us an unfunded mandate that we the local property taxpayers in Chicago will have to pay. So, I would say that maybe you should...you should join our new Democratic caucus and start seeing things that way. Maybe this Bill wouldn't be so onerous to us from Chicago. Thank you."

Speaker Black: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Would the Sponsor of the Bill yield for questions concerning legislative intent?"

Speaker Black: "She indicates she will."

Ryder: "Representative, this Bill is designed to give school districts the authority to seek waivers or modifications of mandates required by the school code. School Code addresses many administrative subjects that are not related to curriculum or educational matters. For example, section 10-22.40 refers to school boards using tax dollars to pay their association dues. While section 24-21.1 which refers to employees enabling school districts to withhold from the compensation of any dues, payments, or contributions to any employee labor organizations as defined in the Illinois Educational Labor Relations Act. Does this Bill allow school districts to waive these sections of the school code?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "No. The Bill states that when a school district seeks a waiver from the State Board of Education, the school district must demonstrate the following. One, that it can address the intent of the rule or mandate in a more

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effective, efficient, or economical manner, or two, it is necessary to stimulate innovation or three, it is necessary to improve student performance. The examples that you used could not meet any of those criteria and as such would not be waivable. The purpose of this Bill is to provide local school districts with increased flexibility to meet the educational needs of their students."

Speaker Black: "Representative Ryder."

Ryder: "The Bill states that mandates in the school code are waivable except teacher certification, special education, teacher tenure and seniority. What do you mean by teacher tenure?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Teacher tenure means the acquisition and retention of tenure and all rights associated with it."

Speaker Black: "Representative Ryder."

Ryder: "Representative Cowlshaw, I appreciate your answers to those questions. I admire the manner in which you conducted yourself this afternoon. Your fighting the good fight and I think you'll be rewarded with a proper result in the end. I encourage you in your efforts. Thank you, Mr. Speaker."

Speaker Black: "The Lady from Lake, Representative Clayton."

Clayton: "Thank you, Mr. Speaker. There are many of the school districts in my district that are convinced that they can more effectively meet the goals of these mandates without necessarily meeting it to the letter of the law. I want to thank the Sponsor for working so diligently on this Bill and bringing it to us so that our districts will have the opportunity to structure their own programs but still accomplish the purpose of the mandates that we have put on them. I'm also pleased that with the technology and

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construction grant part of it. I know that in many parts of the state we have aging school buildings and facilities that are in bad need of either reconstruction or totally new construction. Also, in other parts where we can take advantage of the new technology and be sure that our children are being educated and being...and will be able to participate in the work force of the future where all of this technology is so necessary. With that, I again want to thank the Sponsor and urge all of my colleagues to vote 'yes' on the Bill."

Speaker Black: "Yes, the Gentleman from Kankakee, Representative Novak. Are you seeking recognition?"

Novak: "Yes, Mr. Speaker I now move we adjourn to the hour of 11:30, March 1st 1994."

Speaker Black: "The Gentleman has moved that the House stand adjourned until March 1st. What was your time, Representative Novak?"

Novak: "Eleven thirty."

Speaker Black: "At 11:30. Representative Novak has moved that the House stand adjourned until March 1st, the hour of 11:30. All those in favor of the Motion will signify by voting 'aye'; opposed vote 'nay'. Vote 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 47 'ayes', 66 'noes', none voting 'present'. This Bill having failed to receive...This Motion having failed to receive the Majority is hereby declared lost. Representative Cowlshaw. Representative Cowlshaw. Do you wish to close? Proceed. Ladies and Gentleman of the House, when a person on your side is recognized and makes a Motion to adjourn, I assume that Motion was made in good faith and was not dilatory. You were given a roll call on

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that Motion. It failed. I assume that he speaks for all of you. If you wanted to adjourn, we will proceed to do so. Close, Representative Cowlshaw."

Cowlshaw: "All right. I do not choose to close. I urge a 'yes' vote."

Speaker Black: "The question is...the question is, 'Shall House Bill 545 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. 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 68 'ayes', 46 'noes', 1 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Senate Bills, Third Reading, Speaker Daniels in the Chair.

Speaker Daniels: "Read House Bill, Senate Bill 22. Read Senate Bill 22. Mr. Clerk read the Bill."

Clerk Rossi: "Senate Bill 22, a Bill for an Act relating to education. Third Reading of this Senate Bill."

Speaker Daniels: "The Chair recognizes Representative Cowlshaw. Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. How good it is to see you in that Chair. Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 22 differs from the Bill that we just passed by 68 votes in a very few changes in the language that have absolutely no affect on the actual meaning of the Bill. However, what this Bill includes as it comes to us from the Senate, sponsored by Senator Doris Karpel in our companion chamber. It includes the mandate waivers and modifications which we have already discussed exhaustively. The Chicago Learning Zones, which we have, about which we have done the very same thing. The extension of the repayment period, which



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I'm sure we all understand it's a very simple concept. It does not include the construction and renovation grants or technology acquisition matching state grant program. Consequently, Mr. Speaker all of the questions that could possibly be asked have already been asked and have already been answered. The only difference of any significance what so ever between the Bill that we just passed with 68 votes and this one is that this one does not include the fourth portion, the matching state grant program for construction renovation and acquisition of technology. I will be glad however to answer any questions once, if there are any further questions other than the ones that have already been asked. Thank you, Mr. Speaker."

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

Hartke: "Thank you very much, Mr. Speaker, Members of the House.

I was disappointed in the last speaker who didn't allow me to give a presentation on the last Bill. And Representative Cowlshaw right now, I don't have any questions. I'd like to make a...a general comment. As I look at this piece of legislation, what we're doing is giving up what we have done here in the House for the last 30 years. I listen to Representative Brunsvold hold up a huge book of the school code. Each and every one of us who have been here for some years, including Representative Cowlshaw, Representative Black, Representative Weaver, Representative Bob Lawfer. Many of our past colleagues have come into this chamber and introduce pieces of legislation on amending the school code. Those Amendments turned out to be what is called mandates. Those are the rules that we as elected Members of this House have passed, for the good of all. The Bill passed from here to the

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Senate, or from the Senate back to here and then that piece of legislation was signed by the Governor. Signed by the Governor, for the good of all the school children in the Illinois. Now, it's become popular to call these things mandates and these mandates are nothing more than rules or laws that we expect our school children to learn with and our teachers to provide the education things for our children in our school system. Now, what we are saying with this piece of legislation is, we as an elected Body of elected individuals in each and every one of our districts give up that authority to an appointed Body, the State Board of Education or Education. Of course, it goes through the process in our school boards and then it goes on to them, the school board, the State Board of Education and they will decide whether they should follow, school districts should follow the rules that we have put forth. What we're doing is giving away our authority saying 'you don't have to follow our rules any more, you choose, and you decide what's best for you, to heck with what's been passed by our elected officials because we're appointed by the Governor and we know better than the elected officials do.' They're not responsible, they're not responsible to the constituents like you and I. We're giving up our authority. Representative Black the other day in committee vigorously opposed what the State Board of Education was doing in as far as discipline on his Bill and I agreed with him. He was tired of the State Board of Education telling us what we can and cannot do. Well, here we go again. This is what we're doing, we're giving away our authority and I would urge each and every one of you to think very seriously about this piece of legislation. What it's doing is giving away our authority and our authority is to pass

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Bills. I would recommend if you want to see some of the mandates given up around here, introduce a piece of legislation to take away Martin Luther King holiday. Take away the necessity to teach about the holocaust. Take away those mandates that you don't like and introduce it into this chamber and let us elected Members vote on that to avoid one or the other. Mandates are not only for school districts in the State of Illinois, we put mandates on counties. Will that be next? Will we have county board deciding which mandate they want to send to some appointed Body and we'll have different rules and regulations being enforced all over this state. I would encourage each and every one of you to think very, very seriously about this vote. There are good mandates, there are bad mandates. This is a real bad mandate that gives away our authority, and I would encourage each and every one of you to think very hard and vote 'no' on this piece of legislation. Thank you, Mr. Speaker."

Speaker Daniels: "The Gentleman from Cook, Representative Lopez."

Lopez: "Thank you, Mr. Speaker and Members of the House. Will the Sponsor yield for a question or two?"

Speaker Daniels: "Representative Cowlshaw, will you yield? She indicates she will. Representative Lopez."

Lopez: "Well, I'll be short and sweet because I know we all are ready to go home. There are many parts of this Bill that many local school councils in my district have spoke to me about, and there's many that maybe we could support and there's some maybe we cannot support. But, as we all know, the largest population in this country, the fastest growing population in this country is the Hispanic community. The fastest growing population in the State of Illinois is the Hispanic community. Therefore, I'm going to speak on

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bilingual education. I'm not concerned about the City of Chicago seeking a waiver on bilingual education, because I'm sure that the Mayor and the Board of Education will hold them accountable. So, I'm not concerned about the City of Chicago. My concern is for those towns and those cities that say Elgin, Joliet, Rockford and many of the other small towns that have a fast growing population of Hispanics. Sure the board, the school boards could, are the ones that will seek the waiver. But, the Hispanics will not have the population to fight a school board that are seeking that waiver, so Mary Lou...the question is simple and with all do respect, we've worked on a couple of issues together and you know and I know that your for bilingual education but if this Bill passes it's going to be out of your hands. Do you think it's fair for those children that do not have the political representation outside the City of Chicago to save bilingual education?"

Speaker Daniels: "Is that a question, Sir? Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, I'm really sorry, but I am having a terrible time trying to hear you. Either there's something just in the way the microphone works or something. Could you..."

Speaker Daniels: "Ladies and Gentleman of the House."

Cowlshaw: "Could you just ask the question, if there... the last couple three sentences, I think were, in fact, the question. Could you just repeat that please?"

Speaker Daniels: "Excuse me Ladies and Gentlemen of the House, could we please have your attention? Representative Lopez."

Lopez: "Representative Cowlshaw, due to the lack of representation of Hispanics outside of the City of Chicago,

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such as Joliet, and some of the other cities and townships that I just mentioned. Do you feel that it's fair that those parents and those children and those towns and those cities that do not have the political representation that my children do in my district to fight the board if there's local school board decides to seek a waiver. Do you feel it's fair for those children?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, I understand your concern, and I am hoping that I can answer your question in such a way as to be truly reassuring to you. It is probably true that there are areas of this state in which the representation on that elected local school board is not truly a reflection of the characteristics of the community. However, I represented a large portion of the East Aurora school district for 10 years. The East Aurora school district then and now has the highest percentage, now this is just in percentage terms of bilingual education students enrolled in any school district in the entire state including Chicago. Every effort is made by that school board and by Dr. Charles Ponquinet, the superintendent of schools there to have the best bilingual education program in the state. They are doing an excellent job in that school district—and I think really setting the pace for a good many other such programs throughout the state and that's without having had any majority of people from the Hispanic community on that local school board. But, the other thing that I want to reassure you about is this, and that is here are the standards that I mandate modification or waiver request have to meet. Now, you can't ask to have bilingual education modified in anyway unless you can demonstrate that if that modification is granted it will meet one of

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these five requirements. It will make the program more effective, it will make it more efficient or economical. It will... it is necessary to stimulate innovation in the program or it is necessary to improve student performance. Now, in a program like bilingual education, the pivotal thing is to improve student performance. That's the standard set forth in the legislation unless the proposal can demonstrate that it would improve student performance. The State Board of Education would have no basis upon which to grant the request."

Speaker Daniels: "Representative Lopez, your operating on Representative Frias's time now, Sir. Do a good job, okay."

Lopez: "Thank you, Representative."

Speaker Daniels: "Okay."

Lopez: "Thank you, Mr. Speaker. Representative Cowlshaw, like I said stated earlier, I have no problems with your...that in no way do I feel that your against bilingual education, but unfortunately I cannot say that for many of your other colleagues, especially on the other side, in the Senate. You know, you probably know the people on your school board, and you probably can talk to them, and I'm not so sure some of the other Senators will be able to do that. So, to the Bill. Like I said, stated earlier, there are many parts of this Bill that I probably could live with, but my concern are for those children outside the City of Chicago and to those Representatives, I want you guys to listen because many of you that did not win by a whole lot of votes. So, for those who won by not a whole lot of votes, listen to this. You have many Hispanics in your districts. You have many Hispanics in your district throughout the state and let me tell you something they

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will count. Nineteen Ninety Six, their vote will count. I know this Bill, it's going to pass, but I'm sure that just like myself and the children in your district, the Hispanic children in your districts will depend on your Leadership to make sure that bilingual education is not waived. So, I urge you, I know this Bill, it's going to pass, but urge you to think of the people in your district. Thank you."

Speaker Daniels: "The Lady from Cook, Representative Ronen."

Ronen: "Thank you...Thank you, Speaker. Ladies and Gentlemen of the House. I rise in opposition to Senate Bill 22. This Bill is another example of rushing to judgement. Representative Cowlshaw asks to us to listen carefully and to listen carefully to the Chicago school reform groups. I would ask Representative Cowlshaw to listen to what the Chicago school reform groups have said to her, to her Leadership, to...and a letter to Governor Edgar to President Philip and Speaker Daniels, this is what they said. They said as concerned Chicagoans and Illinoisans deeply involved in Chicago's historic effort to improve our city schools we urgently ask you to slow down, current fast track educational legislation impacting Chicago schools to allow meaningful input by the parents, teachers, neighbors and businesses who will be affected by this legislation and to ensure that this legislation supports rather than undermines Chicago school reform. We request that the consideration of these Bills include public hearings in Chicago with adequate notice so that a broad cross section of these active and Chicago schools can participate. The letter goes on, and let me read to you the Chicago school reform groups every major group in the City of Chicago that's been involved with this issue that has signed this letter and asked you, Representative Cowlshaw to slow down

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and include them in the process. Leadership for quality education, the Chicago Association of Local School Councils, the North River Commission, the Flower Vocational High School local school council, the city wide coalition for school reform. I can go on and on and on but there are every major group in the City of Chicago that has had something to do with the Chicago school reform effort and is today concerned with Chicago school reform says that they have not been involved in this process and wishes to be. This is an important, important piece of legislation that deserves our deliberative thought and action. We need to slow down on this. Nobody is arguing some of the concepts here, some of the concepts may be appropriate. But, what we're doing here is making some serious changes without thought, thoughtful action and not giving careful thought to how those actions might impact our schools, especially those in the City of Chicago where the Chicago school reform effort has...beginning to make some important changes. So, I urge all Members to vote 'no' on Senate Bill 22."

Speaker Daniels: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Would the Sponsor of this Bill yield for a questions..."

Speaker Daniels: "She indicates..."

Ryder: "...concerning legislative intent."

Speaker Daniels: "She indicates she will."

Ryder: "Representative Cowlshaw, this Bill is designed to give school districts the authority to seek waivers, or modifications of mandates required by the school code? School code addresses many administrative subjects that are not related to curriculum or educational matters. For



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example, section 10-22.40 refers to school boards using tax dollars to pay their association dues. While section 24-21.1 which refers to employees enabling school districts to withhold from the compensation, any dues, payments or contributions to any employment labor organization, employee labor organization as to fine by the Illinois Education Labor Relations Act. Does this Bill allow school districts to waive these sections of the school code?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "No."

Speaker Daniels: "Representative..."

Cowlshaw: "The Bill states that when a school district seeks a waiver from the State Board of Education, the district must demonstrate the following. One, that it can address the intent of the rule or mandate in a more effective, efficient, or economical matter or two, it is necessary to stimulate innovation or three, it is necessary to improve student performance. The examples that you used could not meet any of these criteria and as such would not be waivable. The purpose of this Bill is to provide local school districts with increased flexibility to meet the educational needs of their students."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. The Bill states that mandates and the School Code are waivable except teacher certification, special education, teacher tenure and seniority. What do you mean by teacher tenure?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Teacher tenure year means the acquisition and retention of tenure an all rights associated with it."

Speaker Daniels: "Representative Ryder."

Ryder: "To the Bill. Mr. Speaker, I wish to congratulate the

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Sponsor on her perseverance. She has received her reward on the previous Bill. I hope that...results of the second meets with equal success. Thank you."

Speaker Daniels: "Have you completed Representative Ryder? Were you done, Sir? The Gentleman from Tazwell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I've waited a long time for the proper moment to make this Motion. I believe we have had enough testimony in debate on this subject to make an informed decision. Mr. Speaker, would you please, since it seems to be an important question to some, would you please make note of how much time I used to make this debate...this Motion. I would move that we move the previous question."

Speaker Daniels: "You've hear the Gentleman's Motion. All those in favor of the previous question signify by saying 'aye'; opposed, 'no'. The 'ayes' have it. In the opinion of the Chair...Okay it takes 60 votes. All those in favor signify by voting 'aye'; opposed by voting 'no'. This is on the Motion for the previous question. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 65 'aye', 49 'no', none voting 'present', and the previous question is moved. Representative Cowlshaw to close. Representative Cowlshaw to close."

Cowlshaw: "Mr. Speaker, no closing remarks are necessary. I ask for an affirmative vote?"

Speaker Daniels: "You've heard the Ladies Motion. The question is, 'Shall Senate Bill 22 pass?' All those in favor signify by saying...voting 'aye'; opposed by voting 'no'. This is final action. The voting is open. Have all voted

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who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 67 'aye', 47 'no', 1 voting 'present'. This issue having received a Constitutional Majority is hereby declared passed. House Bills, Third Reading. Mr. Clerk, read House Bill 207."

Clerk Rossi: "House Bill 207, a Bill for an Act amending the School Code, Third Reading of this House Bill."

Speaker Daniels: "Representative Cowlshaw. The Chair recognizes Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 207 is a proposal for the establishment of a charter school pilot project in the State of Illinois. The charters would be granted for a period of not less than three and no more than five years and renewals in incremental periods not to exceed five years. The number of schools for this pilot period would be 45 statewide; 15 in Chicago, 15 in the collar counties and 15 downstate. Charter schools could be established by creating a brand new school or by converting an existing public school. The proposal to establish charter schools for the '96-'97 school year would have to be submitted to local school boards and then forwarded to the State Board of Education on or before January 9, 1996. Local school boards sponsor charter schools, but charter proposals have to be submitted through the local board to the State Board of Education and final approval is with the State Board. Charter schools may limit student enrollment by age or grade level. However, no more than 50% of the pupils enrolled in any one grade in the public schools within a given school district may be enrolled in a charter school at any one time. If there are more applicants than

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available space, applicants must be selected by lottery. But applicants with siblings enrolled in the school, or who were enrolled the prior year are given preference. The notice of a local school board not to deny, revoke or renew a charter has to be provided to and made available to the State Board with final decisions by the State Board. In the case of establishing a charter school, there must be evidence of sufficient support to fill the number of pupil seats, which must be demonstrated by a petition in support of the charter school signed by parents and guardians of students eligible to attend the school. The State Board requests the contracts be modified during the time the charter is in effect. Those changes must be agreed upon by the sponsor of...that is the local school board and the governing board of the charter school. Proposals to establish a charter school may be made by individuals or organizations; such as teachers, school administrators, local school councils, college or university faculty members, instructors or other representatives of public community colleges, representatives of corporations or other business entities, or other entities or their representatives. A charter may be revoked or not renewed if a local school board determines the charter committed a material violation of any of the conditions, standards or procedures in the charter application. The pupil funding shall not exceed, shall not be less than 95% or more than 105% of the school districts per capita student tuition, multiplied by the number of students residing in the district, that is in the total district. Charter schools are permitted to charge fees for textbooks, instructional materials and student activities. They are responsible for the management and operation of their fiscal affairs. They

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require a financial audit and are authorized to incur temporary short term debt. Charter schools are prohibited from waiving the Illinois Goal Assessment Program and charter schools are required to employ instructional staff who are certified under the provisions of the school code pertaining to teacher certification and charter schools are permitted to employ non-certified staff only in non-instructional positions. There are some protections for teachers that were included in this legislation as a request, in response to a request from the Illinois Education Association and I am confident that those provisions are very effective and certainly are what the Illinois Education Association has sought. There are provisions for evaluations and reports on these and finally I would like to thank the president of the Illinois Education Association, a teacher at Hinsdale South High School, for coming here to Springfield to testify on behalf of this legislation with me earlier this week. I would be glad to answer any questions once. Thank you, Mr. Speaker."

Speaker Daniels: "The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Daniels: "She indicates she will."

Brunsvold: "Thank you. Representative Cowlshaw. I am looking off of Senate Bill 19. Could you tell me, are we going to vote on that next?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "I, I don't know Representative Brunsvold. I'm not the Speaker."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "I, you know, we're kinda doing this in tandem, and

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Mr. Speaker, are we going to put on Senate Bill 19 next?"

Speaker Daniels: "It depends upon how things go on this one."

Brunsvold: "Well, Representative Cowlshaw, I'm going to work off of Senate Bill 19, but first, can you tell me how Senate Bill 19 is different from House Bill 207?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Brunsvold, there are basically three difference. The Senate Bill, Senate Bill 19, does not include three provisions that have been added to House Bill 207. These are the provisions that were requested by the Illinois Education Association and they are: (1) Local school boards are required to give teachers who accept employment with a charter school, up to a five year leave of absence. The space for a charter school is only five years. The period during which it can operate. At the end of the authorized leave, the teacher must return to the school district in a comparable position, or may choose to resign. (2) Teachers at charter schools may resigns their positions only if they give the governing body at least 60 days notice before the end of the school year and the resignation is effective at the end of the school year. And finally, out of school district entities creating a charter school must demonstrate in their charter proposal, a high level of local pupil, parental, community business and school personnel support. Those are the differences between this Bill and Senate Bill 19."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "Thank you Representative. I'm going to work off of Senate Bill 19 if it's alright with you. In the remarks at the beginning of the Bill, 'Legislative Declarations' there is a number of, or a section here dealing with at risk pupils. In a charter school situation, what is your view

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of how many at risk students could...would be in that school?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Brunsvold, the legislation says that there have to be a substantial number of at risk students served by a charter school. Now, the Bill does not actually define what substantial means, but I would suppose that not only those people at the local level who are holding the public hearings and going through all the other processes of developing the proposal, would realize that significant means just what it says and certainly the State Board of Education would take that into account when it came to the point of trying to determine which charter, which charter proposals to grant."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "So what you're saying, when they submit their request for a charter school, they are put in that the proposal the at risk children that they would like to include in their for approval."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Brunsvold, that is one of the requirements that has to be in that proposal. They not only have to let the State Board know which group or the number of at risk students they intend to serve, they also have to have a specific part of that proposal saying how they are going to go about doing that."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "Thank you..."

Speaker Daniels: "Do you need some additional time, Sir?"

Brunsvold: "Yes, I think I have a friend here that will help."

Speaker Daniels: "Representative Phelps will you yield your time?"

Representative Phelps yields you his time. Representative

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Brunsvold."

Brunsvold: "In the legislative declaration, there is a number of provisions there and the word innovative always seems to appear there. Innovative forms of measuring pupil learning and achievement, innovative teaching, innovative programs. I guess I'm a little confused because, you know, I thought we were trying to do innovative stuff in Education Committee. What is your view of what is going to be innovative in these areas? Because I thought we've tried to be innovative in Elementary and Secondary Education."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Brunsvold, somehow over the years, we have assumed that innovation means that you tinker around the edges. This charter school proposal is an in depth form of innovation. We are going to let some entity, other than just that locally elected school board, put together a proposal about how a given school can better serve the students who go there. Whether that is the teaching staff of that school, whether that is a business, whether that is a university, there has to be a sponsoring entity and hopefully that entity will recognize that today if we do not actually and truly achieve innovation, we will not be able to compete in an international market in the next century."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "Let's go to a specific situation Representative. I apply for a charter school and am granted a charter school under all the provisions of what I have to include in my application process. The legislation says that it can't be a private school of any type. It either has to be a public school converted, or a new school. Where are the resources going to come from for that renovation of the old school or



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the building or a new school?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Brunsvold. I am sorry. I simply could not hear your question."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "Discussing the formation of a charter school, it has to be a public school building, or a new school building. Nothing that's been private. So, if you're...if we're going to construct a new school for a charter school, where does the financing come from for that new building?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "That's entirely at the discretion of the people who are going to be the sponsors of this charter school. The idea of a new school is not necessarily a site based kind of thing. It does not mean to imply that you have to go buy an existing school building or convert an existing public school into a school building. Let the mind freely determine what we can do in providing charter schools and that doesn't necessarily mean we have to have to kind of building that we have always thought of as a school."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "I would assume that you're talking maybe a warehouse could be a school?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "I would certainly not discount that or any other possibility. I think there is a good deal of wisdom in the folks back home if we give some local control to come up with the kinds of ideas to really be helpful. I would know, however, under the provisions of this Bill, all costs for the operation and maintenance of school district facilities are still subject to negotiation between the charter school and the school board of the school district

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in which that charter is located."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "If the school board has proposed a charter school within that school district, then I have to assume that they are going to use a present building maybe, and/or build a new one. Which means they're going to have to find some way to find the financing to do that. How is that going to affect the rest of that school district as far as the revenues are concerned. Because that ...that's going funnel money toward a charter school at the risk of the rest of the students."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "It is precisely because we need to make certain that there are no inequities that are a direct result of the creation of charter schools and also because of course we need to have somebody responsible for what happens with the finances that we have provided, as I said, all costs for the operation and maintenance of the facilities have to be subject to negotiation between the charter school and the board of education of the district in which the charter school is located."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "What I'm concerned about Representative, because you and I have discussed in the past about charter schools and different type schools. And I have one in my area. Rock Island has what is called the Horace Mann School, which is a year round school, innovative school, and it's worked fine. But it has, to some degree, funneled resources toward that Horace Mann School and I am just a little concerned that in this process we are going to leave some kids and some teachers behind. And I don't think we ought to do that. Are you, are you telling me then that you

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don't believe that's going to happen? That we aren't going to leave these other kids behind with less resources?"

Speaker Daniels: "Representative Brunsvold, Representative Mautino wants to know if he gives you his time, will you use it wisely? Okay. Representative Cowlshaw, can you answer the question that was just asked?"

Cowlshaw: "Representative Brunsvold, if I believed that this legislation would be harmful to any child or any teacher anywhere in Illinois, I would not be its Sponsor."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "Let's, let's go to the waiver provision. Now we discussed at length the waiver Bill ahead of this one. I believe this one just totally eliminates other than six...six provisions there that can't be waived, simply eliminates all the school code mandates. Is that correct?"

Speaker Daniels: "Representative Cowlshaw. Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. I'm sorry for the delay. There's a lot of paper here. It's sometimes hard to locate just the right item. Representative Brunsvold, this legislation provides that charter schools are exempt from state laws and regulations and local school board policies, except the following provisions: Criminal background investigations of applicants for employment, discipline of students, Local Government and Government Employees Tort Immunity Act, the general Not For Profit Corporation Act regarding the indemnification of officers, directors, employees and agents, the Abused and Neglected Child Reporting Act and the Illinois School Student Record Act. The legislation specifically says that all charter schools are required to comply with all health and safety requirements."

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Speaker Daniels: "Representative Brunsvold."

Brunsvold: "Yes, I've got that Representative Cowlshaw. Would you say that is a lot more open than the waiver Bill was? I mean as far as regulations concerned, that the charter school would be much less regulated than even the waiver proposal that we just passed?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Brunsvold, I would suppose that, the only answer to your question has to be something that is subjective because there really isn't any way to compare the two things, the waiver Bill and the charter Bill, but yes, I would say that probably the charter school Bill provides more flexibility for the folks back home than the waiver Bill."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "If a...if a child is in a charter school and cannot function there, is that student then referred back to the regular public school or, how is that going to work?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "The student returns to the regular public school system if he chooses...he or she chooses to do so."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "On page 12 of the Senate Bill, the goals and the objectives of pupil performance standards are achieved by the charter schools. It's outcome based education isn't it?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "No."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "We do out...we're doing a program, an outcome based education now. We're in the process of doing that?"

Speaker Daniels: "Representative Cowlshaw."

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Cowlshaw: "Representative Brunsvold, you are assuming that we can predict that what the people who what to try to create a charter school would do. And although we have provided general guidelines in this legislation, we certainly have permitted them as much flexibility as possible. That is the answer to the question just before this one. That is there is even more flexibility for the people at the local level. We are not dictating to them as we do far to frequently how they are to go about determining what they want to use as the goal. They have to have goals, but they get to decide what they are."

Speaker Daniels: "Representative Brunsvold, you are now operating on Representative Burkes five minutes, so use it wisely. Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Can we have a form of charter schools right now under the State School Code?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Was the question, 'Could we now have a charter school under the present laws in this State?'"

Speaker Daniels: "Representative Brunsvold. Was that the question? Yes. Representative Cowlshaw."

Cowlshaw: "There again I would presume that that is a matter of a very subjective judgment. My judgment would be that the answer is no."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "Representative, we have what would be deemed a charter school in my district that was formed under the guidelines of the state board. I guess I would call the Math and Science Academy a charter school with a definite direction and Quest Centers in Chicago, I would think those would be charter schools. They all have special missions. Would you not agree that those, those are presently charter

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schools under other names?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "There are already in existence in this state, as you point out, a good many individual attendance areas that probably, in some respects, look like, if you look at their characteristics, look like what a charter school would look like. But what this legislation does is permit the creation of those things from the local level up, not from the top down."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "Last question Representative Cowlshaw. Where, in your mind...in your view, is this thing going to go? We have 45 of these charter schools set up and running. Then we're going to evaluate them to see that they are functioning as the Bill required. If they are successful, are we going to install them throughout the state? If they are not successful, are we going to eliminate them?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Brunsvold, I am confident that there will be assessments and evaluations made as we go along and monitor the successes and failures of these schools. This is a risk taking sort of thing Representative. We don't know for sure what kinds of successes or failures these schools would have. We only know that what we are doing now, we are not doing very effectively. Hopefully we can learn from this. We can learn which things work well, particularly at given grade levels or with certain types of student populations and then we can hopefully replicate, not duplicate, because that is impossible, to replicate successful models in schools throughout the state and to caution schools throughout the state to avoid those things that did not succeed in the charter schools. We will learn

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from these things Representative and we need to learn too."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Thank you, Representative."

Speaker Daniels: "Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you Mr. Speaker. I rise for the opportunity to ask questions concerning the legislative intent of the sponsor. Will she yield for questions?"

Speaker Daniels: "She indicates she will."

Ryder: "Thank you, Mr. Speaker. Thank you Representative Cowlshaw. My question concerns subsection (a-11) of Section 27(a)-7 of the Bill, which addresses the matter of the relationship between employees and the charter school. It refers to, '...evidence that the terms and conditions of employment have been addressed with affected employees and their recognized representative, if any.' It also states that, '...a bargaining unit of charter school employees shall be separate and distinct from any bargaining units formed from employees of a school district in which the charter school is located.' My question is this, 'are the employees of charter schools covered under the Illinois Educational Labor Relations Act?'"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Yes. The purpose of the language about separate and distinct bargaining units refers to our intent that the employees of the charter school not necessarily be bound by the same collective bargaining contracts that apply to other employees in the school district. There is no intent in this legislation to deny charter school employees from having the labor law or collective bargaining right enjoyed by their fellow, fellow school employees."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. To the Bill. Representative

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Cowlshaw, I rise for the third and last time to congratulate you and thank you for the awesome amount of work that you have performed this afternoon. But in this case, particularly to congratulate you on being able to work successfully with the teachers of the state of Illinois, as evidenced by an unprecedented press conference earlier this week and the support of the teachers organization of Illinois to come to produce language that will create an opportunity for innovation and an opportunity to explore the outer limits of our opportunities of education in this state. You are truly giving a chance for education to flourish in new and undetermined ways in this state by the legislation that you are Sponsoring here today. And I admire the work product that you and those that support your efforts have produced."

Speaker Daniels: "Representative Davis, the Lady from Cook."

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

Speaker Daniels: "Representative Cowlshaw, will you yield? She indicates she will."

Davis, M.: "Okay, first of all, almost 100 schools in Illinois remain on the financial watch list. Will the charter school Bill, or any of the other meddling Bills affect this number?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "I could not hear the question."

Speaker Daniels: "Representative Davis."

Davis, M.: "Is that on my time that she does not hear the question?"

Speaker Daniels: "Sure. Can the Lady please have your attention. She's having trouble..."

Davis, M.: "Almost 100 schools remain on financial watch lists in



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the State of Illinois. Does this charter school Bill, or any other meddling Bills affect the finances at these schools?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "There are presently 97 school districts in the State of Illinois the financial watch list. This legislation has nothing whatsoever to do with that or any other subject applying generally to local public school districts that are already in existence. This has only to do with attendance areas."

Speaker Daniels: "Representative Davis."

Davis, C.: "Excuse me. There are six schools in the Springfield area where we are now who are on the watch list. Will they be...will the charter schools help them at all to reduce their debt, or remove themselves from the financial watch list?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "The question is irrelevant."

Speaker Daniels: "Representative Davis."

Davis, M.: "Who are you to judge? Let me say that if there's a school that's overcrowded in a particular district, can that school become a charter school?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Yes."

Speaker Daniels: "Representative Davis."

Davis, M: "This, excuse me. If the school that's a charter school, if it's an overcrowded school and becomes a charter school, can the children who live in that district be given any preference for attending that charter school? Or must those children who are in an overcrowded situation go to some other district or some other area?"

Speaker Daniels: "Representative Cowlshaw."

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Cowlshaw: "The legislation provides, as I have already explained, that the...if there are more students than there are slots in the school, preference must be given to those who have a sibling in that school, or those who attended the charter school the year before. Beyond that, the selection of the students to attend that school is done entirely by a lottery."

Speaker Daniels: "Representative Davis."

Davis, M.: "If a school is...or if it becomes a charter school, does the local school council remain in, I mean, is their still a council or is the local school council abolished? Is the local school council still the governing body?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "A proposal to convert an existing school to charter school status may not be submitted to the State Board and the local school board for consideration unless the proposals are approved by petition by the majority of teachers employed in the school and the majority of the parents or guardians of students enrolled in the school and in addition, in Chicago, the local school council must approve the proposal by a vote at a public hearing."

Speaker Daniels: "Representative Davis."

Davis, M.: "Is that a majority vote of the council or, you know, all of the members of the council."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Majority."

Speaker Daniels: "Representative Davis."

Davis, M.: "Okay, if we have a charter school, how does the State Chapter I money go to support the students who are in that school? Do they get all of the Chapter I money per child? Is it based upon student program, or what?"

Speaker Daniels: "Representative Cowlshaw."

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Cowlshaw: "This legislation makes no change in the fact that Chapter I money follows the student."

Speaker Daniels: "Representative Davis."

Davis, M.: "So if there is a math lab being supported by a, by Chapter I dollars, and students are pulled from that Chapter, I'm sorry, yeah, that Chapter I lab, the charter school just gets the dollars, but without a program? I mean, do they have to submit a plan or program of how they will use those Chapter I dollars?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Chapter I dollars follow the students."

Speaker Daniels: "Representative Davis."

Davis, M.: "Will the school finance authority..."

Speaker Daniels: "Representative Davis, your time has expired. Can you try to bring your questions to a close. Representative Turner is anxious to give you his time, but he wants you to bring your questions to a close."

Davis, M.: "Thank you. Oh, he does? I don't think he said it either, hum! If the um, if a charter school, is it under the board of education, is it under the school finance authority? Who's the authority over charter schools in Chicago?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "The State Board of Education administers the charter school law, but the charter school proposal cannot even be brought to the State Board until it has met all of those qualifications which I just read out to you, about a majority of students and parents and a majority of the teaching staff and a majority of the members of the local school and so on, and goes through the local board of education, which in Chicago, would be the Chicago Board of Education."

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Speaker Daniels: "Representative Davis."

Davis, M.: "Thank you very much, but I still don't know if the school finance authority is still the final authority over that particular school, as it is over other schools. You know, the School Finance Authority in Chicago is over our school board. Now, if the charter schools are not under the School Board, are they under the School Finance Authority? Or is it just the State Board?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "The finances of that school have to be set forth in a proposed budget which is part of the original proposal for the creation of the charter school in the first place and as I said, the State Board of Education is responsible for the oversight."

Speaker Daniels: "Representative Davis."

Davis, M.: "Conclude then that the School Finance Authority is not over the charter schools?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "That is correct."

Speaker Daniels: "Representative Davis."

Davis, M.: "Well, will the school finance authority be over the learning zone schools?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "The...this, this Bill has nothing to do with learning zones."

Speaker Daniels: "Representative Davis."

Davis, M.: "No it doesn't Mr. Speaker. What we're saying here is that the charter schools are under..."

Speaker Daniels: "Are you addressing the legislation now?"

Davis, M.: "Pardon?"

Speaker Daniels: "Are you addressing the Bill now?"

Davis, M.: Yes, Sir. Well, okay, I'll address the Bill because

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this person can't answer the questions."

Speaker Daniels: "To the Bill."

Davis, M.: "The charter schools are under the School Finance Authority, no the charter schools are under the State Board, but the learning zones are under the Commission and the School Finance Authority. Then there are some who are still under the Board of Education, and some who are no longer under the Board of Education. But what we're creating, in Chicago anyway, is just a lot of different and despairing situations for children, no to learn, but to create confusion from adults. Now, in 1993 and 1994, the governors from across this country, Governor Edgar was one of them, they met for months and prepared for what is now known as National Educational Goals Report. And in this Bill, in this package, it gives information that what each state needs to do and sets the goals in education for each of those states. In Illinois, these Bills that we are rushing through here have absolutely nothing to do with improving the education of children or even meeting these national goals. I think they are truly designed to create chaos. I think they are truly designed to make sure that certain and some groups of people don't have opportunities for learning that other people have. If we're creating this chaotic situation, perhaps the press won't have an opportunity to tell Illinois that you need to fund education. That you need to give at least 50% of the cost of educating children as the Constitution of the State of Illinois calls for. We need to stop giving education 33¢ on the dollar and then changing the programs pretending that this will improve education. Now, each parent in Illinois, or in Chicago anyway, must learn which authority is over that particular school. If it's a learning zone,

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there's one group of authority that's over it. If it's a charter school, the State Board is over it. If it's just a regular school, I guess we still have the School Finance Authority, the Sub-District Council and the local school council and the Chicago Board of Education. I think it's time for us to stop playing with children's education. I think it's time for us to meet seriously about improving the quality of education for all children, not just some children. If we don't stop these shenanigans and these tricks, we can look forward to increasing the prison budget because children who are not educated, children whose school system is constantly in a disarray and confusion will not be given an adequate education. Those schools that we know are successful don't have three, four and five bodies over it for which it must report. They have one school board. They have one goal and that is to educate those children and not divide the governance in order that they can pilfer the money. Those of you who have the plan for pilfering these dollars from Chicago, I know you're going to have some green votes up there. But as you think of pilfering the dollars from Chicago through these shenanigans and these meddling...cation."

Speaker Daniels: "Thank you. Representative Cowlshaw to close."

Cowlshaw: "Mr. Speaker, we all understand what's in this Bill. I ask for an affirmative vote."

Speaker Daniels: "You've heard the Ladies question. The question is, 'Shall House BiLL 207 pass?' All those in favor, signify by voting 'aye'; all those opposed sig...I'm watching you Representative Bugielski. All those opposed signify by voting 'no'. This is final action. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the

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record. On this question there 76 'aye',; 38 'no' 1 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. The Lady from Cook, Representative Currie, has moved that certain of Representative Blacks remarks during Senate Bill 10 be expunged from the record. Representative Black has agreed to withdraw the statement. Therefore, with the leave of the House, the Chair directs the Clerk to debate from the record the statement identified in Representative Curries Motion. Is there leave of the House? Leave is granted. Representative Churchill in the Chair. Excuse me, Representative Daniels in the Chair. Representative Currie."

Currie: "Thank you, Speaker. This is on another topic. I thought as it is a new rule that it might to helpful for you to remind the Members that as it's Friday, people should perhaps want to clear their desks so their important papers would not get lost between now and March 1st. I did try to remind a lot of the Members, but I'm sure I missed some. So, if the Chair were to make that announcement about the new rule, I think that would be helpful to us."

Speaker Daniels: "Thank you, Representative Currie. As Representative Currie has reminded you, would you please clear your desk before you leave since the cleaning service does remove the tops of desks. Now, we are, Representative Churchill in the Chair."

Speaker Churchill: "The Chair calls on Speaker Daniels."

Daniels: "Ladies and Gentlemen of the House and Mr. Speaker, the Illinois agenda in the Illinois House has now been accomplished. And I would like to congratulate my colleagues on both sides of the aisle. For in just 19 legislative days, I believe we've changed the face of

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Illinois. We have clearly defined our mission, focused on our goals, and successfully saw them through to completion. This success is unprecedented in state history. I am not aware of this level of comprehensive legislation achievement anywhere else at any time. We truly, on both sides of the aisle, have made history. Only the dimension of the remarkable historic changes we have implemented exceed the significance of the swiftness in which they were passed. On January 11th I stood before the House and promised we would deliver on five key issues which made up the Illinois agenda. Today I can proudly say, mission accomplished. We have delivered property tax relief by extending tax Caps to Cook County. We passed House Bill 200 on January 26th and Governor Edgar signed it into law February 12th. We have delivered on crime initiatives by cracking down on gangs and sex offenders and increasing the states boot camp programs. House Bills 204 and 186 passed out of the House on February 9th. We have delivered on job creation programs by costly and cumbersome restrictions on Illinois businesses. The Governor signed the Scaffold Act repeal on February 14th and we sent the Senate House Bill 20 on February 16th. We have delivered on welfare reform by providing the opportunity and the incentive to get people off public assistance and on to private payrolls. We have sent Senate Bill 10 to Governor Edgar today. And we have delivered on education reform by giving the schools the power and responsibility to help themselves with mandate waivers and charter schools. We passed out our education reform proposals today. Ladies and Gentlemen on both sides of the aisle, you deserve a tremendous amount of credit and congratulations for your hard work and efforts. We on this side of the aisle are committed to the ideas of



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less government and more individual responsibility. And as Republicans, this may be a moment of personal satisfaction, but I also believe it is a time for triumph for all the Members of this House and all the people of Illinois. So, I want to thank the Members of the General Assembly for their hard work and their cooperation in these last few weeks. We still have a lot of hard work to do. When we return, we'll hear the Governor's budget address. For now, I think we can all return to our homes this next week and tell our constituents about our achievements in Springfield and say, mission accomplished. So, Mr. Speaker and Ladies and Gentlemen of the House, our schedule for next week will be Perfunctory Session of February 21, 22, 23 and 24 and we will return to Session on March 1st to hear the Governor's Budget Address. Furthermore, we will delete from the schedule the scheduled date on March 6th and we will not have session on that date. The committees posted for Tuesday, February 21st are cancelled and will be reposted beginning March 1st and that week. So, Mr. Speaker and Ladies and Gentlemen of the House, I thank you very much for all your cooperation. Thank you."

Speaker Daniels: "Now moves that the House stand adjourned until Wednesday, March 1st, 1995 at the hour of 11:30 a.m. All those in favor will signify by saying 'aye'; opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it. And allowing for perfunctory time for the Clerk, the House now stands adjourned until Wednesday, March 1, 1995, at the hour of 11:30 a.m."

Clerk Rossi: "Introduction and First Reading of Senate Bills. Senate Bill 9, offered by Representative McAuliffe, a Bill for an Act Amending the Illinois Pension Code. Senate Bill 101, offered by Representative McAuliffe, a Bill for an Act

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in Relation to Police Officers and Fire Fighters. Senate Bill 102, offered by Representative Wennlund, a Bill for an Act to Amend the Illinois Pension Code. Senate Bill 113, offered by Representative Ryder, a Bill for an Act to amend the Mental Health and Developmental Disabilities Code. Senate Bill 115, offered by Representative Deuchler, a Bill for an Act to Amend the Illinois Pension Code. First Reading of these Senate Bills. Introduction of First Reading of House Bills. House Bill 2472, offered by Representative Phelps, a Bill for an Act to Amend the Unified Code of Corrections. House Bill 2473, offered by Representative Bost, a Bill for an Act to Amend the Unified Code of Corrections. House Bill 2474, offered by Representative Bost, a Bill for an Act to Amend the Criminal Code. First Reading of these House Bills. Introduction of First Reading of Resolutions. House Resolution 22, offered by Representative Dart; House Resolution 23, offered by Representative Dart; House Resolution 24 offered by Representative Mitchell; House Resolution 25, offered by Representative Dart. House Joint Resolution 15, offered by Representative Murphy; House Joint Resolution 16, offered by Representative Gash. House Joint Resolution 18, offered by Representative Dart; House Joint Resolution 19, offered by Representative Salvi; House Joint Resolution 20, offered by Representative Pedersen; House Joint Resolution 24, offered by Representative Novak; House Joint Resolution 25, offered by Representative Biggert; House Joint Resolution 26, offered by Representative Brady; House Joint Resolution 27, offered by Representative Dart; House Joint Resolution 28, offered by Representative Dart. First Reading of these House Joint Resolutions. There being no further business, House

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Perfunctory Session stands adjourned. And Perfunctory Session will reconvene on Tuesday, February 21st, at the hour of 12:00 noon and full Session will reconvene on Wednesday, March 1st, at the hour of 11:30 a.m."

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