

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

77th Legislative Day

November 14, 1995

Speaker Daniels: "The House will come to order. Members will be in their chairs. Those not entitled to the floor, please retire to the gallery. Speaker Daniels in the Chair. The Chaplain for the day is Brother Bill Tomes of the Archdiocese of Chicago. Brother Tomes is the guest of Representative Al Salvi. Guests in the Gallery may wish to rise for the invocation. Brother Bill.

Brother Tomes: "Almighty God, bless these, our brothers and sisters who represent You, who represent the people, and represent You in Your care for people. I was thinking what a terribly big crisis time it is in our country. I brought two flags here which represented our ancestors who fought for the freedom of mankind in this city. They were led by a great man without whom we would have two countries instead of one. But now I work with gangs in the housing projects in Chicago at night, standing between when they're shooting. I've been shot at about 51 times. And I've spoken at the funerals of 127 young people who were murdered, 5 years old to 25. So, I see looming black clouds, a lot of possibilities of city wars. And I have a proposal which you may think is crazy, but I was thinking...we call people white and black, but if you all put your hand on a piece of paper you see that your hand is not white and your hand is not black. God gave us all beautiful colors. And I would propose that the House of Representatives consider maybe some change in saying what color people are. Maybe people are brown and tan. Ladies at Notre Dame University and DePaul University where we spoke they said, 'No, we're peach'. And the young men, they don't want to be peach so they said, 'Well we're tan.' So if this could be put on state forms and the like, to say that we may not divide people so much, white and black.

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Nobody's white. Nobody is black. So, then also I know under consideration is a matter of helping the poor and who to help. I can assure you there are a lot of young men out selling drugs who are perfectly capable of working. And who will not get a job because they think, 'Well, I'll lose aid'. But there are other people who are not capable of working, so all that weighs heavily upon you all. Then the service organizations are laying off people in some cases so they, I know, need your consideration. So, Almighty God, thank You for the blessings that You give to these wise men and women. And we ask Your help and aid for them, through Christ our Lord. Amen."

Speaker Daniels: "We will be led in the Pledge of Allegiance by Representative Vince Persico."

Persico: "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 Daniels: "Roll Call for Attendance."

Speaker Daniels: "Representative Currie is recognized to report any excused absences on the Democratic side of the aisle."

Currie: "Thank you, Speaker. Let the record show please that Representative Martinez is excused because of illness, and Representative Kotlarz is excused for the happiest of all happy reasons, a new Democrat's been born to Joe, and his good wife, Heather. Her name is Anne Victoria. She was born November 3rd, weighing in at 7 pounds. So, Representative Kotlarz is at home cuddling Anne Victoria."

Speaker Daniels: "Our Congratulations to Representative Kotlarz and his wife. With leave of the House, the journal will so indicate. Representative Cross is recognized to report any excused absences on the Republican side of the aisle."

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Cross: "Thank you, Mr. Speaker. There aren't any excused absences on this side of the aisle. Thank you."

Speaker Daniels: "Today in the Speaker's Gallery, we have guests of State Representative Mike Bost. Please welcome the group of Nepalis Educator's Study in the Department of Work Force Education and Development at Southern Illinois University, Carbondale. Dr. Richard Desh, a professor at Southern Illinois University is accompanying the group today. Welcome to Springfield."

Speaker Daniels: "Take the record, Mr. Clerk. There are 116 members answering the roll and a quorum is present."

Speaker Daniels: "Mr. Clerk, Introduction of Bills."

Clerk McLennand: "Motions have been filed dealing with Amendatory Vetoes on Senate Bill 93, Senate Bill 442, Senate Bill 566, Senate Bill 736, Senate Bill 949, Senate Bill 1094, and Senate Bill 1133, and Senate Bill 276. Veto motions have been filed in regards to total vetoes on Senate Bill 95, and Senate Bill 245."

Clerk McLennand: "Messages from the Senate. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to recede from their Amendment 1 of Bill of the following title, House Bill 1868. Further directed to inform the House of Representatives that the Senate requests a First Conference Committee to consist of five Members from each House, to consider the differences of the two Houses in regards to the Amendments to the Bill. And that the Committee on Committees of the Senate as appointed to such Members on the part of the Senate the following, Senators Raica, Cronin, Dillard, Berman, and Carroll. Action taken by the Senate May 25th."

Clerk McLennand: "A Message from the Senate. I am directed to inform the House of Representatives that the Senate has

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adopted the following Senate Joint Resolution, the adoption of which I am instructed to ask concurrence of the House, Senate Joint Resolution 59."

Speaker Daniels: "Mr. Clerk, announcements."

Clerk McLennand: "Notice, Rules Committee will meet immediately in the Speaker's Conference Room. Rules Committee, immediately in the Speaker's Conference Room."

Speaker Daniels: "Introduction of Bills."

Clerk McLennand: "Introduction of House Bill 2558, offered by Representative Monique Davis, a Bill for an Act concerning patients' rights with respect to hospitalization in connection with childbirth. House Bill 2559, offered by Representative Biggins, a Bill for an Act to amend the Property Tax Code. House Bill 2560, offered by Representative Woolard, a Bill for an Act to amend the Video Movie Sales and Rentals Act. House Bill 2561, offered by Representative Saviano, a Bill for an Act in relation to the Board of Examiners. House Bill 2562, offered by Representative Black, a Bill for an Act to amend the Illinois Municipal Code. Introduction of Resolutions. House Joint Resolution 65, offered by Representative Lang, House Joint Resolution 66, offered by Representative Novak, House Joint Resolution 67, offered by Representative Cowlshaw, House Joint Resolution 68, offered by Representative Cowlshaw, House Joint Resolution 69, offered by Representative Cowlshaw, House Joint Resolution 70, offered by Representative Winters, House Joint Resolution 71, offered by Representative Mitchell, House Joint Resolution 72, offered by Representative Cowlshaw, House Joint Resolution 73, offered by Representative Tenhouse, House Joint Resolution 74, offered by Representative Cowlshaw, and House Joint Resolution 75,

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offered by Representative Cowlshaw. Introduction and First Reading of these House Bills and Introduction of these House Joint Resolutions. Rules Committee."

Speaker Daniels: "For what purpose does the Gentleman from Cook, Representative Schoenburg rise?"

Schoenburg: "Mr. Speaker, Ladies and Gentlemen of the House, I was not able to be with you during the last week of Veto Session because of a very special blessing that came into my life and the life of my wife, Lynne Sered, the birth of our daughter roughly two weeks ago, Michal Sigal, and many of you have called and sent along messages and good wishes and as a token of our thanks to you for your good thoughts, we have a cake here and we'd like for you to share in some of our sweetness. We've had plenty of it, amongst other things, in just this past two weeks, and we hope to have much more. So please come, make yourselves at home, and there's plenty for everybody. Thank you, Mr. Speaker."

Speaker Daniels: "Committee Reports."

Clerk McLennand: "Committee Report from Representative Cowlshaw, Chairman from the Committee on Elementary and Secondary Ed, to which the following Bill was referred, action taken on November 13, 1995, reported the same back with the following recommendations: 'do pass as amended' short debate Senate Bill 946.

Speaker Daniels: "Representative Wennlund."

Wennlund: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. The purpose of an announcement, the Legislative Sportsmen's Caucus Annual Reception Silent Auction and Public Auction will be held tonight at 6:00 at The Prairie Capital Convention Center. It's in the Buddinger Room and there's a special door for Legislators. You're all invited, whether you belong to the Sportsmen's Caucus or

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not. You are all invited. Please come join us for an evening of fun. I assure you it's always a good time. Thank you."

Speaker Daniels: "The House will stand at ease."

Speaker Daniels: "The House will come to order. Mr. Clerk, Committee Reports."

Clerk McLennand: "Committee Report from the Committee on Rules. Committee on Rules has met and placed the following Bills on the order of Motions with respective Vetoes. Senate Bill 93, 442, 556, 736, 949, Senate Bills 1094 and 1133. These are Motions to accept Amendatory Veto. Committee Report offered by Representative Churchill. Introduction of Resolution, House Joint Resolution 76, offered by Representative Cowlshaw, referred to the Rules Committee."

Speaker Daniels: "Supplemental Calendar announcement."

Clerk McLennand: "Supplemental Calendar #1 is being distributed. On the Supplemental Calendar appears Senate Bill 93. Amendatory Veto in Motion. Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I would move to concur with the Governor's Amendatory Veto, his specific recommendation for change simply extend the date of enactment to this Bill to January 1st to give the time, actually get time for implementation. I'd appreciate an 'aye' vote."

Speaker Daniels: "Representative Lang."

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

Speaker Daniels: "He indicates he will."

Lang: "Thank you. Mr. Speaker, it's a little more chaotic in here even than usual. I can't hear a thing."

Speaker Daniels: "Ladies and Gentlemen of the House. Ladies and Gentlemen. Those not entitled to the floor, please retire to the gallery. Ladies and Gentlemen, conversations can be taken to the rear of the Chamber. Representative Lang."

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Lang: "Thank you. Mr. Stephens, I did not hear your explanation.

Is the only change in this Bill an effective date?"

Speaker Daniels: "Representative Stephens."

Stephens: "Yes. The Governor simply moved the effective date from January 1 to July 1 '96 to allow more time for the retailers and the Universities to carefully craft the appropriate agreements with each other and to begin the program at a more logical point in the State and Academic Budget process. And as you recall, the Bill prohibited state institutions of higher learning and a retail store operated by that institution or on a proprietary held or leased or on property held or leased by the university or institution from issuing credit cards or debit cards or making credit sales when the credit so extended is the credit of the retail store or the institution itself unless private retail merchants in that community are afforded a reasonable opportunity to participate in that program."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. Do you have any idea why it took the Governor a page and a half in his Amendatory Veto message just to change the effective date? Is there something hidden in here I don't see?"

Stephens: "I don't believe there's anything different in there that you don't see. The effect, as I understand it, is as I've stated it in one brief sentence."

Speaker Daniels: "Representative Lang."

Lang: "Are all the proponents of the original Bill on board on the Amendatory Veto?"

Speaker Daniels: "Representative Stephens."

Stephens: "To my knowledge, yes. I've received no communications to the contrary. I don't know that I've been contacted by every original proponent of Senate Bill 93. However, I've

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been contacted by many of them. I know that the retail merchants who are the... and the NFIB are both in concurrence that we want to extend this and I've heard no objections from the universities."

Speaker Daniels: "Representative Lang."

Lang: "Who, if anyone, was opposed to the original version of this Bill?"

Speaker Daniels: "Representative Stephens."

Stephens: "Well Sir, I know you were in favor of it. So only those who didn't understand it would've opposed it."

Speaker Daniels: "Representative Lang."

Lang: "I think I did vote for this, didn't I? It must be a good Bill. I guess I should support my Governor when he does something like this. Okay, thanks."

Speaker Daniels: "No further discussion. Representative Stephens now moves for the acceptance of the Governor's specific recommendations for change with respect to Senate Bill 93. 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? Take the record, Mr. Clerk. On this Motion, there are 115 'ayes', no 'nays', and having received the required Constitutional Majority, the Motion passes and the House accepts the Governor's specific recommendations for change regarding Senate Bill 93. Senate Bill 442, Representative Black?"

Black: "Thank you very much, Mr. Speaker. Senate Bill 442 was passed by both Chambers to allow for the revocation of a professional license for anyone who has defaulted on an educational loan, that was guaranteed by the Illinois Student Assistance Commission. The Governor's Amendatory Veto deleted a requirement for hearings to be held because

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it is already done. I would move that we accept the Governor's Amendatory Veto on this Bill and that we... I'll be glad to answer any questions you have."

Speaker Daniels: "For discussion, the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hoffman: "Yes, Representative, why was the language, requiring the opportunity for a hearing before license suspension or revocation, removed?"

Speaker Daniels: "Representative Black."

Black: "It provides that either Department, Professional Regulation or Nuclear Safety, either Department may suspend, revoke, or deny issuance or renewal of a license if it finds, after an opportunity for a hearing under the appropriate Licensing Act, that the licensee has failed to make satisfactory repayment to the Student Assistance Commission. As far as I can tell, the hearing requirement is still in the underlying Bill, that the Governor's Amendatory Veto just simply took out some extraneous language."

Speaker Daniels: "Representative Hoffman. Representative Hoffman. Mr. Clerk? Representative Hoffman?"

Speaker Daniels: "Representative Hoffman, I apologize. The system was down for a second. Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. Yes, Representative Black, you had indicated that it was your belief that there still was an opportunity for a hearing in this Bill?"

Speaker Daniels: "Representative Black."

Black: "Yes. In checking with staff, whichever agency is the appropriate agency, will have the hearing. The way the Bill was drafted, it would've required two hearings, ISAC

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and The Department of Professional Reg or Nuclear Safety. The Governor thought that was duplicative and unnecessary. But there will still be an opportunity for a hearing."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Good. With regard to The Department of Nuclear Safety, what professions does the Department of Nuclear Safety regulate concerning licensure and defaulted student loans? Do you know?"

Speaker Daniels: "Representative Black."

Black: "Yes, Representative. Hello... Hello... Yes, they regulate anybody involved in nuclear safety work. Would you like me to be a little more specific? Now let's see, all right. We're excluding those registrations issued under the Radiation Installation Act which affects chiropractors, dentists, physicians, podiatrists, osteopaths, veterinarians, as DPR already has authority over those professions. So I didn't really answer your question, did I? Who's covered? I just told you who isn't covered. Hang on just a second. Okay, everybody is covered except those that I read off, who are exempted. And that would be people involved in nuclear stuff. I have no idea."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well that's probably the best explanation we've gotten from your side in a long time. Just one last question, I think our side of the aisle is in favor of the Amendatory Veto. I don't see any problem with it. The last question. Is the Department of Professional Regulations, the Department of Nuclear Safety and the Illinois Student's Assistance Commission, are they okay with this Amendatory Veto? Or do they have any position?"

Speaker Daniels: "Representative Black."

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Black: "Yes, it's my understanding, in checking with staff, that all the applicable agencies are in support of the Governor's Amendatory Veto language."

Speaker Daniels: "Representative Hoffman."

Hoffman: "I think that the Amendatory Veto is warranted and I urge an 'aye' vote."

Speaker Daniels: "Representative Cross."

Cross: "I move the previous question, Speaker."

Speaker Daniels: "The question is 'Shall the main question be put?' All in favor say 'aye', opposed 'no'. The 'ayes' have it. Representative Lang, for what purpose did you rise?"

Lang: "Thank you, Mr. Speaker. Parliamentary Inquiry."

Speaker Daniels: "State your Inquiry."

Lang: "Thank you. If this Amendatory Veto is accepted, if this Motion passes, on what date will the Bill become effective?"

Speaker Daniels: "Representative Black."

Black: "I might be able to shed some light on that. Generally speaking, in the absence of any specific effective date, I think it then goes out to July, doesn't it Representative? And there's no effective date specified in the original Bill."

Speaker Daniels: "Representative Lang."

Lang: "Well, our view would be that it is July. I just wanted to clarify that because there doesn't seem to be anything on the record. Does the Chair concur that it's July 1, '96?"

Speaker Daniels: "I'm going to leave that to the Sponsor of the Bill who stated his answer to you. Further questions? If not, the Gentleman has moved and shall the House accept the Governor's specific recommendations for change with respect to Senate Bill 442? All those in favor signify by voting

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'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? Take the record, Mr. Clerk. On this question, there are 115 'ayes', none voting 'no', 1 voting present. And having received the required Constitutional Majority, the Motion passes, and the House accepts the Governor's specific recommendations for change regarding Senate Bill 442."

Speaker Daniels: "Senate Bill 566, Representative Wennlund."

Speaker Daniels: "On Senate Bill 566, Representative Andrea Moore."

Moore, Andrea: "Thank you, Mr. Speaker. I would move to accept the Amendatory Veto from the Governor, but before I do, please permit me to read some information into the record for purposes of legislative intent. Senate Bill 566 for legislative history. The intent of Senate Bill 566 is that from the point in time when a new building is substantially completed and an occupancy permit is issued, so that the owner can begin to use the building for the purpose for which it was constructed, the full value of the building should be assessed and taxed on a prorated basis through the end of the year. For example, where a building is substantially completed in the first occupancy, or used by its owner or tenant..."

Speaker Wennlund: "Representative Wennlund in the Chair."

Moore, Andrea: "Mr. Speaker. Mr. Speaker."

Speaker Wennlund: "Representative Moore, Representative Wennlund in the Chair. Representative Moore, you may continue now. We're having a little electrical difficulties here but hopefully, they'll be cleared up by now."

Moore, Andrea: "Thank you. This is for purposes of legislative intent on Senate Bill 566. Continuing, that for example,

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where a building is substantially completed and the first occupancy or use by its owner or tenant is permitted as of June 30th, it should be assessed for 50% of its full value for that tax year since June 30th to December 31st amounts to 50% of the whole year. The references to 'a full or partial occupancy permit' in Senate Bill 566 are meant to allow assessment of the prorated value of the new building from and after the date when the building was first made available to its owner for its intended use as in this example. However, Senate Bill 566 is not intended to allow the assessment of a new building while it is still undergoing construction. That is, before the building is substantially completed. Therefore, the references to partial occupancy permits in this Bill are not intended to mean those temporary occupancy permits which are required and issued by building departments simply to allow construction crews to go into the structure to perform interior construction or finishing work. Only permits which allow full or partial occupancy of the building by the owner or owner's tenants for the building's intended use, are meant to trigger a proportionate assessment of the new building's value under Senate Bill 566. This should clarify any questions that any of the assessors may have in regard to this legislation and I respectfully request an 'aye' vote."

Speaker Wennlund: "Is there any discussion? The Gentleman from Cook, Representative Dart."

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

Speaker Wennlund "She indicates she will."

Dart: "Representative, in one of the portions of this Bill, that would go into effect as well, has to deal with the Senior Citizen Real Estate Exemption. And I understand there's no

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substantive change through the Amendatory Veto. However, is this in any way, the Amendatory Veto, does it in any way begin to deal with the cost associated with that aspect of this Bill?"

Speaker Wennlund: "Representative Moore."

Moore, Andrea: "It is my understanding that the Amendatory Veto does not address this portion of the Bill."

Speaker Wennlund: "Representative Dart."

Dart: "So, as far as, that portion stayed the same so, that is still an unfunded mandate as I look at it, and other people as well. As far as the other aspects of the Bill which the Governor's Amendatory Veto addresses, what is going to be the effect of this if the Chief Assessment Officer retains the assessment books?"

Speaker Wennlund: "Representative Moore."

Moore, Andrea: "I'm sorry. I couldn't hear. Could you repeat the question?"

Speaker Wennlund: "Representative Dart."

Dart: "My understanding is through the Amendatory Veto the Governor sets up a dual system depending on how the chief assessment officer deals with his or her books. What is that system and how is it going to work?"

Speaker Wennlund: "Representative Moore."

Moore, Andrea: "Basically, if the assessor has closed the books, the Board of Review can also make changes."

Speaker Wennlund: "Representative Dart."

Dart: "In the, if in effect, the assessor, assessing officer has already certified that the Board of Review shall assess the improvements based on the date of occupancy, how is that dealt with?"

Speaker Wennlund: "Representative Moore."

Moore: "The assessor is to make the assessment based on the time

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of occupancy or when the building is substantially completed and the assessor can make that determination."

Speaker Wennlund: "Representative Dart."

Dart: "Under that scenario, what year would the assessment be made under, though?"

Speaker Wennlund: "Representative Moore."

Moore, Andrea: "There's a provision in here that would allow, if there was occupancy before a certain date and time, then there... it's potentially possible for someone to be able to be assessed for half of the year."

Speaker Wennlund: "Representative Dart."

Dart: "Finally, the actual language in the Amendatory Veto, was this something that had been suggested or worked out with the Cook County Assessor, I believe?"

Speaker Wennlund: "Representative Moore."

Moore, Andrea: "That's my understanding."

Speaker Wennlund: "Thank you. Is there any further discussion? There being none, Representative Moore to close."

Moore, Andrea: "This language clarifies what is intended to be a good Bill. It is intended to bring tax revenues to bodies that have to provide services in a timely way and a fair way and I respectfully request an 'aye' vote."

Speaker Wennlund: "The question is 'Shall the House accept the Governor's specific recommendations for change with respect to Senate Bill 566?' All those in favor signify by voting 'aye', all those opposed signify by voting '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 Motion, there are 62 'ayes',... 108 'ayes', 2 voting 'nay', 4 voting 'present', and the House accepts the Governor's specific recommendations for change regarding Senate Bill 566.

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Announcements from the Clerk."

Clerk McLennand: "Committee notice. Rules Committee will meet on Tuesday, November 14th at 1:30, Speaker's Conference Room. Rules Committee, 1:30, Speaker's Conference Room."

Speaker Wennlund: "On the Supplemental Calendar, there appears Senate Bill 736. The Chair recognizes Representative Pedersen."

Pedersen: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with the Governor's Amendatory Veto of Senate Bill 736. As passed by the General Assembly, Senate Bill 736 makes changes in the insurance code relating to personal lines of property casualty insurance, like auto insurance and home owner's policies. With the Governor's Amendatory Veto, the Bill will be no different. The Veto simply clarifies that the Bill does not apply to other lines of insurance like, such as life and health insurance and I urge an 'aye' vote."

Speaker Wennlund: "Is there any discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Wennlund: "He indicates he will."

Lang: "Representative, what's the effective date of this Bill?"

Speaker Wennlund: "Representative Pedersen."

Pedersen: "We're looking. It's not stated."

Speaker Wennlund: "Representative Lang."

Lang: "I didn't hear the answer. I'm sorry."

Speaker Wennlund: "Representative Pedersen."

Pedersen: "There's no effective date."

Speaker Wennlund: "Representative Lang."

Lang: "Well, I assume you mean the Bill doesn't specify an effective date. I assume the Bill will become effective at some point if it becomes law. So I'm kind of curious as to

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what the effective date of the Bill will be if it becomes law."

Speaker Wennlund: "Representative Pedersen."

Pedersen: "Well, if it's not mentioned, it will become effective June 1 of '96."

Speaker Wennlund: "Representative Lang."

Lang: "I assume you mean July 1. Let me go on. I have talked to a few people about this and I don't think I have any problems with the Governor's changes. I think we're prepared to support them. But can you explain, rather than just reading what he did, tell us what this means? A lot of us don't understand the insurance business as well as you do, Sir. We'd kind of like to know what these changes do."

Speaker Wennlund: "Representative Pedersen."

Pedersen: "Well, as I mentioned, this Bill does not change, it is no different. We're just clarifying something so that it doesn't have some unintended consequences. But if we want to go back over the Bill... More specifically, the Bill provides that a policy or a renewal of such insurance may not be rescinded after the policy has been in effect for one policy period, or one year, whichever is less. Under current law there is no time limit, which allows insurance companies to rescind the policy after it has been in effect for many years. Consequently, by imposing a time limit on insurance rescissions, the Bill provides an important safeguard for the consumer."

Speaker Wennlund: "Representative Lang."

Lang: "So I understand, I think, now what the Bill does. Can you shed some light for us as to why the insurance companies need to do this?"

Speaker Wennlund: "Representative Pedersen."

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Pedersen: "Well, I think, philosophically, what we're really talking about... that there should be from a consumer standpoint, insurance companies have a right to investigate and check your driving record and what have you or your claims and so forth. And there should be a time, a period, after which, you know, the insurance companies have had ample access to the record and that it should be cut off, so that after several years go down the road, that the insurance company can't just cancel."

Speaker Wennlund: "Representative Lang."

Lang: "And so if they don't have to attach the original application at the time they do this, my understanding is that this is really is an environmental Bill because we'll be saving paper. Is that correct?"

Speaker Wennlund: "Representative Pedersen."

Pedersen: "Well I suppose there is a little spin-off there. I mean, the original application would still be in the file of the agent."

Speaker Wennlund: "Representative Lang."

Lang: "Was there anyone opposed to the original Bill, Sir? I don't mean anyone in the world, but I mean anybody in the General Assembly, or any interest group, that may have testified against it in Committee?"

Speaker Wennlund: "Representative Pedersen."

Pedersen: "I don't recall any."

Speaker Wennlund: "Representative Lang."

Lang: "One additional question. There's nothing at all about a Zamboni in this Bill, is there Representative?"

Speaker Wennlund: "Representative Pedersen."

Pedersen: "That reminds me, I asked that Zamboni driver to get back to me, and I've left several calls. And I'm still curious to know whether you represent their union or not."

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Speaker Wennlund: "Representative Lang."

Lang: "I'm sorry. I do have one more question asked by my colleague, Representative Granberg. He wants to know if ALEC has approved this Bill before you proceeded with it?"

Speaker Wennlund: "Representative Pedersen."

Pedersen: "ALEC who?"

Speaker Wennlund: "Representative Lang."

Lang: "Well, I certainly rest my case. I think we ought to vote to accept the Gentleman's Motion."

Speaker Wennlund: "There being no one seeking recognition, the Chair recognizes Representative Pedersen to close."

Pedersen: "Thank you, Mr. Speaker. I urge an 'aye' vote for this Bill and this Amendatory Veto because it's a real step forward for the consumer in this state."

Speaker Wennlund: "The question is 'Shall the House accept the Governor's specific recommendations for change with respect to Senate Bill 736?' All those in favor signify by voting 'aye', all those opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion, there are 115 'ayes', none voting 'no', none voting present. In having received the required Constitutional Majority, the Motion passes, and the House accepts the Governor's specific recommendations for change regarding Senate Bill 736. Ladies and Gentlemen, the House will stand at ease for approximately 30 minutes while the electricians work on the sound system. The House will reconvene at 2:00."

Clerk McLennand: "Rules Committee will meet at 1:30, Speaker's Conference Room. Rules Committee, 1:30. The House will reconvene at 2:00."

Speaker Wennlund: "The House will come to order. Ladies and

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Gentlemen, please be in your seats. Committee Reports."

Clerk McLennand: "Committee Reports and Rules by Representative Churchill, Chairman of Committee on Rules to which the following Resolutions were referred; action taken on November 14, 1995. Reported the same back with the following recommendations; 'do adopt' House Joint Resolutions #65, 67, 68, 69, 70. House Joint Resolution 71, 72, 73, 74 and House Joint Resolutions #75 and 76. Message from the Senate by Jim Harry, Secretary of the Senate. 'Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a Bill with the following title; House Bill #854, together with Senate Amendments #3 and Senate Amendment #4. The adoption of which I'm instructed to ask the concurrence of the House. Passed the Senate as amended November 14, 1995'."

Speaker Wennlund: "On the Supplemental Calendar, under Amendatory Veto Motions, appears Senate Bill 949. The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to accept the Governor's Amendatory Veto of House Bill 9...I'm sorry, Senate Bill 949. What..."

Speaker Wennlund: "Ladies and Gentlemen, please give Representative Kubik your attention. Let's have a little courtesy here in the House Floor and let's break up these groups that are holding side conversations in sidebars, so we can get on with business of the day and move along. Representative Kubik, please continue."

Kubik: "Thank you, Mr. Speaker. With the Amendatory Veto, the effect of the Bill now would allow...would provide that municipalities and counties having at least 150,000 people

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but less than 180,000...185,000 people made petition for incorporation if any part of a territory within 25 miles of the state line. The Bill essentially changes the rules for incorporation for those types of communities. That is all the Bill does at this point. This Bill passed by 117 votes to nothing. I'd be happy to respond to any questions and would appreciate your support."

Speaker Wennlund: "Is there any discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker, a Parliamentary Inquiry. Mr. Speaker, are you familiar with the case of Mulligan versus Joliet Port Authority? So, are...you are familiar with that case, Sir?"

Speaker Wennlund: "Vaguely."

Granberg: "And based on that case, we're asking a ruling on how many votes it would take to accept this Amendatory Veto, because it does have an immediate effective date. Is our position based on that well-argued case? Unfortunately, the loser in that case, I think, it was very meritorious, the points that he made. But based on that case, we believe it takes 71 votes to accept this Amendatory Veto. We would ask the Chair, based on that decision of 'Mulligan versus Joliet Port Authority' and the distinguished counsel involved on both sides of that case to rule that it does, in fact, take 71 votes."

Speaker Wennlund: "The Parliamentarian ruled that this Motion requires 60 votes for passage. Thank you for the inquiry. Is there any discussion? The Gentleman from Cook, Representative Lang."

Lang: "Just an inquiry of the Chair before I proceed."

Speaker Wennlund: "State your inquiry."

Lang: "Thank you. We're wondering if the lawyers' fees were paid

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in that case?"

Speaker Wennlund: "I have a vague recollection that the check was in the mail. Representative Lang."

Lang: "Sounds like some of my clients. Will the Sponsor yield?"

Speaker Wennlund: "He indicates he will."

Lang: "Thank you. Representative, all the Amendatory Veto did was change the date from '96 to '98, is that correct?"

Speaker Wennlund: "Representative Kubik."

Kubik: "No, it did not, Representative. There was a provision in the Bill that would allow a county of less 150,000 population to incorporate. That is probably better known as a 'Dozierville' provision. The concern...there was some concern raised regarding flooding and opposition from FEMA and emergency management authority and for that reason, that provision was stricken from the Bill. So, that was Representative Deering's provision. But that's what the Amendatory Veto does. It removes that provision."

Speaker Wennlund: "Representative Lang."

Lang: "Is the City of Chicago okay on this Amend...this change that the Governor has made?"

Speaker Wennlund: "Representative Kubik."

Kubik: "The earlier provision, you know I think that we probably all have these analyses which are probably incorrect. The provision which I had placed in the Bill for the City of Chicago was removed in the Senate. So, we passed the Bill without that provision in it. So, you know, I think we're all working with maybe slightly dated material. But that provision which I support, and I think it's a good idea. Our friends on the other side of the rotunda didn't have our foresight and our progressiveness, so they did not want that provision in the Bill."

Speaker Wennlund: "Representative Lang."

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Lang: "I think you've been taking lessons from Representative Cross. I asked you a quest...I asked you the time, you told me how to build the watch. Let me ask you the question again. Where is the City of Chicago on this proposal now? Do they have an opinion?"

Speaker Wennlund: "Representative Kubik."

Kubik: "Representative, I have...Representative Cross is a fine fellow and I would do anything to emulate Representative Cross, but be that as it may, the City of Chicago is not affected by this Bill at all. So, I really don't know what their position would be. They were initially supportive of the Bill because of the other amendment. But now that this Bill does not affect them at all."

Speaker Wennlund: "Representative Lang."

Lang: "Do you have any inkling who is...might be against this or is anybody against this, based on what you know?"

Speaker Wennlund: "Representative Kubik."

Kubik: "I will give you an un-Cross-like answer and tell you that I know of no opposition."

Speaker Wennlund: "Representative Lang."

Lang: "What about the people in the areas specifically affected? I understand that's Kaskaskia, is that correct?"

Speaker Wennlund: "Representative Kubik."

Kubik: "That provision was, as I said earlier, stricken from the Bill. It is my understanding that they would rather it remain in the Bill, but you know, I don't know that they're in opposition to this particular...the Bill as it stands now. It did pass the Senate and the Bill was originally from the Senate. So, I frankly don't know how Kaskaskia feels about it. No."

Speaker Wennlund: "Representative Lang."

Lang: "Well, you wouldn't really expect us just to vote for this

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or against this because of anything the Senate did. We should do our own thing here, right, Representative?"

Speaker Wennlund: "Representative Kubik."

Kubik: "Absolutely."

Speaker Wennlund: "Representative Lang."

Lang: "Well, I've heard from no one on this Bill. That's why I've been asking these questions. I'm not yet sure what the Bill does, who's against it, who wants it, who doesn't want it. But since no one's come to me and I have such great respect for the Sponsor, even when he doesn't answer my questions, that I will support your Motion, Sir."

Speaker Wennlund: "Any further discussion? The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. Just a couple of real quick ones here. I was looking through this...the veto message. There apparently are some people in this area Dozierville that do not want to be participating in this program, is that the concern?"

Speaker Wennlund: "Representative Kubik."

Kubik: "Representative Cross, as I...Representative Cross, I'm sorry. How could I do that to you, Tom, I apologize. Representative Dart, he'll get at least two minutes to respond to that. As I understand it, Representative Dart, the concern that was raised regarding the Dozierville provision was that this area apparently floods. You guys look great, I can't tell you apart. This area floods and the Federal Emergency Management Association, FEMA, for a lack of a better term, FEMA is opposed to the provision that was in the Bill because they believe that it might prevent certain people in that area from getting flood insurance. And so the Governor, in responding to that concern, had that provision stricken because they may

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incorporate and then say they do not want to participate in flood insurance, those residents would not be allowed to buy flood..."

Speaker Wennlund: "Representative Dart."

Dart: "So, would these individuals have the option for local autonomy or is that now being prohibited? Are we saying that they can't do that or, they still have that as an option but just under a different vehicle?"

Speaker Wennlund: "Representative Kubik."

Kubik: "They are in an unincorporated area, as I understand it, at this point in time. No, they would not have an option to incorporate. That's why the amendment was originally proposed, so that they would be allowed to incorporate. But the problem is, that if they incorporate and they decide not to participate in the flood insurance program, there are some people that would not be able to buy flood insurance. So, I think there's some communication problems here and, perhaps, I know Representative Deering is very interested in this issue, perhaps we can address this at another time when everybody's on the same page. But right now, there was some concern on that provision. So, the provision was stricken."

Speaker Wennlund: "There being no one further seeking recognition, Representative Kubik is recognized to close."

Kubik: "I think this has probably gotten more discussion than it deserves. I would appreciate an your 'aye' vote."

Speaker Wennlund: "The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to Senate Bill 949? All those in favor signify by voting 'aye', all those oppose signify by '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,

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take the record. On this Motion, there are 115 'ayes', no 'nays', none voting 'present' and this Motion, having received the Constitutional required Majority, the Motion passes and the House accepts the Governor's specific recommendations for change regarding Senate Bill 949. On the Supplemental Calender, under Amendatory Veto Motions, appears Senate Bill 1133. The Chair recognizes the Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker, I would move to accept the Governor's Amendatory Veto on Senate Bill 1133. I would indicate to the Members of the House, that this Bill was created to form a single survey for the often duplicative and certainly repetitive surveys that take place in long term geriatric care facilities. We wanted to do it immediately. The Governor suggested that a task force study design and implement a pilot program to see how it works, that automatically sunsets on June 30, 1997. And after that date, contingent upon the pilot results, a single survey process would be implemented statewide. While I would like to see this happen as quickly as I can, I believe the governor's request to do it in a more timely and deliberate fashion is well-founded and for that reason, I would ask this Assembly to accept the Amendatory Veto of the Governor. Mr. Speaker, I would be happy to answer any questions."

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

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

Speaker Wennlund: "He indicates he will."

Lang: "Thank you. Representative, in conducting the single survey, will the legislation to call on the Department of Public Aid to reduce the number of nurses involved?"

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Speaker Wennlund: "Representative Ryder"

Ryder: "Representative Lang, that's one of the reasons that the Governor amended this Bill with his Amendatory Veto. Obviously, if we conduct a single survey that will free up other Members to...who normally have this task, to do one of two things; either they will be responsible to more diligently enforce the rules and regulations of the state. And I think that's clearly a possibility or they will be assigned to other tasks. As you know, the Department of Public Aid has not been doing a survey for approximately two years, because long term care has had a rate-freeze. So, these folks have not been doing that task. Under the Bill and under the Amendatory Veto, the Department of Public Aid still maintains the rate forming function as required by HCFA and as at least as is required by the department...the federal department that reimburses us. I don't know how this is going to be under the new block grants, if they occur. The direct answer to your question is, no one is intended to be laid off. In fact, we believe that all of them can be used diligently in order to more rigorously enforce the rules."

Speaker Wennlund: "Representative Lang."

Lang: "As I understand it, there's a new federal mandate in this area that's supposed to take place in 1996. How does that impact what you're doing with this Bill and the changes the Governor has made?"

Speaker Wennlund: "Representative Ryder."

Ryder: "Representative Lang, I'm not conversant with the details of the mandate that you're discussing, although I would...it's my understanding it is part of the changes within welfare as we know it from the federal government. There's going to be a lot of changes whenever they get

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their act together to do what it is. There's going to be a lot of changes in this area, up to and including Block Grants. So, as a result, the Governor was able to temper our enthusiasm to immediately move to this system to suggest, let's wait to see what the federal government does. Let's wait to see where we are in this welfare game, and let's diligently and deliberately go about this process in order to achieve the result that's intended rather than to put up a situation now or a system now, that we would have to change next year. That's why that the sunset date is June 30, 1997, after the 1996 mandate, if it comes."

Speaker Wennlund: "Representative Lang."

Lang: "Well, does ...will this Bill then allow us to be in compliance with the Federal Mandate or will this Bill keep us out of compliance with the Federal Mandate?"

Speaker Wennlund: "Representative Ryder."

Ryder: "I believe that the original Bill may have caused us some concern with that Federal Mandate. So, your question is well phrased for the original Bill, but because the Bill now has a June 30, 1997 date for the formation of the pilot project of the single survey, I don't believe that the Federal Mandate should cause a problem with the Bill itself. It's my anticipation that those who are taking part in this study, this task force, to put together the form and the protocol will have to take in all mandates present and future before they report it out and before the pilot projects take place."

Speaker Wennlund: "Representative Lang."

Lang: "What impact will this have on the already outrageous Medicaid debt that we have in this state?"

Speaker Wennlund: "Representative Ryder."

Ryder: "I ask you to repeat that 'cause the only thing I heard

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was 'outrageous'."

Speaker Wennlund: "Ladies and Gentlemen, please give Representative Lang some courtesy here and listen to his question so that everybody can hear. Representative Lang, proceed."

Lang: "Thank you. I'm surprised that the only word you heard was 'outrageous'. Of course, I'm usually that, but the question is will...he's shocked and appalled. The question is, will this have any impact on our already outrageous Medicaid debt?"

Speaker Wennlund: "Representative Ryder."

Ryder: "I would suggest that when this Bill does take effect, which will be in the calendar year of 1997, that we will have already had significant reduction of the amounts owed to providers. In fact, it's my information that the amount owed to providers has been decreased substantially as a result of the budget that we passed last May. And that all indications are that, that reduction will continue throughout the rest of this fiscal year. If we exhibit the same kinds of constraints in the next budget, I would hope that by the time this Bill becomes effective that we would of effectively have reduced that to only current obligations."

Speaker Wennlund: "Representative Lang, please bring your question to a close. Representative Lang."

Lang: "Thank you. Well, I would suggest to you first, that still having a billion dollar debt owed is still a pretty large debt, despite your interest in reducing it. Let me just ask one additional question. There will be some cooperative arrangements between public aid, aging, and public health, who will oversee these arrangements? Will it be JCAR, will it be the General Assembly? How will we

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know that these cooperative arrangements are fair and proper and who will be the oversight over those?"

Speaker Wennlund: "Representative Ryder."

Ryder: "First of all, as to the debts, I believe that we'll soon be below a billion and I believe that, that will continue to decrease. When one anticipates that 30 days is approximately \$780,000,000, I believe that we're doing an outstanding job on reducing that debt. The Joint Committee on Administrative Rules has authorization and authority over Rules. The General Assembly has general authority over budgetary and other matters. I think that answers your question."

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

Dart: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Wennlund: "He indicates he will."

Dart: "Representative, I just have a couple quick questions here. The Department of Public Aid at differing points, had concerns about this Bill and one of them was the way this was going to change the way the rate was set. Do you anticipate, based on this, that there is going to be an increase in cost, based on the change in how the rates going to be set?"

Speaker Wennlund: "Representative Ryder."

Ryder: "It would be my hope that if there is going to be an effect on the cost and it's going to reduce it, the Department of Public Aid will maintain the rate-making role that's required by the federal government under current mandates, but it is our belief that consolidation of the surveys and rigorous enforcement of a single survey will work in order to try to keep down the cost of Medicaid and long-term care."

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Speaker Wennlund: "Representative Dart."

Dart: "Well...some questions and answers public aid put together, they seem to be of the opinion that in other states where they've had similar rate-setting authorities set up, that is has increased the cost. And I can see their logic here too, because now instead of having public aid keeping track of the purse, you're going to have people who have maybe more vested interest in making sure that the health and the nursing homes is a little bit better, maybe. So, is there anything, any empirical evidence that you have either from another state or from some other source, that would lead us to believe that the combination of these groups would in fact, lessen the cost or is public aid's numbers off?"

Speaker Wennlund: "Representative Ryder."

Ryder: "Representative, I'm delighted that you're now such a strong advocate on behalf of the Department of Public Aid. Your newfound favor here is impressive to me and I congratulate you on that. Our information is that those questions that you're referring to are outdated because they don't take into effect the Governor's Veto, the Amendatory Veto. In addition, one of the reasons that the 18 months additional time was allowed in the Amendatory Veto was to satisfy all of the agencies; public health, public aid and the ex-officio members of the task force, which I know include advocates for the residents of long-term care, so that they're satisfied that we have a single source of regulation and that those regulations will be enforced. Empirically, we believe that doing this streamlines the regulation, but it also gives a single voice to those regulations. Hopefully, making the most regulated industry this side of atomic energy, the most regulated industry, have a better enforcement and a better

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knowledge of the rules. From that we would hope that it would have some positive effect on the cost of long term care. I would not be so bold, however, as to suggest to you that this small change of a single survey would be sufficient to reduce the cost. I'm not quite that naive."

Speaker Wennlund: "Representative ...There being no one further seeking recognition, Representative Ryder is recognized to close."

Ryder: "Thank you, Mr. Speaker, I would simply ask for an affirmative vote to accept the reasonable Amendatory Veto of the Governor to Senate Bill 1133. Thank you."

Speaker Wennlund: "The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to Senate Bill 1133'. All those in favor signify by voting 'aye', all those oppose, signify by voting '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 Motion, there 114 voting 'aye', 1 voting 'no', 0 voting 'present' and this Motion having received the Constitutional Majority, the Motion passes and the House excepts the governor's specific recommendations for change regarding Senate Bill 1133."

Speaker Churchill: "Representative Churchill in the Chair. Mr. Clerk, do you have any announcements?"

Clerk Rossi: "Supplemental Calender #2 is being distributed."

Speaker Churchill: "For what reason does the Gentleman from St. Clair, Representative Holbrook, rise?"

Holbrook: "Mr. Speaker, in that last vote, I should have been recorded as 'aye' instead of 'no'; there must have been a mistake here, I'm sorry. Can the record show that?"

Speaker Churchill: "The record will so reflect."

Holbrook: "Thank you."

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Speaker Churchill: "On Supplemental Calendar #2, HJR 67, Representative Cowlshaw."

Cowlshaw: "Well, thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, as a word of introduction, the next dozen or so Resolutions are all items that address the waiver request that have come to us from school districts throughout the state. As you will all recall, in the Spring we passed a Bill to permit local school districts to submit either waiver or modification requests, to permit them more flexibility in their attempt to either meet the mandates that the school code requires or in some cases, if they believe that that was not necessary because of some unique local situation, even perhaps, to excuse them from one. There were, as I understand it slightly more than 100 such requests received at the State Board of Education from school districts throughout Illinois. Of those, approximately 40 were determined by the State Board to fall within the modification category. That is, these people were not asking that they simply be permitted to fail to comply with the law, rather they were asking to meet the intent in a non-traditional way. The State Board of Education therefore acted on those approximately 40 requests. They then forwarded approximately 60 requests to us because it was their determination that these were things that came so close to actually being a waiver of a legal requirement within the school code, that they believe that only the General Assembly should have the authority to act upon those items. The law, as you will remember, simply states that any request that is forwarded to us by the State Board of Education, that we take no action upon, is automatically granted within 30 days. So, we have only 30 days from the time that these were received here, in

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order to act upon them, if we wish to deny them. If we take no action whatsoever, the request is granted. Consequently, most of these Resolutions are Resolutions asking that declaring that the request should be denied. Let us begin please, with House Joint Resolution #67. This is the request made by the Brimfield Community Unit School District 309 with respect to school accreditation. This is identified in the report filed by the State Board of Education as a request #WM3950006-2, and we are, in this Resolution disapproving this request. This request was made by Belleville District 118 in regard to school accreditation. It was also made by the Wolf Branch School District 113 and the Woodriver-Hartford School District with respect to school accreditation. And finally also, by the Northbrook School District with respect to school accreditation. In each of these cases the school district has asked to be exempt from the state requirements for accreditation. It is the suggestion of the State Board of Education, as well as many others who understand that there is a solemn obligation on the part of the State of Illinois to be certain that there are standards that school districts must comply with. Those standards are all wrapped up in accreditation and accountability. It is the view of the State Board of Education, as well as my view that these requests should be denied. Thank you, Mr. Speaker, and I would be glad to answer any questions."

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

Lang: "Thank you, will the Sponsor yield?"

Speaker Churchill: "She indicates that she will, please proceed, Sir."

Lang: "Representative, I'm concerned about the program that was

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undertaken to determine which of these Resolutions would come to the Floor and which would not. How was a determination made as to all of the other waiver requests that they would just be approved by inaction?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Representative Lang, I met last week with various Members of the Senate. I have met with various Members of the House. I have met with people representing the State Board of Education and so on, in regard to what kinds of things we ought to even consider denying. The purpose of the waiver law in the first place, was to increase local control of the decision-making for schools. Consequently, it seemed as though we ought to arrive at some philosophical approach to what we are doing in dealing with these requests. And it seemed to me that unless there is a compelling reason to deny one of these requests, then we should grant it. I'm sure you remember, that there is even a requirement that in each school district they have to hold a public hearing before they can actually take action on sending in this type of request. We have to assume that not only have they had that public hearing, but that we have to assume that this is in accord with the views of that local constituency or that school board would not have sent it to us. So, my reason for believing we should deny these accreditation requests is a compelling one, I think. It is compelling, because to me, it is a means of the state being certain that there are standards that all school districts must meet."

Speaker Churchill: "Representative Lang."

Lang: "So then, I guess the answer to my question is that you decided. You decided. Representative Mary Lou Cowlshaw from Naperville, Illinois, decided that all the other

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waivers would be approved by inaction of this Body. Is that correct?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Mr. Lang, as I just explained to you, I consulted with a great many people and this was a joint decision. It was not made by me alone."

Speaker Churchill: "Representative Lang."

Lang: "Well, who was this joint decision made with? Were there any Democrats in the room? Tom Ryder apparently was in the room. He's pointing at himself. You said certain Members of the Senate, I would assume that would not include the Minority Leader, Mr. Jones. Certain Members of the House, I assume that would not include Minority Leader Madigan. Members of the Senate I'm sure, would not include the #1 acknowledged expert in the area of education in the Illinois Senate, Senator Berman. I assume he was not in the room. Who was in the room, Representative? Did you make these decisions with a clique of Republican Legislators?"

Speaker Churchill: "The Chair may have misheard. Did you say Representative Ryder was a Democrat? Is that what you said? I thought that's what you said."

Lang: "I didn't say that, no."

Speaker Churchill: "Oh, okay. Representative Cowlshaw."

Cowlshaw: "I would like to point out to you, Sir, that both the House and the Senate Education Committees have held hearings on these issues. Two hearings by the House Committee and one...no actually, two also I believe, by the Senate although, with them it was not two separate ones. One of them was an adjourned. The first one was adjourned and then reconvened as the second meeting. All of those meetings included Members of the Democratic Party and

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Legislators from both the House and the Senate. And, Sir, this morning you are quite right, that Senator Arthur Berman is one of the most well respected Legislators we have here; particularly, in regard to the Chicago schools. I consulted with Senator Berman just this morning."

Speaker Churchill: "Representative Lang."

Lang: "Well, you had these Committee meetings but you just got finished telling me in response to my first question that you and a group of Legislators got together with the State Board of Education and made these determinations. In these committee meetings that you had, in the public committee meetings, did you go through each one of the 100 some odd requests publicly and decide which one should come to the Floor and which one should not? Did you do that at a public hearing with testimony, Representative?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "We notified through proper notifications all areas of Illinois that we were holding these hearings and they were in the subject of these waivers. If some subject was not raised at these hearings, it was because there was nobody either for or against that waiver request from that particular school district who cared enough to come to the hearings."

Speaker Churchill: "Further discussion? The Gentleman from Dupage, Representative Tom Johnson."

Johnson, Tom: "Yes, Mr. Speaker and Members of the House, I wish to speak to this Bill and I'm only going to speak on one of these Resolutions because my argument is not with a denial or an acceptance of any of the individual waivers that we are going to be talking about here today. In fact, I might very well have a disagreement or strongly favor one of the individual waivers that are here, however, I believe that

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when all of these waivers were initially put in the code, there was probably compelling arguments made or they wouldn't be there to begin with. Over the years we have learned that we have wasted resources, we have not achieved the results that we had been after in our public education and in fact, determined that the best way was to return local control to local school boards to make these decisions. We put in safeguards in that overriding legislation. We said that...first they have to have a plan. They would then have to have public hearings and submit their plans here to Springfield for approval or denial of the waiver request. In my opinion, we are very, very wrong if we deny any of these waivers today or request for waivers. Because the bigger issue here is, are we going to adhere to the wisdom of our locally elected boards of education, through the public hearing process, to do what they believe is important to achieving the results, namely the fine education of our students. If there are problems in the original waiver law, that perhaps we should write in that you're not going to be permitted to submit waivers for corporal punishment or life safety issues. That's a bigger issue in terms of the overriding law, but for us to individually cherry pick which waivers will be accepted or not accepted on the Floor of this House right now, I believe that we are undermining everything that we all did the past year; namely, returning the local control. And, we are now going to impose, based on my feeling of whether this mandate is good or bad, once again, we are back into the business of electing to mandate our school districts on individual requests here today. I would urge all of you to think seriously about this and I personally intend to vote to accept the policy that it is in the best

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interest of our students and the education system that these decisions be made at the local level. And therefore, I will not support any rejection of waivers on this Floor today. Thank you."

Speaker Churchill: "Further discussion? The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I guess before I stood up here I was going to take a track of taking one position or the other but the preceding speaker, Representative Johnson has really defined an area that I was going to discuss and I agree totally with his comments. I filed a Motion about a month ago to deny all waiver requests to deny them all. And I agree with Tom Johnson that you know, if you're going to do a Waiver Bill and let the school districts govern themselves, then let's grant all the waivers. Let's do it. Let's do it the way the waiver program is supposed to be. I don't know, as Tom has said, I don't know who and what track we've used to decide how we're going to vote on these ten Resolutions. I voted on these over the last twelve years in committee and here we are right now, going to micromanage the educational system that the Education Committee has worked on for the 12 years, 13 years that I've been here. I voted on these issues before, and now we've brought all those issues back to the House of Representatives working as a large committee of the whole. That's what we're doing right now. We're working as a committee of the whole on educational issues that should be handled in Education Committee. Period. So, I think we're on the wrong track and I know I've said this before to Mary Lou Cowlshaw, the Chair of the Education Committee, that this is not the path that we ought to be taking, because we're wasting, as far as I'm

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concerned we're wasting the time of the House right now micromanaging the education system of this state. And I'd suggest that we figure out a way of correcting, as Representative Johnson has said, correcting the Mandates Bill if that's what it takes...the Waiver Bill, excuse me, the Waiver Bill so that it fits into the process so it doesn't have to come back here again. And so, I would oppose the process. I know I'm going to have to vote on everyone of the Resolutions but...and I will vote as I see fit on each one and everybody of course will, but I just object to the process."

Speaker Churchill: "Further discussion? The Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Mr. Speaker. Mr. Speaker, I couldn't agree more with Representative Brunsvold that this is not the way to address our educational system here in the state. However, as Representative Brunsvold said, we are going to be voting on these. So, I have to do what I feel is best for the students in my area and the students of the state. And I have to speak to this issue on these waivers for school accreditation. My school districts in my area have applied for these waivers, and I hold in my hand the letter from the superintendent of Wolf branch, who vehemently disagrees with the way these are being presented to us. He's not asking that the quality review process be waived for his district. He's only asking that the process they have set there, stay in place and not have to follow the guidelines of the state. The students in his district meet or exceed the IGAP testing by 96.75% of his group. In some areas it's over 99%. If we're going to let these districts run themselves, in my case and in my area, I say vote 'no' on this. Don't deny them, let them do it. Thank you."

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Speaker Churchill: "Further discussion? The Gentleman from Madison, Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. The previous Gentleman said that the problems of education, the discussion of education belongs only in the Education Committee and that should be the clearing house for all legislation and all control of local schools and I couldn't disagree more. The place that those decisions belong is at a committee level, but it's at the local committee level. And that's what this Bill is all about. It's what the Waiver Bill was meant to be and this is exactly it. Representative Holbrook just mentioned two districts in his...or two school districts in his legislative district. I'm quite familiar with those. I've visited both of those school districts. I've talked with the people who made these requests and it appears to me that the State Board of Education is...keeps telling us that they're asking for waivers, entire waivers of the law. And if you look at the forms that were filled out, that is not what they requested. It is clearly not what they requested. They wanted modifications; modifications is not the same as waiving. These are responsible people acting responsibly on behalf of the students that they want to teach and year after year, we have made teaching children harder and harder by giving more and more regulations to local school districts. That's not what made the American school system the system that it was. The key word being 'was'. Because as we decline in education ability over the years, it's because of government control in Springfield and Washington, and we are all living proof that you're no smarter because you won an election and came to Springfield. The brains of this operation is back in the

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local district. The love for the children is back in the local districts, and the decision-making should be made back in the local districts irregardless of the Education Committee's feelings here in Springfield. I think a resounding 'no' on this Resolution is a correct vote."

Speaker Churchill: "Further discussion? The Lady from Cook, Representative Monique Davis."

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

Speaker Churchill: "She indicates she will, please proceed."

Davis, M.: "Representative, I attended the hearing in Chicago, and we did not hear from all of those who had put forth waivers. If they did not attend that hearing, how has their waiver request been handled?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "I guess...I think the assumption has to be made that if they did not choose to come to either of the hearings held by the House Education Committee or either of the hearings held by the Senate Education Committee to explain why it is that they had put forth the request that they had, then I believe that it is probably a fairly reasonable assumption, that they really didn't care that much about it one way or the other."

Speaker Churchill: "Representative Davis."

Davis, M.: "So, that means that those waivers are automatically approved?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "No, as I explained during the opening statements, only those waiver requests upon which we take no action are automatically granted."

Speaker Churchill: "Representative Davis."

Davis, M.: "Those that did not attend the hearing, were they all invited? Did they all know about the hearings?"

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Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "I believe so."

Speaker Churchill: "Representative Davis."

Davis, M.: "How were they notified?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "By the 6 day posting notice that is required for all committees that are holding meetings for the House and the Senate."

Speaker Churchill: "Representative Davis."

Davis, M.: "School districts don't get the posting notices. School administrators sometimes may not even be aware that we do have posting notices."

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "I regret if anyone did not know about it."

Speaker Churchill: "Representative Davis."

Davis, M.: "Next question, Representative, is, as the Democratic spokesperson for the Elementary Education...Secondary Education Committee, why was I not invited to a meeting behind a closed door in which you, and I don't know who else, decided which waivers we would choose to deny?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "I do not make the lists of people who are invited to those meetings. Those lists are made by someone else."

Speaker Churchill: "Representative Davis."

Davis, M.: "Representative Cowlshaw, you are the Chairman of the Committee and if you don't make a decision about who's invited to a meeting in which a decision will be made about a school district, who does? Who makes that decision for you on your committee?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "A legislative leader, in whom I have the absolute total and complete confidence, the Speaker of the House,

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Lee Daniels."

Speaker Churchill: "Representative Davis."

Davis, M.: "So, so, Representative, you're an elected official who has been given the duty of chairing the Elementary Secondary Education Committee and yet, one other Representative, Lee Daniels takes complete charge and makes the decision. Does he make it alone or is there someone else that makes it? Does he make this decision alone or does he make it with other people?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Well, perhaps you should consult the person who sat in for you and attended the meeting yesterday that you were unable to attend. Maybe that person would be able to give...keep you better informed about the decision-making process."

Speaker Churchill: "Representative Davis."

Davis, M.: "Excuse me, I think I'm better informed than you are on the decision making process because I know that no...you didn't take a vote but on one Bill in that committee. You heard testimony from the few people who were notified that you were having this hearing. So, to stand up there, Representative Cowlshaw, and pretend, pretend that it's a democratic process, is worse than ludicrous. It is criminal. It is criminal what you are allowing your Speaker to do. You are allowing your Speaker to dictate to you what should happen in the committee. Now, to all those school districts, I think we have 948 in the State of Illinois. Lee Daniels is going to decide alone and away from those school boards, away from the school boards, away from the local community. Lee Daniels in a closed door with his puppet, Mary Lou Cowlshaw..."

Speaker Churchill: "Representative Cowlshaw, do you wish to

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response? "

Cowlishaw: "Mr. Speaker, if you could find a question in there, you're a better man than I am, Gunga Din."

Speaker Churchill: "Further discussion? The Lady from Cook, Representative Fantin."

Fantin: "Thank you, Mr...thank you, Mr. Speaker. I would like to relinquish my time to Representative Lang."

Speaker Churchill: "Representative Lang was not seeking additional time. I'm sorry, Representative Lang, I didn't see your light on. Was it on?"

Lang: "It is. Yes, Sir. Thank you."

Speaker Churchill: "No, not is it, was it on before?"

Lang: "Well, Sir, once you speak you can't put your light on again. You have to wait for someone to yield you their time, which Representative Fantin has done. But I'd like my full..."

Speaker Churchill: "So, I suppose since the mic is on, and you're on it anyway, why don't you proceed?"

Lang: "So, Sir, thank you. Thank..."

Speaker Churchill: "We'll give you all the time you need in that five minutes."

Lang: "Oh no, you don't want to say you'll give me all the time need."

Speaker Churchill: "Within the five minutes, though. Please, proceed."

Lang: "Will the Sponsor yield?"

Speaker Churchill: "She indicates she will, please proceed."

Lang: "Representative, were there any votes taken in your committee about which of these Resolutions would come to the Floor? Which of these waivers would come to the Floor?"

Speaker Churchill: "Representative Cowlishaw."

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Cowlishaw: "No."

Speaker Churchill: "Representative Lang."

Lang: "Were each of the 100 mandate requests, did they each come before your Committee? And for each of them did you determine which the law requires: a.) That they had a public hearing. b.) That whatever they're requesting to do, they could do more efficiently and with less cost than if the mandate was not waived?"

Speaker Churchill: "Representative Cowlishaw."

Cowlishaw: "Review of all requests was accomplished by the State Board of Education."

Speaker Lang: "Representative Lang."

Lang: "Well, so you just accepted what they recommended to you, is that what you did in your committee?"

Speaker Churchill: "Representative Cowlishaw."

Cowlishaw: "No."

Speaker Churchill: "Representative Lang."

Lang: "Well then, how did you determine for the other 90 some odd waiver requests that we do not have a Resolution here for it today, that they should not come before us? How did you go through that process?:"

Speaker Churchill: "Representative Cowlishaw."

Cowlishaw: "Sir, if you had been listening to the preliminary remarks, 40 of those requests were acted upon by the State Board of Education and never came to us at all. So I quite honestly, Sir, don't know where you get the number 97. There are approximately 60 that have actually been sent over here to the General Assembly by the State Board of Education. We have looked through those requests. I have looked through them very carefully and so have a good many other people. With the understanding that unless there is a compelling reason to deny a request, it should be

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granted. That is the standard, Sir. Unless there is a compelling reason to deny a request, it should be granted."

Speaker Churchill: "Representative Lang."

Lang: "Well, who set that standard? I don't know who set that standard. As I understand it, when you passed this Bill originally, you said that no school district would be allowed a waiver unless they could prove they could do the same thing for less money and unless they had a public hearing. Now, what did you do with the other 50 some odd requests to determine whether they had a public hearing, whether they could do the same thing for less cost?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "The...the waiver law which we passed originally, set some standards for the school districts to use in determining whether they had a valid request. One of them was, of course, that they would be able to accomplish the same thing for less money. But that was only one of the possibilities, there were several others."

Speaker Churchill: "Representative Lang."

Lang: "Well, except that they were not mutually exclusive, each of them was required. So, it was required in your legislation that they have a public hearing. So, for the other 50 some odd waiver requests that have not come to the Floor, did your Committee verify that they did not have a public hearing?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "No."

Speaker Churchill: "Representative Lang."

Lang: "Well then, why are you violating the law, Representative? We cannot, under the law you sponsored, allow a waiver request if they have not had a public hearing. Aren't you under a responsibility as the Committee Chair, if you're

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going to foist these on us and ignore the rest, to at least determine on the rest if they've had the public hearing that your Bill required?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Perhaps, you have forgotten the details of the waiver law. Every mandate request that is sent to the State Board of Education, you must remember now, this is a different proceeding than the state hearings. These are local hearings. Each one of those requests contains a description of when and where the public hearing was held, a general description of what occurred there and it is signed by the superintendent of schools, who verifies that this public hearing was held. I think perhaps we can trust them."

Speaker Churchill: "Representative Lang."

Lang: "Well, Representative, I have a stack here of waiver requests and in quite a few of them where it says, 'when was your public hearing', it says 'not applicable'. Now, you were going to allow some of these, you haven't even checked..."

Speaker Churchill: "Representative Lang to bring his question to a conclusion."

Lang: "That was a question. That was a question. 'You haven't checked these, have you?' was the question."

Speaker Churchill: "I'm sorry, we didn't hear that over the mic so, Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, I cannot hear."

Speaker Churchill: "Ladies and Gentlemen, Representative Lang and Representative Cowlshaw cannot hear each other to ask and answer the questions on this Resolution. Could we please hold the noise down so that those who are doing the debate on this may understand and hear each other. Representative

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Lang, would you please repeat your question for Representative Cowlshaw?"

Lang: "I would love to repeat this question for Representative Cowlshaw and all others who aren't listening. Representative, we have a stack of waiver requests and the first one I looked at, and I don't remember even which one it is and the line where it asks, 'When did you have your public hearing and where was your public hearing?' It says 'n/a', not applicable. The question is, did you verify that they had the public hearings as required by the law or shall we just accept the self-serving statements of whoever signed it? The people who signed it are the people that want the waivers. Should we just accept their comments?"

Speaker Churchill: "Well, Representative Lang, you surely lengthened that question from the first time you did it when you were under a time pressure. Representative Cowlshaw to answer."

Cowlshaw: "Mr. Lang, the assumption that superintendents of schools are liars who would purposely misrepresent something, I resent."

Speaker Churchill: "Further discussion? The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker. I would like to say a word on behalf of the waiver request from Brimfield high school. Brimfield points out in their request something I think that is turning into a problem throughout Illinois and they ask the question, Why, if the school district is so successful in their IGAP scores and ranks in a very high ranking, why should they have to devote teacher time and administrator time and go to all this horsing around to figure out and implement the school improvement plan process, when those individuals could better spend their

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time in the classroom working with students and doing what they're there to do?' I received a petition from some 38 teachers and administrators of Brimfield and out of respect for that request, I would have to oppose this Resolution and ask that you join me in defeating it. Thank you."

Speaker Churchill: "Further discussion? The Gentleman from Bureau, Representative Mautino."

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

Speaker Churchill: "She indicates she will. Please, proceed."

Mautino: "Representative, the...the mandate waivers which have been requested, have you...do you have an indication on how the Senate is going to view the waivers which were requested? They will have the 60 some waivers, have they...will they be choosing the same waivers or will they be able to keep these in Committee?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Thank you for your question. It's especially nice to have someone phrase a question in a way that is courteous. Thank you, Sir. I have no idea what the Senate is going to do, Sir. I at sometimes have trouble predicting what this Chamber is going to do even though I serve here. So, I'm sorry. I can't tell you what the Senate is going to do. Sorry about that. I wish I..."

Speaker Churchill: "Representative Mautino."

Mautino: "So, once we take action on these requests and I've never been a member of a school board before but it seems that I now have the opportunity since we're acting as a statewide school board, the...when goes to the Senate, if they take no action at all, some of these may in fact, become law?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Representative, I think it's important for us to make

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a couple of distinctions. The first one is, these are for individual schools districts, not for the whole state. So, even if we grant a waiver to one school district, that waiver does not apply anywhere else in the state except in that district and this is also restricted to five years. When we grant one of these waivers, it's only good for five years. At the end of that period, it has to be resubmitted if they would like to continue."

Speaker Churchill: "Representative Mautino."

Mautino: "I understand that; my concern is that next year, anything which is accepted or approved from here, is going to be applied for by the other school districts. So, we will be facing this in different school districts throughout the state. The question then goes back to, and some of these are pretty...pretty objectionable request that we're being asked to act on. If the Senate does nothing within the 30 day period, then they become law. Correct?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "That is correct."

Speaker Churchill: "Representative Mautino."

Mautino: "I appreciate the answers to the questions. On this, I can...I don't exactly follow how it was determined that out of those 60 we received the 10, but I think there is a problem within the process. I do intend to support the Resolution to deny this. I hope the Senate acts responsibly on these and I would hope that this Body would have a little more input in the future as to which of these requests we get the opportunity to vote on."

Speaker Churchill: "Further discussion? The Gentleman from Cook, Representative Pugh."

Pugh: "Thank you, Mr. Speaker. I'd like to yield my time to

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Representative Lang."

Speaker Churchill: "Representative Lang, you're a popular guy this afternoon. Are you ready for another five? Representative Lang."

Lang: "Thank you, will the Sponsor yield?"

Speaker Churchill: "She indicates she will. Please, proceed."

Lang: "Representative, I want to be as courteous to you as possible. Apparently, you think some of the questions that have been asked have been out of some lack of decorum and some lack of fairness. So, I will try to talk in a way that you feel is courteous. So, let me go back in as pleasant a manner as I can and as sweet a manner as I can to where I was, if I might. So, I still don't really have an answer to my question as to whether or not your committee or you personally, however these waivers got to us, took the time to find out if the hearings actually took place or if we, and I was not calling any superintendent a liar, but did we just take them at their word that the hearings took place? Simple question, asked in a very courteous way."

Speaker Churchill: "And now the Chair would say, Representative Cowlshaw."

Cowlshaw: "And the Chair said that in a very courteous way. Thank you, Mr. Speaker. The assumption is that if a superintendent of schools has signed a document verifying that there was a public hearing, that in fact, there was a public hearing. And consequently, I did not closely examine every detail. I simply noted that if the superintendent of schools had signed this form upon which there is this verification, I made the assumption that in fact, the public hearing had been held."

Speaker Churchill: "Representative Lang."

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Lang: "Does the statute that we pass specify any mode of that public hearing? Does it talk about what kind of notice has to be given, what kind of testimony has to be adduced? Does it discuss at all what needs to happen at that public hearing?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Mr. Lang, I'm going to try to be as accurate as I can. There may be one more requirement beyond the two that I remember, but I do know that the district is required to publish a notice at least seven days in advance in whatever is a newspaper of general circulation in the area of the school district and secondly, it is required at least seven days in advance to give notice to whatever is the bargaining unit that serves the teachers in that school district. Now I...there might be one more entity that's required to have some kind of a notice but at least, I know for sure there are those two."

Speaker Churchill: "Representative Lang."

Lang: "I appreciate that answer. Now, let me ask you this. The form talks about, 'Did you have a public hearing?' They answered, 'Yes'. I assume, and I assume you've checked all these to determine whether they answered 'yes'. But, how have you determined whether the proper notices went out? Were noted...the copy of the newspaper advertisements attached to the waiver requests? How did you confirm that the public hearing not only took place, but took place in accordance with the law?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "I did not call each and every one of these school districts and talk to the superintendent of schools and make any of those inquiries. I think there is a fundamental difference here, Sir, and the way we approach

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these things. I make the assumption that the people of Illinois are not only willing to comply with the law, but that they go above and beyond the call to do so. Particularly people in as important a position as that of superintendent of schools. There is of course I suppose, another way to look at that, and that would be, you just make the assumption that all people are trying to get around the law rather than being willing to comply with it. I'm inclined to believe that if any superintendent signed this document, that he or she was mighty certain that what they had done was in accord with the law."

Speaker Churchill: "Representative Lang."

Lang: "Thank you. Well, Representative, let me suggest to you that in these waiver applications, two school districts indicated that a public hearing did not take place. Shouldn't that make those applications null and void? Three school districts indicated that the Board of Education approved the waiver requests before the public hearing. Shouldn't that make those waiver requests null and void? Three school districts indicated there was no local Board of Education approval of the applications following the public hearing. Shouldn't that make those applications null and void?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Many of the details about which you are concerned are items that it was the responsibility of the State Board of Education to review. If you have a complaint, Sir, that is the place to lodge it."

Speaker Churchill: "Representative Lang."

Lang: "Now, if the State Board..."

Speaker Churchill: "Representative Lang, please bring your last question to a conclusion."

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Lang: "Thank you. If the State Board didn't properly do their job, does that mean we should just simply approve the waiver requests when there are documented at least eight waiver requests that did not comply with the law? Are we going to go ahead and approve these just because the State Board didn't look them up?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "We are going to do whatever a majority vote of this Chamber may be."

Speaker Churchill: "Further discussion? The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker, I'd like to change the tenor of the debate by actually talking about the Resolution before us if I may. Is that acceptable with the Chair?"

Speaker Churchill: "Sounds like a great idea, proceed."

Ryder: "Thank you. I, like a lot of Legislators, have probably visited schools and I've discovered that the one thing that teachers have talked to me about is the school improvement plan. They have railed against the bureaucracy and the paperwork. They have suggested that some of it is counterproductive. And as a result, I find that the waivers that are before us, directly relate to that issue and, in fact, on the application, and I'll just pick the Brimfield Community Unit District #309, and their narrative description they suggest that the quality review process has reduced trained professional educators to bean counters and documentation-type paper shufflers and bureaucratic hoop-jumpers rather than professional educators. The entire process has negatively impacted academically engaged time for students and stifled creative solutions to improving education. I would suggest to those of you that are here that and each and every time that we've talked to

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educators and we've talked to the State Board of Education and we've talked to the business groups and we've talked to the education groups, they have all agreed that accountability is necessary. And anyone who votes in favor of a waiver or who will therefore opposes a Resolution, I want to make it clear that by no means are we suggesting that accountability should be shelved. On the contrary, if this waiver is successful, I would call upon the State Board of Education to refine and change the process. I would call upon the State Board of Education to reduce the time of paperwork, to reduce the bureaucracy, but absolutely not, not now, not ever, should they reduce accountability. In fact, of those schools that are presently asking for a change, for a waiver, and I intend support those waivers, for those schools that are asking, 2/3 of them are already exempt by legislation that we passed. Exempt because they are exemplary schools. They meet or exceed the needs. Let us then concentrate on those that do not. Let us not avoid accountability, but rather put an emphasis on how all can achieve the exemplary accountability rather than focusing on a system of bureaucracy and paperwork that is dysfunctional, that is disillusioning and is disappointing. I suggest that these schools have, in good faith, asked us for a waiver. I can understand that the State Board may not happy if we were to grant this waiver because their fear is, if this waiver is granted, lots of other folks are going to ask, rather than that occur, I would strongly suggest that the State Board and this Legislator take a look at ways in which we can foster accountability without paperwork. That we can produce excellent results with out excessive documentation. I think that we can do that. I think that this provides us

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that opportunity. But let no one confuse the vote that I'm about to cast, by suggesting a vote in favor of this waiver is a vote against accountability. Just the opposite. Thank you, Mr. Speaker."

Speaker Churchill: "Further discussion? The Chair recognizes the Gentleman from Rock Island, Representative Boland."

Boland: "Thank you, Mr. Speaker. To the Bill. First of all, on House Joint Resolution 67, I think as Mr. Ryder pointed out we had some gentlemen from these districts who very eloquently pointed out the problems, connected with the school accreditation process. All of us, I would presume have probably heard from teachers, from administrators, from superintendents, from school board people all across our districts that there is too much paper work involved. That there is too much time taken out of instructional time. How can we be improving education if we're taking people away from the classroom where they need to be teaching the reading, writing, and arithmetic? The other part I want to speak to is dealing with the process itself. In my 'maiden' speech on the Floor here, being a newly elected Representative and as a retired educator, I spoke against the Waiver Bill, and this was one of the fears that I had, was that there was going to be a very arbitrary process and that's what this definitely is. We sat in committee for three hours or so yesterday. We heard people speaking from various districts about what they wanted waived or why they didn't want, people witnesses against granting a waiver. And we never got to vote. We in the committee, in the Elementary and Secondary Education Committee never got a chance to vote on these whether they should be approved, whether they should not be approved and whether some that aren't even on the list should be even

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considered by the total Body. And that brings me to the third point and that is that one of the very eloquent witnesses yesterday, was a lady who was very active, I believe she might have even been the head of the Physical Education Association, and in her eloquent testimony, spoke against granting of waivers on the P.E. requirement. And yet as we see, none of these waivers today, that you and I are getting to vote on are even out there. We're not even getting to vote on one of the most important curriculum matters to come before this Assembly this entire session. That's just plain wrong. So, we've got some real problems with the process. We definitely...I recommend a definite 'no' vote on House Joint Resolution 67. And, we need to go back and make this process a little more democratic where Members of the committee at least get to vote on what is going to come before the General Assembly. Thank you very much."

Speaker Churchill: "Further discussion? The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. I'd like to make a comment about this legislation and Resolution, but I'd like to ask the Sponsor if I could a couple questions for clarification. Would she yield?"

Speaker Churchill: "She indicates she will, please proceed."

Hartke: "Thank you. Now, Representative Cowlshaw, we worked together and you know I do not support the Mandate Waivers at all because I felt as many of the previous speakers have, that it's going to create mass confusion throughout the school districts in Illinois. Now, I think what Representative Mautino said is absolutely true. What we're looking at is the tip of the iceberg and what's going to happen in education. I recall last Spring as we worked on

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this legislation, Representative Brunsvold voted against it and held up the school code and said, 'Why don't we throw out the school code because that's what we're doing here.' We're allowing each and every unit to, quote 'run their own school'. Well, that may be a good idea in unfunding some mandates, moving these mandates out and let...letting local units have their own control over their situation. Sounds real good in a 'sound bite', but it's going to create all kinds of problems for us now and in the future. Let me ask some questions about, and I didn't hear exactly, both Houses must approve of any action that we have taken today. Is that true?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. Representative Hartke, the waiver law says, 'if the General Assembly takes no action, the waiver is granted'. In order for any waiver to be denied, both the Senate and House have to vote to deny it."

Speaker Churchill: "Representative Hartke."

Hartke: "And it's my understanding that it must be done within 30 days after the request."

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Well, there's just a fine distinction in there. Thirty days after the time that the State Board of Education has completed it's review of these, determined which ones are to be sent to us and then actually, physically had them delivered to the House and the Senate."

Speaker Churchill: "Representative Hartke."

Cowlshaw: "They were delivered to us on October one."

Speaker Churchill: "Representative Hartke."

Hartke: "I think she meant November 1, as opposed to October 1, because if it was October, it would be like granted already. I think she was just in error in her date."

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Speaker Churchill: "Yeah, Representative Hartke, I think Representative Cowlshaw would like to discuss that. Representative Cowlshaw."

Cowlshaw: "I'm sorry. I misspoke. It was October one that the things were delivered here, but they're not technically received until we have taken some action that says we have received them and that was on October 19. So, we have until the 19 of November to determine what we want to deny."

Speaker Churchill: "Representative Hartke."

Hartke: "It's my understanding we're still within the time frame for the absolute definite time dead line on the Bill. How many votes are required to pass this Resolution and the effective date is when?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "It is my understanding that in order for this House Joint Resolution to be successful, it would require 60 votes and it does not have an effective date because it is not a piece of legislation, it is only a Resolution. And, it awaits the Senate's action."

Speaker Churchill: "Representative Hartke."

Hartke: "Okay, but if we approve or...approve of your Resolution today which would disapprove of the request, a 'yes' vote is no, and a 'no' vote is yes, that's very confusing to understand to most of the constituents and/or school districts. How many requests do you anticipate will be at the State Board of Election next year when they have another opportunity."

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Mr. Hartke, I think that would be very difficult to predict."

Speaker Churchill: "Representative Hartke."

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Hartke: "I think it would be too, but I do believe that we can anticipate that next year we will spend days and days and weeks and weeks trying to sort this out on which school districts should and be allowed waiver requests and we set up the precedents that we had..."

Speaker Churchill: "Representative Hartke, please bring your question to a conclusion."

Hartke: "We are setting up a precedent here in Illinois with granting waiver requests and I'm concerned that as we do this and as I understand there's a request out here now to provide a Constitutional Amendment to be put on the ballot which allows local units of government to waive certain unfunded mandates and actually, we will have no business at all approving waiver requests on mandates. What are we here for? I agree again with Representative Brunsvold that if we want to waive some of these mandates and take some of these mandates and maybe ridiculous requests in the school code off the books, they should be done the same way they were put on, and that would be to introduce legislation, allow public comment and then bring it up to the elected officials here in the General Assembly. To either take them off of the books or to leave them on, because when we have waiver this, waiver that, no one will be able to understand the School Code in a couple of years."

Speaker Churchill: "Further discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House, I simply rise in support of the Resolution and I intend to vote 'yes' to deny the waiver requests as embodied in HJR 67. And I think those of...there have been some good comments on both sides of this issue, but I think some of you who say, 'well, the school...the State Board of

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Education should evaluate this and reduce the bureaucracy. I concur; I agree wholeheartedly. The school improvement programs certainly needs to be reviewed as does IGAP and other bureaucratic measures that have been foisted off on local school districts the last several years but if you'll read this and you choose to vote 'no' and grant these waivers, your sending a very confused message throughout the State of Illinois and elsewhere I might think, because you're saying that you can waive the school accreditation process. Now, I don't know about your district, but school accreditation means something in my district that I am not about to go on record as voting to waive. You need to have an accredited school district in your home districts. And what you're voting on is to waive all requirements that would require a school district to meet for accreditation. That is an extremely strange item to support. Now, no matter what differences we may have on the school code and what have been foisted off on school districts, this is a very dangerous first step that has some meaning far beyond the debate today. If you want to send a message nationwide that you don't have to be in an accredited school district in the State of Illinois. You go right ahead and send that. But, I want the children of my district to graduate from accredited schools, so they can apply to accredited universities and colleges and let's then get on with the other items. But I'll not stand here and vote to waive an accreditation process. And those of you who do, I think will regret that vote. I intend to vote 'aye' and I think it's time we move on with the vote."

Speaker Churchill: "There being no further discussion, Representative Cowlshaw to close."

Cowlshaw: "Thank you very much, Mr. Speaker, I think we all

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understand what this Resolution does, but as a courtesy to my colleagues, I want to point out to you, if you want to disapprove the request for waivers from the accreditation process, you vote 'yes'. If you want to permit these waivers, you vote 'no'. Thank you."

Speaker Churchill: "The question is, 'Shall Resolution HJR 67 pass'? All those in favor will vote 'aye', oppose will vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Lang, we are in the middle of a Roll Call, for what purpose do you rise?"

Lang: "For two inquiries, Mr. Speaker. First, the Body would like to know how many votes this takes to pass, second, there is some confusion on the Floor as to what this Resolution is. I think the Body should know that this is a Resolution to deny the waiver. So, if you want to deny the waiver..."

Speaker Churchill: "Representative Lang, Representative Lang, Representative Lang. The previous person on your side of the aisle asked these questions. Representative Hartke. And the answer was, it takes 60 votes and Representative Cowlshaw was very clear that the Motion to accept the Resolution was to disapprove the request for a waiver. So, this has been done already. We're in the middle of a Roll Call. Okay, have all voted who wish...Representative Parke, we're in the middle of a Roll Call. Have all voted who wish? Mr. Clerk, take the record, on this question, there are 56 voting 'aye', 59 voting 'nay', 1 voting 'present'. And HJR 67 fails. Next, Mr. Clerk, please call HJR 72. The Chair recognizes the Lady from Dupage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and

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Gentlemen of the House, House Joint Resolution 72 calls for us to disapprove two requests to be exempt from the requirement that sprinklers be installed in new schools or in sizable additions to existing schools. One request is from the St. George Consolidated School District #258, which is in Bourbonnais, in...what county is that? I'm sorry, which is in Kankakee County and the other is from the school district, I believe it's #113A, which is the Lemont Bromberek Community Consolidated School District. The first one, the one from the St. George district is simply an out and out request for a waiver. The other, the one from Lemont, is a request for the requirement to be delayed for a minimum of at least one year. After which time there is a possibility that there might be an opportunity for the school district to have availability of a municipal water supply. Consequently, they could avoid having the expenditure of paying for pumps in order to make sure that the sprinkler system would work if it was ever necessary to have it do so. We have had testimony, more testimony on this one issue in both of the Senate Committee hearings and in both of the House Committee hearings than any other single issue. We have heard from fire protection engineers, fire chiefs, fire marshall's, the state fire marshals office, and many other people associated with the fire service. They believe, as do I that the life of a child is altogether too valuable to risk it, even for a year of delay, in the event of a fire. I know that there are questions about the cost. Those questions were all answered when this legislation was introduced, was discussed for nearly five years, and then enacted. So we knew that there would be some costs that would accrue to local school districts. However, I am confident, Mr.

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Speaker, that right now, if we asked the parents of those children in Fox River Grove if they believe that we should spend a little extra money to protect the lives of children, they would tell us that it was worth every penny. And Mr. Speaker, I stand strongly in support of disapproving any relaxation of the requirement for sprinkler systems to prevent children from dying in fires."

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

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

Speaker Churchill: "She indicates she will. Please proceed."

Lang: "Thank you. Hello, Representative. Nice to see you. We'll try to be courteous on this Bill because I know it's a big 'bugaboo' with you when we're not courteous. So, Representative, I asked you a question on the last Resolution regarding these eight school districts that apparently did not comply with the public hearing requirement and you didn't seem to have much answer. Let me try this one on you. The law that we passed requires that any school district requesting a modification or waiver indicates somehow that these mandates can be addressed in a more economical manner and that to do that they should include in their application, a fiscal analysis, showing current expenditures on the mandate and projected savings resulting from the waiver. According to our review of the applications, only 12 school districts included any type of fiscal analysis with their applications. Why are we going to allow the others to have the waivers of those mandates without complying with the law?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, I have a request for a ruling from the

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Chair. This Resolution is about two waiver requests, just two. That's all. It is not about any of the things Mr. Lang is asking questions about. Could we please ask the Chair to insist that we stick with the question at hand?"

Speaker Churchill: "I think Representative Cowlshaw's point is well taken. Representative Lang, could you perhaps ask questions about this particular waiver request?"

Lang: "Well, so is the Chair cutting off our right to discuss the issue, generally, of how these have come to the Floor and the ones that have not come to the Floor? Are you summarily telling us, Mr. Speaker, that we cannot discuss this issue in a public deliberative Body?"

Speaker Churchill: "Representative Lang, I think you had ample time on the previous Resolution. You went through all those questions and perhaps, if we could just focus on the particular Resolution at hand, it would be helpful to the whole Body. Representative Lang."

Lang: "Well, Mr. Speaker, I have every right to ask whatever question I have regarding the process by which this Resolution got to the House Floor. And in so doing, I have to ask about other Resolutions. I'm sure that as a resident of the State of Illinois, Sir, and as someone who is concerned about mandates, you would like to know the process by which these mandates will be approved that have not come to the Floor. And I'm just simply trying to ask one question. That's all I want to know, is why were there no fiscal analyses attached to these? And are we going to allow waivers to take place by inaction of this Body when they don't comply with the law, Sir?"

Speaker Churchill: "Representative Lang, as you know, this is not a Court of Law. I cannot compel Representative Cowlshaw to answer any question. So perhaps if you'd like to ask

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the question, please proceed, and if she chooses not to answer it, then that's her choice. Please proceed, Representative Lang."

Lang: "Well, you indicated, Sir, that you're asking me to change my line of questioning. You didn't say it was up to her answer or not answer. So since you said 'Go ahead and ask', I will ask. Representative, only twelve of the school districts have provided fiscal analyses with their waiver requests. All of the rest of these are going to be approved even though they did not comply with the law. Do you not care about this?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "House Joint Resolution 72 deals exclusively and only with two requests for waiver from the requirement for the installation of sprinkler systems. Any questions about those two waivers, I will do my very best to try to answer. Any other question is irrelevant, and any other question, Sir, I very respectfully decline to try to answer."

Speaker Churchill: "Representative Lang."

Lang: "Allright. Can you tell me then if the two school districts involved here filed a fiscal analysis with their waiver request?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Yes. Thank you, Mr. Speaker. On page 4 of the St. George School District, under Roman Numeral IV, there is a fiscal analysis. It is on page 4. You can find it for yourself. It's right there in the waiver. And the application..."

Speaker Churchill: "I'm sorry. Representative Cowlshaw, please bring your answer to a conclusion."

Cowlshaw: "On the back of the waiver request from Lemont, at the very bottom of the page, the last sentence tells you what

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the fiscal impact is."

Speaker Churchill: "Further discussion, the Gentleman from Rock Island, Representative Boland."

Boland: "Thank you very much, Mr. Speaker. I rise in support of this Resolution. I don't think that any of us want to take chances on the safety of school children. This is just a common sense denial by denying this request. What little bit of money that will be saved by these districts, will be lost in higher insurance rates, will be lost if there should be some tragedy, and some child is burned and injured. They're going to be facing a lot higher lawsuits that will eat up more than what little cost they need. This, Mr. Speaker, I would say is the primary reason why this law in the beginning was flawed. We were told that there wouldn't be any problems with things like safety of children, and of course now we're finding requests to get out from under certain types of safety precautions. Thank you very much."

Speaker Churchill: "Further discussion. The Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker. Will the Lady yield?"

Speaker Churchill: "She indicates she will. Please proceed."

Novak: "Yes, Representative Cowlshaw. The St. George School District is in my legislative district. Did Mr. Steve Harmon, who is the Superintendent of Schools, did he appear before your Committee the other day? Or did he submit any information with request to their waiver request before the Committee for your consideration?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "I'm sorry, Sir. I don't recall the exact names. We have heard from a great many people. But I know there were two people who came to the hearing last Thursday in Chicago

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from Lemont who were with the administration of that school district. I believe one was, in fact, the Superintendent."

Speaker Churchill: "Representative Novak."

Novak: "Yes. I know you mentioned Lemont and I think... I don't know, that may be in Larry Wennlund's district, or some other individual's district, but St. George School District... you said there were some people that came to Chicago for the hearing. Did they submit a fiscal analysis or a financial plan to the committees for their consideration on the waiver request concerning the sprinklers?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "As I just mentioned to Representative Lang, if you will look on the addendum that was sent in by that school district on page 4, beginning about a third of the way down the page, it says 'fiscal analysis', that's where it is."

Speaker Churchill: "Representative Novak."

Novak: "Yes, Mr. Speaker, you know when this waiver first came to my attention, this waiver request, I received a letter and some documentation, some engineering plans, from the School District Administrator, the Superintendent Steve Harmon, from the St. George School District. If you're familiar with certain downstate school districts, this school district is very, very small. All buildings have one floor. There are no two-floor buildings. This School District probably has under a hundred children. And I had a lot of reservations about this waiver request, as anyone would, concerning life and safety code requirements. But when I saw the engineering plans, and when I saw the number of doorways that would be added to another addition that would be on one floor, right next to the current school, I realized that this was a reasonable request. And I didn't

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think that would impair or impede any type of life-safety requirements safeguarding our children while they are educated in our schools. That's why I wanted to ask some questions about this, wanting to know if whether there was a hearing, and what type of debate was involved, and what type of responses. But what I would like to ask my colleagues to consider this... I'd be the last person to stand up and ask my colleagues to waive life -safety requirements dealing with the safety of children in our public schools.

But I think we have to look at each school district individually. Downstate Illinois has a lot of small, minute school districts that have one, some of them may have one or two rooms. Many of them, are on one floor. Some of them don't have local public water supplies. Some of them have wells they have to deal with. So when you try to mandate on sprinkler systems, not only the cost could be impaired, but the ability of direct pressure from the well could be impaired that could affect the function of the sprinklers. So, I would ask my colleagues to think about this before they vote. I think the... a 'yes' vote, excuse me, a 'no' vote on this would allow my school district to keep and maintain the safety of their students, and at the same time, be fiscally responsible to the taxpayers of their district. Thank you."

Speaker Churchill: "Further discussion, the Gentleman from Will, Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I arise in support of the House Joint Resolution 72. Lemont, which is one of the school districts that this Bill affects is in my district. And I have, in addition to not only representing the people of Lemont, I represent an area where I live in Bolingbrook. I have the unfortunate

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opportunity to have lived in that district when it suffered a total burn down of a school building by fire that was unsprinkled. I fully support the state's requirement to sprinkle school buildings. Fortunately, in our case in Bolingbrook, and it was a new facility, it was within five, six years of being new. Fortunately in our case we had no loss of life. Fortunately we were able to reconstruct the building because it was adequately covered by insurance. But what a terrible thing could have happened in the event that that school had, in fact, burned during the time the children were there. The school district in Lemont that we're talking about, the new construction, does not have exterior doors. The school district, the school building, that I am familiar with that had a total burn down did not have outside doors to the classrooms at the time. And it would have been a tremendous tragedy. I don't think anybody in this Body would want to live with themselves the next morning saying 'I supported not putting in proper life- safety measures in that school district.' And I would just ask my fellow colleagues to vote 'yes' on this to disapprove the sprinkler system. Or to disapprove the waiver on the sprinklers. Thank you."

Speaker Churchill: "Further discussion, the Gentleman from Grundy, Representative Spangler."

Spangler: "Thank you, Mr. Speaker. Ladies and Gentleman of the House, one of these schools here which Representative Novak spoke about... Well, perhaps, let me back up a bit. I am a certified firefighter within the State of Illinois. I am also a certified fire instructor. I can tell you, having looked at these engineering plans, it takes less than a third of the time given by the State of Illinois to evacuate these two classrooms. Ninety seconds is what's

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allowed. They'll get it done in less than 30. When we talk about sprinklering a building, unless it is housed for sleeping rooms, the protection of the occupants of that building according to the Life-Safety Codes is not the primary purpose of having those buildings sprinklered. The primary purpose is to protect from loss of property. We have to use a little bit of common sense about this and look at the cost savings, knowing full well that those children will not be impeded from egress from those classrooms and this is what these school boards, and superintendents, and engineers, and everybody else has looked at. Do you think they're going to send something off to us that's going to jeopardize the life-safety of their boys and girls, their sons and daughters, their grandparents? The answer is 'no', they are not going to do that to save 80,001 incidents and 300,000 in the other. Let me tell you what would end up taking place is we have 'naysayers' out here that don't know what they're talking about when we talk about fuel load, when we talk about what is the true killers of children, or occupants in a building structure. In both instances, they're asking for a small time period of waiver, having taken into account everything else that's available. The proper placement of fire extinguishers, the width of egress, doors to the outside, cutting down the fuel load, you're not seeing physical plants in here, you're not seeing laboratories, you're not seeing anything else. These are simply classrooms, and a corridor in one instance, a faculty... lavatory, excuse me. Look at this very carefully. We set out a chance for these different respective school districts to use their common sense, their professionals that they have, and ask for a waiver. Now anybody here can bring up any of the tragic

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situations that have occurred in school districts in the past, and said 'My God, are we going to let that happen to our school children?' Well, quite frankly, if you look at all of the wood frame schools with the balloon structures, meaning that they had no fire stops, they had no egress plan, they had no escape plan, they had no alarm systems, they had nothing. Yes, indeed, it's fact that we don't want to get into a situation where we allow everybody that presents deviations from the Life Safety Code to go ahead. But Representative Novak is 100% right. You have got to take these on a case by case basis and have a number of different professionals that have worked on that, and study it carefully, not say or use an argument that we want to kill our kids in fire in a school. I resent that statement as a professional in safety very much. I strongly support Representative Novak's request and everyone should vote 'no' on this and let this go through. Thank you."

Speaker Churchill: "Further discussion, the Gentleman from Whiteside, Representative Mitchell. Representative Mitchell. Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. There's two points I'd like to make. Number one, the law concerning sprinkler systems, was in effect when the architects decided to build these buildings. There's no excuse for coming back to us and asking a waiver of a sprinkler system when they knew in the beginning what the cost would be. If you've got to cut to reach budget, you don't cut something that can save lives. The second point is, it makes no difference what the experts say will happen because we have an outside door to these rooms. Anybody that's worked with kindergartners, anybody that has seen kindergartners, and how they react when they panic, should understand that they might just

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jump under a desk, rather than walk out that door. They don't have a clue as to what's happening if there's a fire, or even a fire alarm. You can't take the chance. It's a no-brainer in this situation. The cost you're saving, the common sense here could cost a life. I would much rather take the chance on a youngster dying from drowning in a sprinkler, than dying of smoke inhalation because they didn't get out the door. And that teacher, who's really busy, might not know that they're all out. In time, I'm afraid that we would be voting on a tragedy. This is a no-brainer folks. Vote 'yes'."

Speaker Churchill: "Further discussion, the Gentleman from Madison, Representative Stephens."

Stephens: "Well, you can vote 'yes' I guess, and be politically correct and ignore all the facts. Why should we let facts get in the way? I'm told that this particular school district, and really that's what this is about, this is about the local school board making a sensible decision. These rooms have been, they've tested them to see how quickly they can get the children out. Approximately 20 seconds to evacuate the room... I don't know how long it takes for the fire to burn throughout the room in order to melt the lead in the pipes in the sprinkler system but I would assume that it probably takes longer than 20 seconds. This is not about saving lives at this one particular school. Certainly, schools... sprinklers in schools make good sense as a general rule. But the fact is, that at this particular school district they want a sprinkler when they add onto the building. And they are concerned about the safety of the children and all they are asking is for common sense to prevail. Not everything that we do here is so immanently wise that it is brighter than someone who has

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been, someone who has observed the school room and made a decision that those children can, and will be safe, when they evacuate that room, should a "little bitty" flame start, they've got 20 seconds to get out before that flame reaches the height, or they will be out in 20 seconds before that flame could possibly ignite the sprinkler system and put out the fire. So what this is about is not about saving children's lives. Don't stretch the truth that far, Ladies and Gentlemen. And don't insult the good people of this School District who love their children more than you ever will, who care about the safety of their children more than you ever will. They can make up their own minds, and yes you'll put out your direct mail pieces, or from this side of the aisle and from that, you will falsify the truth again for political gain, and you will ignore the facts. Let local school districts run their schools, let them continue to love and care for their children the way they know best. Vote 'no'."

Speaker Churchill: "Further discussion, the Lady from Cook, Representative Monique Davis."

Davis, Monique: "Thank you, Mr. Chairman. I heard the testimony in reference to the request for these waivers. And the discussion led to my opinion, that children's lives are very, very valuable. We decided, that because death is permanent, death is permanent, even though some of these superintendents said their requests were for temporary situations, for that mother who might lose her or his child, or that father, is just not worth it. It just isn't worth it. This Bill deserves a 'yes' vote which means, 'yes we disapprove your request for a waiver to have a sprinkler in your building'. House Joint Resolution 72 should have a 'yes' vote meaning, those of us who sit in

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this Body, decide that we disapprove of their request. Yes, we disapprove and we do not allow you to waive having sprinklers in your system that would be there to protect the lives of our children. House Joint Resolution 72 deserves a 'yes' vote meaning we deny the requests for them to waive the sprinkler mandate. I hope that's clear. Thank you."

Speaker Churchill: "Being no further discussion, the Lady from DuPage, Representative Cowlshaw to close."

Cowlshaw: "Mr. Speaker, the testimony that was given at the hearing referred to by the previous speaker, by members of the fire service, was the kind of thing that I wish every one of you in this Chamber could have heard. These people are concerned not only about the lives of the children, but the people who work in that building, and the firefighters who would have to go into it to fight that fire. I would submit to you that there ought to be, with the possible exception of a couple of people who may feel that because their own district is involved that they have to vote 'no'. There ought to be probably a hundred 'yes' votes up there for this Resolution, on the basis of one thing, and one thing only, Mr. Speaker. If between now and the time that they a year later or so decide to comply, if one single child were to die, in a fire, how would you feel about having voted not to protect that child? I suggest a 'yes' vote on House Joint Resolution 72."

Speaker Churchill: "The question is, 'Shall Resolution HJR 72 pass?' All those in favor vote 'aye', any 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 question there are 100 voting 'aye', 16 voting 'no' and none voting 'present'. And

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Resolution HJR 72 passes. Messages from the Senate."

Clerk McLennand: "A Message from Jim Harry, Secretary of the Senate. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives on the passage of House Bill 820, together with Senate Amendments 1, 2, and 4. In the adoption of which, I am instructed to ask concurrence of the House passed the Senate 'as amended' November 14th. In addition, the Senate has concurred with the House of Representatives on the passage of House Bill 1461, together with Senate Amendments 1 and 2, in the adoption of which I am instructed to ask the concurrence of the House, passed the Senate 'as amended' November 14th, 1995 by three-fifths vote.

Speaker Churchill: "Supplemental Calendar 2. HJR76. The Chair recognizes the lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Of all of the waiver requests, these two have probably been the ones that have attracted the most attention from the press and from others with a general interest in public policy. We have a request from the Du Quoin Unit School District 300 and from Benton Consolidated District 47, which are identical requests, essentially. They ask that we lift the ban on corporal punishment. They want to strike the children. They want to paddle them. They want to hit them. In a day when we are all concerned about crime, domestic violence, child abuse, youthful gangs, and almost anything that is related to violence, should we be enabling adults in school districts to display violence for their young charges? Mr. Speaker, and Ladies and Gentlemen of this House, I think as a public policy issue, this is the most important

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Resolution we are going to vote on today. I urge a 'yes' vote. I am opposed to the physical punishment of children."

Speaker Churchill: "Stating a discussion, the Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in strong support of HJR 76. Those of you that have been here for some time know that I was the chief Sponsor, along with Vince Persico and others. After many years of attempting to do it, we finally banned corporal punishment in classrooms. It took us awhile to get there. It was controversial. But, no question about it, the weight of medical evidence was on our side. Not only the physical abuse, but the mental and emotional trauma that go along with paddling and hitting for children was something that we finally decided as a State of Illinois, that we wanted to do away with. We discovered that actions in school that we were allowing, were child abuse at home. Parents would hit their children, and it was child abuse. When teachers did it, or principals did it, or others at school did it, for some reason it was okay. Well, it's not okay. It's not okay to teach children violence. It's not okay to teach them that the way to resolve their problems is through hitting. It's not okay to teach them that a proper form of discipline is to take them out to the woodshed. Not in school. Not in school. School is a place for learning, and when you hit children in school, we're sending the wrong message. Let's send the right message. Let's continue to say what we said a few years ago, and that is that physical discipline of children, if you believe in it, should take place in the home. Not at school, it should not be a delegated authority from parents

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to someone who is not a parent. You wouldn't let your next door neighbor hit your child, you shouldn't let your child's teacher hit them either. Vote against abuse, vote against violence. Vote 'yes' on this good Resolution."

Speaker Churchill: "Further discussion, the Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. I stand in support of House Joint Resolution 76. But, I'm curious, did anyone testify in Committee on this, on this Resolution?"

Speaker Churchill: "Are you asking a question of the Sponsor?"

Hartke: "Yes, I'm asking a question of the Sponsor."

Speaker Churchill: "She indicates that she will yield. But I think you need to address her because she was..."

Hartke: "Representative Cowlshaw."

Speaker Churchill: "Representative Cowlshaw, Representative Hartke was addressing a question to you."

Hartke: "Did anyone at the hearings testify on this Resolution and the request? I'm sure that in the mandate requests there were reasons given on how this... the school units would better perform discipline in schools by using corporal punishment?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "I must say I was somewhat surprised by the fact that we had quite a large number of people representing organizations, such as school psychologists, and school social workers and so forth who came and testified in opposition to granting this request. Not one person from either the Benton or the Du Quoin School Districts who submitted the request or favored it came and said anything about why they wanted this to be granted. They did not present any testimony at all."

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Speaker Churchill: "Representative Hartke."

Hartke: "Well, I don't know if you were listening or not, but I stand in support of your Resolution because I believe it's just inherently wrong that we would use corporal punishment, you know, to enforce discipline in our schools. There are other methods and other ways. This, too, is one of those requests of a waiver that we've opened up Pandora's box when we do this. I stand in support of this Resolution and many others here today."

Speaker Churchill: "Further discussion, the Lady from Cook, Representative Currie."

Currie: "Thank you Speaker and Members of the House. It's my understanding that this waiver procedure was created in order to permit school districts to accomplish legitimate ends, through methods, different from those that are currently prescribed by statute. The idea that you can teach children better when you paddle them is absolutely to turn this whole process on its head. All the research shows that teaching children is not achieved by virtue of corporal punishment. In fact what you teach children through that kind of methodology is how to be violent, how to hurt others. So, there is no excuse in the world for approving this waiver request since on its merits, it's clear that paddling children is not going to be a help in encouraging their education. So I would urge all of my colleagues to support House Joint Resolution 76."

Speaker Churchill: "Further discussion, the Gentleman from Williamson, Representative Woolard... I'm sorry, the Lady from Cook, Representative Flowers."

Flowers: "Thank you, Mr. Speaker. Mr. Speaker, will the Lady yield? Mr. Speaker? Speaker?"

Speaker Churchill: "I'm sorry. Representative Flowers."

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Flowers: "Will the Lady yield?"

Speaker Churchill: "She indicates she will. Please proceed."

Flowers: "Representative Cowlshaw, why are we debating this type of legislation?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Because we passed a waiver and modification law permitting local school districts to request a modification or waiver from any of those requirements imposed upon them by the state. This is one of the requests that has come to us. The requests are almost identical in the two school districts. Now, we are debating today, Representative Flowers, principally because I believe this is something we should deny. I am strongly opposed to the use of corporal punishment in public schools."

Speaker Churchill: "Representative Flowers."

Flowers: "Representative Cowlshaw, I agree with you 100%. And it is for that reason that I think that we should rescind the legislation that granted the schools, the waivers to do just what they're doing now. This is a total waste of taxpayer's dollars for us in the... here it is 1995, that we are discussing corporal punishment. This should not even be up for discussion. How many more of this type of waivers are we going to have to address on behalf of our children. This is ludicrous. Had we not, we, this Body, set forth the legislation to grant the waivers for these school districts to do this, it wouldn't be happening. It wouldn't be up for discussion. So I would hope that you would join me and some more Members in rescinding this ludicrous legislation. Thank you."

Speaker Churchill: "Further discussion, the Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. I stand in strong support of House Joint Resolution 76. When I first began my legislative career, the banning of corporal punishment was high on my agenda, something that I would like to see the State of Illinois adopt. After many years, I recall the first year down here we received 17 votes. The second year that it was called received 50 votes, and finally, with Representative Lang, and this all began with the Representative, or former Representative Lee Preston, we finally received 60 votes. I agree that this is an issue that we should not be voting on every year. This is an issue that we are teaching violence in the schools. My wife is a social worker in the schools, she deals with child abuse on a daily basis and much of this comes and we are sending the wrong message if we allow to use corporal punishment again in the classroom. I know as a teacher myself, I went through many method courses in order to get my teaching certificate. We were taught how to best teach our classes, how to best get across our messages in terms of the content that we were teaching. We were taught methods on how to deal with discipline, and you deal with discipline in a classroom through eye contact, through proximity, through the use of detention, through the use of talking with individuals. But not once did I receive a method course on how to use a paddle in the classroom. I think it's wrong. I think we should not grant this request by the school district, and I urge a strong 'yes' vote."

Speaker Churchill: "Further discussion, the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "I guess this House Joint Resolution should be called the 'serves you right Resolution' because this Resolution is being heard today because the legislation that was

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passed last Spring was so ill-conceived and so ridiculous, and in my mind, so stupid, that we are here on the Floor of the House, debating this issue. Now we debated this issue a couple years ago, and we debated it thoroughly the year before, and Representative Persico was the proud Sponsor of legislation regarding that. And we voted on that issue based on how it would affect the entire State. Now we're here talking about what we're going to do from individual school district to individual school district, whether it's sprinklers, whether it's paddling, whether it's quality review. It just shows how stupid the underlying legislation is and why we're here today voting on individual school districts and we are mandating or not mandating what's going to go on in an individual school district is absolutely ridiculous."

Speaker Churchill: "Further discussion, the Gentleman from Kankakee, Representative Novak."

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm not going to ask the Sponsor of the Resolution any questions. I'd just like to make a couple statements towards this whole ridiculous process. You know, I'm probably one of the few Democrats that voted for this waiver Bill this year. This is one of these GOP fast track legislative initiatives that probably about ten of us Democrats voted for. You know, looking at all this business that's going on for the last couple of hours, all the taxpayer's money that we're wasting, we've gone through about three Resolutions, we've wasted I don't know how many thousands of dollars, Committee time, travel time, paper time, staff time. This is a crazy, crazy monster that we created. I just hope that after we get through this process the first time around, that Representative

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Cowlishaw and all of us, all the Democrats and Republicans can join together and revisit this issue next year, and fix this System because it's a mess. You're shaking your head. You believe me, don't you Mary Lou? It is a mess. We know it's a mess."

Speaker Churchill: "Let's try this again. Further discussion, the Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. You know I happen to be the Representative that comes from one of these areas where they're requesting this. And I heard a comment made earlier that said that there was no one representing that School District or this issue at that hearing. Let me say the process was designed in such a way that they made the requests. They made their wishes known preceding the hearings that were established. They positively believe that they can more effectively control the children in their particular community, in their particular school, in this fashion. I believe that local control is right. I believe positively that local control is what we should all be trying to instill in all of our local school districts. But the only way that we can do it, is to do it consistently. And I'm here to say that consistency should be what we were all fighting for today. If in fact the process is wrong, we should be changing it. But we have a law that we did pass, that allows local control. And what we're talking about here is not beating children, not hurting children, but establishing some kind of workable control within each and every school district in this state. Benton School has decided that the right approach is to re-initiate corporal punishment as a deterrent to their children. It works. Let me tell you what happens in Benton, Illinois when a child is disobedient to their

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parents. They're loved first, they're positively loved first. But they're also addressed in various ways. And most of the parents in Benton, Illinois choose to use corporal punishment as a means of administering some kind of control in their household. The community is standing together in support of this. Sure, there's probably individuals who feel differently. But there was hearings. There was a School Board that was responsive to the needs of those people in Benton, Illinois. And they ask us, under a law that we provided to them, to waive the mandate that there was no longer corporal punishment available to them. And I believe that we should stand together in support of local control."

Speaker Churchill: "Representative Cowlshaw to close."

Cowlshaw: "Thank you very much. I am certainly pleased by the comments of so many of my colleagues who have stood in support of this Resolution, as do I.

Please vote 'yes'."

Speaker Churchill: "The question is 'Shall Resolution HJR 76 pass?' All those in favor vote 'aye', opposed vote 'nay'. The voting is now 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 84 voting 'aye', 28 voting 'no', and 4 voting 'present', and Resolution HJR 76 passes. Representative Wennlund in the Chair."

Speaker Wennlund: "Representative Wennlund in the Chair. Committee Reports."

Clerk McLennand: "Committee Notice. Rules Committee will meet immediately upon adjournment, Speaker's Conference Room. Rules Committee, immediately upon adjournment in the Speaker's Conference Room."

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Speaker Wennlund: "Representative Cowlshaw moves to disapprove requests made in HJR 68. Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. This Resolution proposes to deny the request for the Robine School District 85 to go about the business of a vote on a consolidation differently than the laws that pertain to elections in relation to school consolidations presently are on the books. The fact is there are two different types of election laws for consolidations of school districts, depending upon whether they are unit districts or whether they are dual districts, that is elementary and high school. These are elementary districts. Now, currently, the law is that for elementary school districts that wish to join together and become one consolidated elementary district, that they have to put that to a vote of the people in all of the area affected and it has to carry by a simple majority. What this school district would like to ask us to do because of the fact that this school district is far smaller than its neighbor, the people of this district came and testified. I think they have just a few more than 300 students in the entire school district. They would like us to permit them to hold an election in which, if this fails in this very small school district, it fails entirely. So that the vote would have to pass by a majority in each school district, that would be if in the process of consolidation, rather than a majority of all of those voting on the question. If we permit this kind of a departure from the typical way to do this, we will greatly discourage the consolidation of school districts in Illinois, therefore, discouraging efficiency and more effective learning. I think we should deny this request."

Speaker Wennlund: "Is there any discussion? The Gentleman from

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Cook, Representative Dart."

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

Speaker Wennlund: "She indicates she will."

Dart: "Representative, I was following what you were saying in regards to this, and the Robine School District wanted this change done, because of the fact that they are a real small district, you were saying, and the present law in regards to consolidation, they wanted that altered so that this had to pass in only one of the two districts, was it? Or was it in both of them, or was it just the majority of both of them combined?"

Speaker Wennlund: "Representative Cowlshaw."

Cowlshaw: "If we don't grant this waiver, this vote will be taken in the total area that would be consolidated. If a majority of those voting on the question vote 'yes', the consolidation happens. What they want is a requirement that it has to pass in each underlying, existing school district so that the very small District of Robine, if the issue failed in Robine, it would make no difference by what large margin it may have passed in the rest of the area."

Speaker Wennlund: "Representative Dart."

Dart: "I under... now what about the other district that would be affected that they want to consolidate with? Do they have an opinion on this?"

Speaker Wennlund: "Representative Cowlshaw."

Cowlshaw: "They have not expressed one."

Speaker Wennlund: "Representative Dart."

Dart: "So, if I could just, for point of clarification then, it obviously makes, what you're saying, it could be rather troubling if one small unit were to be allowed to veto consolidation efforts and I understand that, though this individual Resolution deals just with this one. The point

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is, that if the precedent would be setting here would allow for smaller districts all throughout the state to put a halt on everything?"

Speaker Wennlund: "Representative Cowlshaw."

Cowlshaw: "That is correct. I think this would beset a bad precedent because of the fact that, in general, I think, if you are always going to let one school district have... every school district involved in any consolidation, have a veto power, have a power to say, 'If it doesn't pass in this little district, then none of the other two, three, however many, it makes no difference how they vote. If you're going to do that, you will find there will almost never be a consolidation, because there's always some very small school district that, when it is consolidated, will no longer need a superintendent."

Speaker Wennlund: "Representative Dart."

Dart: "I tend to agree with everything you've been saying in regards to this one, Representative. I guess in the future my only concern would be to hear what this other district felt, too, because I dare say they'd probably feel the same way you did too, just to have a complete picture. But I tend to agree with you on this one. It seems to make sense. Thank you."

Speaker Wennlund: "Further discussion, Representative Deering."

Speaker Wennlund: "The Gentleman from Washington, Representative Deering... There's no one else seeking recognition, Representative Cowlshaw to close."

Cowlshaw: "Thank you very much Mr. Speaker. This is not at all controversial. This is one that we simply out and out ought to deny. I urge a 'yes' vote, and thank you very much. And thank you also for the comments from the other side of the aisle in support of a 'yes' vote."

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Speaker Wennlund: "The question is, 'Shall HJR 68 pass?' All those in favor vote 'aye', or all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 94 'yes', 21 'no', and 1 'present'. This Resolution, having received the Constitutional Majority, is hereby declared passed. Representative Cowlshaw now moves for the passage of HJR 69. Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, this is a very easy waiver request to explain. I have been in contact with various people including Paul Vallus, who are members of the Chicago School Reform Board. And there are four or five minor changes they would like to have made in the Chicago Reform Legislation that was passed last May, as well as a reconsideration of the change in the fiscal year. However, it has been decided that these issues, all issues, that have anything to do with changes in the Chicago School Reform Legislation will be taken up in January. That fact has been communicated to Mr. Vallus, and to others in Chicago, and it is my understanding that that is acceptable. Consequently, I ask for a 'yes' vote on this issue, only that it might be included in, and considered with, the total number of those items that need to be just changed slightly to accommodate the desires of those people who are doing such an excellent job on the Reform Board in Chicago."

Speaker Wennlund: "Is there any discussion? The Lady from Cook, Representative Currie. Please give the speakers your kind attention. It's very difficult to hear in the Chamber. Please give them your attention. Thank you. Representative Currie, please proceed."

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Currie: "Thank you Speaker and Members of the House. I rise in opposition to this particular Resolution for the reason that while maybe we would correct this problem in January, the fact is maybe we won't. This ... That was a quick five minutes. This Resolution, rejecting the Resolution gives us the opportunity to make sure that Chicago, like all other school districts in the state, will continue to be eligible for speedup payments to the tune of \$40,000,000. Let me tell you that without those \$40,000,000, District 299 will face substantial costs of short-term borrowing, but there are serious long-term issues as well. Because, as you know, under legislation passed by this Assembly, the Chicago Board of Education may not open school unless the School Finance Authority deems it has a balanced budget. If they don't have the speedup payments, they can't have a balanced budget. Yes, indeed, maybe we can correct this problem some other time, but there is no reason, no reason on this earth not to correct it now. If we vote 'no' on this Resolution, the waiver request will go through, and this particular technical, but expensive problem for the Chicago Public School System will be solved today, November 14th, not sometime in January of 1996 or maybe '97 or maybe '98. We have had opportunities in the past to correct this problem. We have failed to do so. This is the opportunity to fix one important item. It's our responsibility to do so. I urge your 'no' votes."

Speaker Wennlund: "Further discussion. The Lady from Cook, Representative Davis. Monique Davis."

Davis, Monique: "Thank you, Mr. Speaker. This legislation, as Barbara Flynn Currie has so eloquently stated, will cause the Chicago Public Schools to lose money. You wanted them to show some stability. They have a four year contract

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with their union. That's stability. You wanted them to do some other things in reference to downsize the bureaucracy. They have downsized the so-called bureaucracy and they've resolved a number of the problems you said they had. Now why would we, in this Body attempt to create a fiscal crisis that does not exist today? We don't have that fiscal crisis, but without this \$40,000,000, we will have one. This Bill, House Resolution 69, denies the Chicago Board's Request in reference to a fiscal year date change. I urge you to vote 'no' in reference to this denial. We want to vote 'no', you cannot deny District 299 a fiscal year date change. Because if we vote 'no', we are going to be held responsible for \$40,000,000 for Chicago Public Schools. So I urge you to vote 'no'. We do not vote to give the Board, we want to vote 'no, we don't deny this request'. We want this request granted so we are voting 'no', we do not want to deny the request. Vote 'no'. Thank you. And to my Republican colleagues, I've supported you on some of your wishes in reference to this stuff we're going through now. So please be very, very careful and support us. We would appreciate it as we continue to work carefully with you. Thank you."

Speaker Wennlund: "Further discussion, the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I would like to request of the Chair that a verification be made that the Resolution receives the requisite number of votes. I am joined by a sufficient number of my colleagues to make that request, and I would ask that the Chair honor that request, Sir."

Speaker Wennlund: "Your request will be granted, Representative Granberg. There being no one further seeking recognition, Representative Cowlshaw to close."

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Cowlishaw: "Mr. Speaker, there are several inaccuracies in statements that have been made a little earlier. First of all, this hasn't even taken effect yet. It doesn't take effect until next Summer which would seem to me to make it pretty clear that we could easily deal with this in January. Secondly, this is part of a whole approach toward trying to accommodate some requests for minor changes in the reform legislation we passed in May. We are working on those things with Mr. Paul Vallus, who is the CEO of the Chicago Reform Board. There is no fiscal crisis in Chicago. There is not going to be a fiscal crisis in Chicago. We are asking only very reasonably, in accord with agreements that we have made between the House and the Senate, and with the Chicago Reform Board that all of this be taken up in January along with at least four other minor changes in that legislation. That is the reasonable and thoughtful way to go about it. I would ask at least every Republican to vote 'yes' for what is reasonable."

Speaker Wennlund: "The question is, 'Shall HJR 69 pass?' The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. The Resolution, having received 59 'yes' votes, and 56 'no' votes, and 1 'present' vote, the Resolution HJR 69 is hereby declared failed. To Clerk, Resolutions."

Clerk McLennand: "Introduction to Resolutions. House Resolution 61, offered by Representative Bost."

Speaker Wennlund: "HJR 70, Representative Winters."

Winters: "Thank you, Mr. Speaker. House Joint Resolution 70 concerns the Palatine School District which is requesting to allow that district to require that non-administrative health aides, administer medication. This is an attempt to get around the state's certification of school nurses. I

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would appreciate a vote to approve this Resolution which would deny breaking into the accreditation system. Be happy to answer any questions."

Speaker Wennlund: "Is there any discussion? The Gentleman from Cook, Representative Dart."

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

Speaker Wennlund: "He indicates he will."

Dart: "Representative, now, my understanding of this the whole waiver process which we have gone over and over here was that this was in an effort to allow these schools the latitude to do things that they could do more efficiently without the state hanging over their heads. Was this something that you had anticipated them doing when we passed this law?"

Speaker Wennlund: "Representative Winters."

Winters: "This request for a waiver really didn't even match the terms of the legislation that we passed because we specifically bypassed any chance to deal with accreditation. That would have to be dealt with other legislation. So the point of this Resolution is that it doesn't even meet the requirements of the legislation that we passed."

Speaker Wennlund: "Representative Dart."

Dart: "Well, frankly, that sort of scares me a little bit here because the thing is, that we've already acknowledged the fact that there's hundreds of these waivers floating around that we aren't even going to see. And that a handful of people determine whether or not we get them or not. If we have what you're saying, individuals who are frankly not following the law, who are deciding on their own whether or not to waive things, or not waive things against the spirit of what the law was before, that's quite frightening. And

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especially when you're dealing with something like this issue here, when you're talking about nurses and being able to administer medication. I agree wholeheartedly what you're doing here, but I think it's quite a statement about what we have created here. We seem to have created a process now where schools can play around with this as much as they want, and as you said, just completely avoid the rules that this law on waivers was originally intended to do. This is absolutely frightening. I mean, what is it that we need to do to change this waiver law because this has brought up to a head something that is quite scary. I mean, you said this is... are there other waivers that you're aware of that we should be made aware of where these school districts have avoided the spirit of our law?"

Speaker Wennlund: "Representative Winters."

Winters: "I wouldn't want Representative Dart to be frightened by this. This is the only one that I am aware of, and I think we're making the statements to all the school districts of the state, 'only send us ones that are serious and that are part of the mandate waiver legislation'. This is an example that we're holding up saying, 'This is not what we expected and therefore we are denying that waiver'."

Speaker Wennlund: "Representative Dart."

Dart: "Well, as I mentioned before, I think that this... I'm supportive of what you're doing here for obvious reasons. I really don't think it's something we should be pushing, having janitors giving medication to children. But the reality of the situation, as I said, I think this highlights something that's sort of frightening, in that we do have school districts who are not reading the law properly, who are not following the law at all, and we also have a process that's set up now where a small handful of

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people are deciding which waivers we ever get to see at all? How many of those in these stacks of a hundred or so that we have that are just as bad as this we don't know, frankly. We don't know. But it's to this one, in particular, I rise in support of it for the very reasons you've stated in just how frightening this could get."

Speaker Wennlund: "Further discussion. The Lady from Lake, Representative Clayton."

Clayton: "Thank you, Speaker. Part of School District 15 is in my district. For that reason, I spoke with the superintendent to determine exactly... well, I was mainly interested to see if they had had a public hearing on this. They did have. People were in favor of the waiver. Their 800 members of the PTA were in favor of it. What they are requesting, and I'm not so sure that this has been made clear. They have certified school nurses in their school but they also have registered nurses in their school. They are wanting the registered nurses to be able to administer medication just as the administrative staff presently is permitted to administer medication. So what they were wanting to do was to let the R.N.'s be able to administer medications just as they are able to do in a hospital. I asked if they had a price on this, on just what the cost savings would be. They did not have. However, during that conversation, they explained to me that presently the R.N.'s are administering the medication, but they've had to sign a slip stating that they would. Then I said, 'If they're able to do it, why ask for a waiver?' They said they need the waiver in order to cut the bureaucracy, the time, and paper work that is spent tracking the R.N.s to be sure that they had signed this permit. So it's kind of a silly request but I would urge a 'no' vote on this."

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Speaker Wennlund: "Further discussion. The Gentleman from Cook, Representative Lang."

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

Speaker Wennlund: "He indicates he will."

Lang: "Representative, it appears that in many of the circumstances that the State Board dealt with, they actually changed the request that was made by the school district that was asking for the waiver of the modification. For instance, in several school districts, relative to the school nurses, indicated in their application that they were requesting a waiver of the school code. The State Board went ahead and approved the applications but changed them to be rather than waivers of the School Code, modifications of State Board Rules. Where does this fall in there?"

Speaker Wennlund: "Representative Winters."

Winters: "The school district asked for a waiver of a school code. All I can do is what they put down in their application. That's what I have to go by."

Speaker Wennlund: "Representative Lang."

Lang: "But the State Board sent this to us as a modification of a rule, not as a waiver of the School Code. So why do we have it before us as the waiver of a rule?"

Speaker Wennlund: "Representative Winters."

Winters: "I don't see on the application where the State Board made that request. All I see is waiver of the school code on the application form. Do you have something from the State Board of Education that says something differently?"

Speaker Wennlund: "Representative Lang."

Lang: "The State Board Report to the General Assembly refers to this as a modification of a rule, rather than a waiver of the School Code. Regardless of what's on the application,

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it seems as if the State Board approved something else and I'm wondering if you know by what authority they can do that?"

Speaker Wennlund: "Representative Winters."

Winters: "The report that we have has it listed under the Waiver of School Code Section that the State Board of Education sent to us, so I'm not finding the reference that you're making."

Speaker Wennlund: "Representative Lang."

Lang: "Well, we'll look for it. Suffice to say this though, the State Board and several of these has simply changed their request. They've changed it from a waiver request to a modification request and just went ahead and approved them. Forget about this one. Forget about the ones that we're talking about. By what right did the State Board, by what right were they able to simply change the request from a waiver to a modification and then simply approve it?"

Speaker Wennlund: "Representative Winters."

Winters: "This Resolution is specifically dealing with this one waiver and I can't get into and won't get into other issues besides this one Resolution."

Speaker Wennlund: "Representative Lang."

Lang: "So you're not concerned about whether or not the State Board exceeded their authority on any other requests? You're just, this is the only one you care about so the other 60 you don't care about and you don't care if they exceeded their authority? Is that right?"

Speaker Wennlund: "Representative Lang, please restrict your comments to the Resolution before the Body."

Lang: "Thank you. Is that right?"

Speaker Wennlund: "Representative Winters."

Winters: "I understand that you are a very skillful attorney, but

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I don't appreciate having you put words into my mouth. I am not taking that position whatsoever. I am dealing only with this Resolution. My concerns about the others is not part of that."

Speaker Wennlund: "Further discussion. Representative Lang."

Lang: "Well I surely did not put words into your mouth. You said you would not answer any questions about anything else. You're a Representative standing up here on the Floor discussing an issue regarding waivers and mandates and modifications, and I just simply thought you had an opinion on what the State Board did. If you have no opinion, that's fine."

Speaker Wennlund: "Representative, please confine your comments to the Resolution before this Body. Further discussion. The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Wennlund: "He indicates he will."

Hoffman: "Now, Representative, if this is not denied, what would be allowed to happen in the Palatine School District with regards to administering medication?"

Speaker Wennlund: "Representative Winters."

Winters: "If this is not denied, Registered Nurses who are hired as health aides would be allowed to prescribe medication. There are 19 schools in that district. There would only be a certified school nurse in one of those schools. The other 18 would not have school certified nurses."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "Describe or dispense? There's a difference. Or prescribe or dispense? You said 'prescribe'. What's... which one is it?"

Speaker Wennlund: "Representative Winters."

Winters: "My apology. It should have been 'dispense'

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medications."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "So if we did not deny this waiver, we would essentially be taking away, we would be taking away the mandate that, in the past, we passed through this Illinois General Assembly that says that only qualified individuals would be able to dispense this type of medication. Is that right?"

Speaker Wennlund: "Representative Winters."

Winters: "Yes. That is correct. We would be doing away with that part of the certification."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "Now, this is your Resolution, so you would, you would want to, you would want to have this Resolution passed and you're advocating a 'yes' vote in order to not allow the waiver and therefore ensure that the current law stands. Is that correct?"

Speaker Wennlund: "Representative Winters."

Winters: "That is correct."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "In other words, you don't want to allow janitors, and school bus drivers, and other individuals to be able to dispense medication in this school district. You think that the football coaches, and the like, you think that only qualified personnel should be able to dispense this type of medication. Is that correct?"

Speaker Wennlund: "Representative Winters."

Winters: "That is the tenor of this Resolution, yes."

Speaker Wennlund: "Further discussion, the Gentleman from McHenry, Representative Skinner. My apologies, I thought your hand motion indicated you were finished. Please proceed, Representative Hoffman."

Hoffman: "I'm trying to help the Sponsor. I think... I agree

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with you, Representative, and I think that this, once again, just highlights the ridiculousness of what we're doing here, and the problems that we have with regard to voting on each individual school district. You weren't here, Representative, when we passed the legislation that put into place the piece of legislation that this is attempting to waive. We addressed a problem that needed to be addressed two years ago, or three years ago by passing that legislation. Now we're here voting on each individual school district, each individual district wanting different waivers, this being one. We don't want janitors dispensing medication. We don't want football coaches dispensing medication. We don't want bus drivers, and school aides having to dispense medication. We want qualified people who can protect our children dispensing that type of medication. So I would stand with you today, Representative. I think this is a good Resolution, and I see no reason why we are wasting the time of this House spending time doing this type of thing. When we passed the legislation this Spring, we warned you that we'd be doing this, and that's what we're doing, ridiculous types of Motions that we're having to deal with from school districts that make no sense whatsoever."

Speaker Wennlund: "Further discussion. The Gentleman from McHenry, Representative Skinner."

Skinner: "Mr. Speaker, Members of the General Assembly, what this Resolution does, if we reject it, is allow Registered Nurses to dispense medication. Now I don't see anything wrong with that. Now it's good enough for you when you go to the hospital. Why should you have to have an education degree or extra educational credits to give out pills? If you're a registered nurse, you're a registered nurse. Now,

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the current law, as it stands by the way, allows administrators to hand out medicine. So if you don't like that, I guess, somebody ought to try to repeal that. But we're talking about here whether we should only allow certified school nurses, which is some... I guess they get two hats or something, or registered nurses and certified nurses to give out medicine. Being a registered nurse ought to be good enough."

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

Turner: "Thank you, Mr. Speaker. I move the previous question."

Speaker Wennlund: "Representative Turner has moved that the previous question be put. All in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the previous question is put. Representative Winters to close."

Winters: "I would appreciate a positive vote for this Resolution. Thank you."

Speaker Wennlund: "The question is 'Shall HJR 70 pass?' The voting is open. This is final action. All those voting in favor vote 'aye', opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question 85 voting 'yes', 26 voting 'no', 5 voting 'present'. This Resolution, having received the Constitutional Majority is hereby declared passed. House Joint Resolution 73, Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Joint Resolution 73 deals with the waiver that is requested by Riverside School District 96, which happens to be located in Representative Kubik's district, is requesting a waiver to allow the district to transfer

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funds from the Bond and Interest Fund to the Education Fund, the Operation and Maintenance Fund, or the Transportation Fund. The waiver will make it possible for the district to utilize existing Bond and Interest Fund tax revenues in other fund areas. Now I think we need to understand that this is certainly an unusual precedent. Because for those of us who are involved with fund accounting, you have to understand that normally, you are allowed to borrow funds from one fund to another but they have to be repaid at the end of the year. In essence, what this waiver would do would allow School District 96, Riverside School District 96, to take bond and interest funds that were segregated to do construction, and then transfer those funds into operational areas. Certainly a very unusual precedent, and one that I think a lot of us have very serious concerns on. And I would, and I think a lot of us are concerned about the fact that we could end up basically almost with a back door referendum here. Because, in essence, excess funds that are accumulating in this Bond and Interest Fund could end up being used for operational purposes, and certainly is not what was intended when we did the original legislation. I would ask that the Members of the General Assembly agree to reject this waiver, and that's what we're doing here in House Joint Resolution 73."

Speaker Wennlund: "Is there any discussion? The Gentleman from McHenry, Representative Skinner."

Skinner: "I called the school superintendent to try to figure out what was happening here. What has happened is that the Cook County Clerk has made a mistake which he has probably made all over suburban Cook County. When the bonds were being levied for, he assumed that three percent of the

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property tax dollars would not be paid. I guess he must have been figuring, figuring that suburban Cook County is the same as the City of Chicago. The bonds are completely paid off. There's over \$100,000, a little over \$100,000 sitting in a fund. It cannot be rebated to taxpayers. There is no legislative mechanism to allow that. And we can pass a legislative mechanism if we want to next year. But we can't do it now, and what he is suggesting be done with the money is that it be spent toward about \$400,000 worth of life-safety certified needs. Now, it seems to me, it doesn't make much difference whether we vote one way or the other on this Bill, but we're here because of a mistake of the Cook County, the Cook County Clerk."

Speaker Wennlund: "Further discussion. The Gentleman from Cook, Representative Dart."

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

Speaker Wennlund: "He indicates he will."

Dart: "Representative, are we here because this is a dangerous precedent or is this, are we here because this was a mistake made by a clerk?"

Speaker Wennlund: "Representative Tenhouse."

Tenhouse: "I think we're here more on the basis of the precedent, Tom, excuse me, Representative Dart. I think it's a question here in terms of what we're dealing with on this issue. Certainly, Representative Skinner pointed out very well that, certainly, there was an error made. And basically what happened was, they expected to have a lesser collection rate than what they really had. But, I think, as we look at the issue, the real concern for a lot of folks, and certainly this, I also want to point out this issue is strongly opposed by the Taxpayers Federation, as strongly supporting this Resolution. Because as you

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mentioned in the second part of your question here, I think that what we're dealing with is a situation where down the road we could end up saying, 'Okay, we're going to take working cash funds and transfer those into education fund, or operation maintenance', and I think, clearly that would be a real concern."

Speaker Wennlund: "Representative Dart."

Dart: "I tend to agree with you here. I guess, though, and I guess it's more of a problem with the original Bill that this comes under in this particular thing so I'm not going to beat that thing any longer. But it is not, are we not, in general, saying that we, the General Assembly, know more than you, the local schools, do in this area and so that we're going to prohibit you from dealing with your finances in a certain way? Because I remember the rhetoric that went back and forth at length about how we can't, we have to stop from Springfield dictating to the locals how they're going to run things. And I guess, my question is then, are we saying that there's a point that we reach where they've gone just too far and the locals just are going way beyond what they should be? And that's when we're going to come in and stop them?"

Speaker Wennlund: "Representative Tenhouse."

Tenhouse: "Representative, I think, you know, I would certainly support legislation that would deal with finding a way to be able to rebate this back to the taxpayers. And I think that would be the most logical solution to this, and certainly, I guess if we, as Members of the General Assembly, say that we know better, maybe in this instance, we would. I mean, I think the precedent we're talking about here, if we start talking about allowing us to really change the statute by this waiver process, to allow us to

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transfer funds where traditionally we have not allowed this to take place is certainly a very dangerous precedent. I do not disagree with what we're talking about. The \$117,000 needs to be returned to the taxpayers and reasonably should be returned in the form of us finding a legislative solution and the ability for them to be able to abate it back to the taxpayers in their future taxes. Or to be able to use it for some, in a future instance, let's say for instance, a life safety situation. But I think any time a lot of us have a lot of concerns, and certainly Taxpayers Federation, I share that concern. The idea of transferring these funds without really having any opportunity for local taxpayers to have any opportunity to act on it."

Speaker Wennlund: "Representative Dart."

Dart: "To the Resolution, I agree, Representative, and I stand in support of what you're doing here. I guess my concern is just on a different level about where we're drawing this line, as far as where we're going to say the locals are on to something and where they haven't. But in this instance, I tend to agree with you, because there can be some major problems that can be caused by this if we allow this to occur in this one District, but more importantly if this was something that was seen as something desirable for the other ones to do. So for that reason, I do support this."

Speaker Wennlund: "Representative Tenhouse. Any further discussion, the Gentleman from Washington, Representative Deering."

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

Speaker Wennlund: "He indicates he will."

Deering: "Representative, when we passed this, or when you folks on the other side of the aisle passed this waiver Bill

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earlier this Spring, I think I drilled the Sponsor of the Bill, Representative Cowlshaw, about some transfer language in there that would allow her to transfer monies to use for operating expenses. Isn't that similar to what we're trying to do here?"

Speaker Wennlund: "Representative Tenhouse."

Tenhouse: "Just talking to staff here, Representative Deering, and when we were talking about, we were just an explanation. We did allow them to do some transfer from fund to fund on a onetime transfer to pay expenditures. But we did not allow that to take place from the Bond and Interest Fund. That was always segregated and that's what's just been explained. That is not, has not been included before. I think we did allow him to do some other things as far as transferring inter-fund but not from Bond and Interest. And it was only for onetime expenditures."

Speaker Wennlund: "Representative Deering."

Deering: "Okay, as I understand it, as I understand it you have a balance in this School District of about \$400,000. You want to use this money for operation, or operating expenses. Is the school district running tight on the money on their operating expenses? And could they not have an opportunity to increase their tax levy and leave this money in to draw interest for future construction?"

Speaker Wennlund: "Representative Tenhouse."

Tenhouse: "One of the things we're talking about here, first of all, it's \$117,000 in the fund. As I understand it there was only a \$400,000 project. What we're talking... and I think, as I understand it, they would be able to continue with the \$117,000 and use it for future building... for future projects, that is correct."

Speaker Wennlund: "Representative Deering."

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Deering: "Representative, just nod your head. You said they could use \$175,000 for future... I'm sorry, we can't hear with the noise level."

Speaker Wennlund: "Ladies and Gentlemen of the House, please quiet down, and listen, and give your attention to the speakers. And if Representative Deering can't hear, he stands taller than everybody else. I'm sure nobody else can hear, so please give the speakers your kind attention. Thank you. Representative Deering. Proceed."

Tenhouse: "Yes. Thank you, Mr. Speaker. Representative Deering, it's \$117,000 that's in the fund and it can be used for future projects."

Speaker Wennlund: "Representative Deering."

Deering: "Well, would this school district not be in a better position as the growth in the suburbs would dictate that they might need to expand the school, the buildings, the facilities, in the future to use these dollars for that construction cost?"

Speaker Wennlund: "Representative Tenhouse."

Tenhouse: "Representative Deering, I can't speak for the school district. I do think, you know, we look at this obviously from I guess if they are looking for a legislative solution, to me a more, a better legislative solution would be for us to look at a means for them to abate it to their local taxpayers as opposed for us to start this, I think, dangerous precedent of allowing us to dip into building and interest funds and move it into operational funds."

Speaker Wennlund: "Representative Deering."

Deering: "I'm assuming this school district is probably at it's ceiling, it's maximum tax rate for the operating fund and this is Cook County so now they got tax caps. Is this a problem with tax caps? Are you trying to circumvent the

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tax cap legislation and laws that the Governor signed in here in the last couple years? Do they have no other alternative to raise money other than to raid their funds? Or can they not increase the money from their yearly taxes?"

Speaker Wennlund: "Representative Tenhouse."

Tenhouse: "Representative Deering, I can't really speak for this school district because I'm not familiar with their personal financial situation as far as where they are with their tax rates. I do, however, as we've spoken about before, have real concerns about this precedent, regardless of where they are because, I mean, you and I know representing districts, we're certainly at our maximum allowable rate, too. But if we still would like to, if we're going to have fund accounting and we're going to abide by it, then I think we need to be consistent throughout the state, be it in Cook County, or Adams, or Jefferson County or wherever."

Speaker Wennlund: "Representative Deering, please bring your remarks to a close."

Deering: "Yes. Just to close, Mr. Speaker. I think that it looks like this is another circumvention of the tax caps and I think these taxing districts should be left to stew in their own broth."

Speaker Wennlund: "Further discussion? Representative Cross."

Cross: "Thank you, Mr. Speaker. I move the previous question."

Speaker Wennlund: "Representative Cross has moved that the previous question be put. All in favor signify by saying 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the previous question is put. Representative Tenhouse to close."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. House Joint Resolution 73 would, I think, certainly help us as far as addressing this dangerous precedent that we're looking at here with the Riverside School District 96. I think that we've addressed it at length. I would appreciate your support on this Resolution to reject the waiver. Thank you very much."

Speaker Wennlund: "The question is, 'Shall HJR 73 pass?'. All those 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 question, there are 103 voting 'aye', 11 voting 'no', 1 voting 'present'. And this Resolution, having received the requisite majority, is hereby declared passed. HJR 74, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Joint Resolution 74 is a response to the waiver request from Cook Consolidated Community School District 168. That district is requesting a waiver to provide teaching staff for grades 1-5 with a half-hour of planning time at the end of the day. Currently, the district's teaching staff works 6 hours and 35 minutes. And of that time, the district's required to provide them with a 30 minute duty-free lunch. During the remaining 6 hours and 5 minutes, the teachers supervise a 20 minute in-classroom lunch period. According to the district, a failed referendum and financial difficulties have forced them to require their teachers to instruct additional courses. As a result, the teachers' planning time has been reduced. The district feels planning time is necessary for teachers. It gives them time to continue to progress in the areas of school improvement, assessment, writing, and teacher support teams. This is a trade-off

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that is being asked here, Mr. Speaker. This school district would like to reduce the amount of time that children receive instruction in order to increase the amount of time the teachers can use in planning that instruction. I agree that teacher planning time is very important. But we, of all the nations in the world that are industrialized, have one of the shortest school days and one of the shortest school years. It is, in fact, counterproductive now to reduce the amount of time that children spend learning if we are going to do anything to adjust that, we ought to increase the amount of time that children spend receiving instruction. So I would urge a 'yes' vote on House Joint Resolution 74."

Speaker Wennlund: "Is there any discussion? The Chair recognizes the Gentleman from Bureau, Representative Mautino."

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

Speaker Wennlund: "She indicates that she will."

Mautino: "Representative Cowlshaw, how many...how much time in the course of a month will we be...will the students be losing from actual class time, should this waiver be allowed to become law?"

Speaker Wennlund: "Representative Cowlshaw."

Cowlshaw: "30 minutes each day, five days a week."

Speaker Wennlund: "Representative Mautino."

Mautino: "If I look at this correctly, the amount of state aid that the school district would be receiving, would not be reduced, even though, they would be teaching more...they would be losing a day, at least a minimum of a day, per day per month, correct?"

Speaker Wennlund: "Representative Cowlshaw."

Cowlshaw: "I believe, Representative, that you are correct and that there would not be any affect on their state aid."

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Speaker Wennlund: "Representative Mautino."

Mautino: "So, then what this district is in fact doing is reducing the amount of class times for the students while taking the same amount of dollars from the general state aid fund. That is the proposal that is before us?"

Speaker Wennlund: "Representative Cowlshaw."

Cowlshaw: "Quite frankly Sir, I hadn't thought of it that way, but that is absolutely right. We would still be providing the same number of dollars from the state to support this school district, but the children in it would be receiving half an hour each day less instruction."

Speaker Wennlund: "Representative Mautino."

Mautino: "I simply rise in support of the Lady's Motion. I believe that it does a disservice to all the children of the State of Illinois to reduce the amount of class time, actual in-time teaching. So, I would just ask for a 'aye' vote."

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

Deering: "Thank you, Mr. Speaker. I'm sorry...thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Wennlund: "She indicates that she will."

Deering: "Representative, I see here by this Resolution that you want to cut down the time of instruction, so that the teachers can have a better time to plan, I'm assuming, a better schedule for the upcoming instruction day so on and so forth. You seem to think that, in your own words, that it is imperative for this to be done so the teachers can build a better schedule so the students can get a better quality education and I believe that your comments are something to the effect that this country is one of, if not the only, country that doesn't take enough time to make

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sure that our students are instructed, which leads to my question. I understand that these are the only Resolutions we are going to act on here in the General Assembly, but there was an application that I think is similar to this Resolution. It was submitted by a Woodlawn School District in Representative Jones area, that would allow for ninth and tenth graders, who have failed courses needed for graduation, I'm assuming reading, writing and arithmetic. We want to let them just go into additional courses of physical education and then just forget about teaching them how to read, write and add. What does that do to the school districts, then, when those parents turn around and sue the district, because they didn't do the job of teaching their students when we should be worrying more about teaching the students than making them take the easy out. I think that is what our teachers want. We got good quality teachers throughout the state. I think that we need to teach these individual students how to read, write and add, because if they can't do that, then they are most likely going to wind up on the rolls of Public Aid that we all stand here and try to say that we want to get out of. So, why would we act on little menial Resolution, such as this, when you let one of the bigger, I think most atrocious Resolutions, not even come to us for debate. What is the text there?"

Speaker Wennlund: "Representative Cowlshaw."

Cowlshaw: "Representative Deering, the other thing to which you referred, has to do with a replacement of one course for another course to meet the same number of requirements. This waiver is entirely different. This one has to do with permitting them to reduce the minimum number of hours of instruction time for students to qualify for state aid."

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Right now, you have to have students instructed 300 minutes a day or you don't qualify for state aid. This school district would like to cut that by 30 minutes. They would like to reduce it by 30 minutes, the amount of time the children are spending learning and use that 30 minutes instead for teachers to do some planning. As I said at the outset, I understand the importance of teachers doing planning, but I do not believe there is any justification for reducing the amount of time that children spend learning. It is not adequate as it is, in comparison with other civilized nations."

Speaker Wennlund: "Representative Deering."

Deering: "There you go, Mr. Speaker. She just admitted that it is not adequate as it is for students to be taught to learn, but she's wanting to let one of these Resolutions go through unannounced to say, 'Oh, you're failing in reading, you're failing in arithmetic, go ahead and take another 'R' off his head.' How ludicrous."

Speaker Wennlund: "Further discussion? The Lady from Cook, Representative Davis."

Davis, M: "Thank you, Mr. Speaker. First, I would like to go on record on House Joint Resolution 74 as supporting or voting 'yes' to deny the request of a school district to reduce the minimum hours of instructional time, but before I consent to and give that 'yes' vote, I would like to ask Representative Cowlshaw, why we sat in Committee for four months, why we took testimony for four months and voted on absolutely nothing and now we are sitting here in this room acting like school board members. Would all of the State Legislators, please stand? If you are elected as a State Representative, would you stand, because I want..."

Speaker Wennlund: "Representative Davis, can you confine your

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remarks to Resolution 74. Please, confine your remarks to Resolution that is before the Body."

Davis, M.: "Well, since we are reduced to school board members for the state, I think that we should support the denial of this request to reduce instructional time. Obviously, some people don't think that children need a certain number of hours or minutes, and it is very flexible. It states that children should have a certain amount of time, minimum and maximum, depending on the grade level of subject matter, but I think what is crucial in this Body, is we are being reduced to State Board of Education members. We are Legislators. This should have been voted on in Committee and then when we came out here, we wouldn't have to spend the whole day being state school board members. Now, I'm elected as a State Representative and that is the job that I want to do. This request is denied. They can not reduce instructional time. Now, let's get on with it. Now, let's see, yes, we denied. Everybody vote 'yes' on this. Lets do it quickly, because we are wasting time. We are wasting taxpayers money and we are wasting time. We are going to deny it, so vote 'yes'."

Speaker Wennlund: "Thank you. Further discussion? The Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker. I Move the previous question."

Speaker Wennlund: "Since there is no one further seeking recognition, there is no need for the Motion, but I appreciate it anyway. Representative Cowlshaw to close."

Cowlshaw: "Mr. Speaker, I believe that it would be wrong for us to let a school district reduce beyond the minimum that is already required, the amount of time that the children required to spend in instruction in school and therefore I would urge a 'yes' vote on this Resolution, thank you,

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Sir."

Speaker Wennlund: "The question is 'Shall HJR 74 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 99 voting 'yes', 16 voting 'no', zero voting 'present'. This Resolution having received the requested majority, is hereby declared passed. HJR 75, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker and Ladies and Gentleman of the House. House Resolution 75...Joint Resolution 75 would deny the request of Ludlow School District #142, which has requested the wavier to allow teachers, who have a six to twelve teaching certificate to teach fifth grade up to one half time thus creating a new certificate of wavier of the grade restrictions on current certificates. The school district, which has only 117 students wants to hire a language arts specialist, but does not have the work load to justify the employment of that teacher. Incorporating the fifth grade into the certificate would increase the work load for the teacher. The subject of certification of teachers is one that is very important to the IEA, to the IFT, and to all of us who believe that we have to have standards for the preparation of the people who teach in our public schools. Consequently, because I believe that those standards are at the time being minimal not maximum, we ought not to, it seems to me, be permitting any 'fudging' on the certification of teachers."

Speaker Wennlund: "Is there any discussion? The Gentleman from Champaign, Representative Tim Johnson."

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Johnson, Tim: "Thank you, Mr. Speaker and Members of the House. If I could have a little, at least a modicum of attention on this, I would appreciate it. I think I have spoken to nearly everybody about this issue and it really is a very, very narrow issue and one that would not create a precedent that we don't want to create. All this Bill does, all a 'no' vote or a 'present' vote, which I'm requesting would do, is to allow a small town school district to survive that is on the very teetering edge financially in any event. If it were the reverse, I could understand, but we have now and they're requesting that teachers who are certified in sixth through twelve be allowed to teach up to one half time in the fifth grade. If it were the reverse, 'K' through five requested to teach sixth through twelve, that is a different issue. But, that is not the case and to deny this wavier request would be a terrible blow to the request of a very small town grade school and their effort to survive. I urge support for small town schools, for the financial stability of this district and is something that really doesn't do great damage in anyway to the certification process, since it really allows people who are certified at a higher level to teach up to half time in language arts in a little school. I would appreciate very much a 'no' or 'present' vote on this extremely important Bill to a little town in my district. Thank you very much."

Speaker Wennlund: "Further discussion? The Gentleman from Clinton, Representative Granberg."

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

Speaker Wennlund: "She indicates that she will."

Granberg: "Representative Cowlshaw, first of all, I want to thank you for this monumental legislation you and the

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majority party passed this last year, because it allows me to sit on a school board for Ludlow. This is certainly very important to me, so, could you tell me where Ludlow is, since I'm now serving in the capacity as a local school board member?"

Speaker Wennlund: "Representative Cowlshaw. With permission of the Body, Representative Johnson can answer the question."

Johnson, Tim: "Pardon? Yes, thank you. Representative Granberg, I don't think Representative Cowlshaw knows the answer to your question. Ludlow is a small town located about eight miles north of Rantoul, which, as you're aware has been decimated by the loss of 'Chanute Air Force Base' in recent years anyway, which obviously has a major effect. All the kids from Ludlow go to Rantoul schools."

Speaker Wennlund: "Further questions? Representative Granberg."

Granberg: "Yeah, thank you, Representative Johnson. I want to thank you for telling me where this school district is, since we, in our capacity, are acting as school board members. I think this is a wonderful process for us to sit here and tell each school district across the state what they can or cannot do. The whole intent behind this Bill is ludicrous. This process is ludicrous. We should not be here. We should be allowing local boards to be making those decisions. This makes a travesty of the whole process."

Speaker Wennlund: "Further discussion? Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I sympathize with the circumstances in which this very small district finds itself. I would suggest that the solution for them is simply to ask this teacher to get a provisional certificate, which is available under the law. To teach this year, which is available under the law. To take the

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course work necessary to be accredited as the appropriate teacher to teach the class next year and the year beyond, which is available under the law. I happen to support the Lady's Motion. I support it for a very important reason and the reason is that certification of teachers was one of the exemptions that we provided in the wavier law to start with. As a result, this is a very important issue. The school board was well within their rights to be able to make a request. I think that the State Board of Education correctly sent it to us for us to decide, but the fact of the matter is, that under the law this request should not be granted, for those reasons I will be supporting the Lady's Motion to deny the wavier. Thank you, Mr. Speaker."

Speaker Wennlund: "Further discussion? Representative Persico."

Persico: "Thank you, Mr. Speaker. I Move the previous question."

Speaker Wennlund: "Representative Persico Moves that previous question be put. All in favor signify by saying 'aye'; all opposed say 'no'. The Motion carries, the previous question is put. Representative Cowlshaw to close."

Cowlshaw: "At issue is the subject of certification of teachers, which is an extremely important standard if we are to maintain the quality of our schools. One of the prior speakers is absolutely right. If there is an individual who wishes to have a dual certification that process is available to him or her. There is no need whatsoever to tinker with the certification process. I'm confident that when we stand in support of this Bill, we stand with the teachers throughout Illinois. Please vote 'yes', thank you."

Speaker Wennlund: "The question is, 'Shall Resolution, HJR 75 pass?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish? The Clerk take the record. On this question there are 76 'ayes', 33 'nos', 6 voting 'present'. This Motion having received the requisite majority, is hereby declared passed. Representative Mitchell on HJR 71."

Mitchell: "Thank you, Mr. Speaker. I have the honor and privilege, I do believe, of having the last House Joint Resolution on mandate waivers of the afternoon. I bring to you a Resolution and request from Elgin School District, unit 46 and West Chicago School District #33 to be allowed to deliver reduction in force notices through regular mail rather than certified mail. This is a change in the law, which states that all teachers when a reduction in force is needed shall be delivered by certified mail. The districts in question have requested that they be allowed to deliver those reduction in force notifications through regular mail. I, at this point, believe that all districts should continue to use certified mail to make sure that all teachers are duly notified and that they have the records that they need to show that, that was done. So, I recommend a 'yes' vote to deny this particular waiver. I would be happy to answer any questions, thank you."

Speaker Wennlund: "Is there any discussion? The Chair recognizes the Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. This waiver is an attempt by the school district to bring clarity to a system that has a huge whole in it. The present law says that if there is a reduction in force, you send out through the regular mail, a notification and you send out certified mail. The notification of the fact that the job has been removed. Eighty per cent of the individuals who are getting the notices do not pick up their certified mail. So the school

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district has no signature that the person has gotten the notification. What they want to do is make sure that the individual is served, so what they are saying is, they will hand deliver and have them sign in the building, the notification that the job has ben removed. They then will send through the regular mail, the regular process, the notification. It will save the school district a \$1000.00 dollars for the regular teachers and \$1000.00 for the non-certified teachers. Elgin being the largest, second largest, school district in the State of Illinois. The RFP's, the reduction in force...excuse me, means that they have to send out 400 certified letters. Eighty per cent of those are not picked up. What the school district is saying is, 'We want a signature and we aren't getting a signature through the present system.' We want to make sure that the teacher or the teacher aid or custodian is notified. This is an excellent Bill. It will reduce the amount of money. The major problem with this Bill is that some of the groups in the State of Illinois feel that this is infringing upon one of the areas that we've set aside in the waivers and that is the area of certification. This is not, this is going to reduce cost and is going to be something that is going to help the individual teachers. I would like to go on record as the largest IEA unit in the State of Illinois is the Elgin teachers. They are not against this Bill. They understand the need for it. I would ask you to vote 'no' and allow the school district to take this very reasonable step, thank you."

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

Davis, M.: "Thank you, Mr. Speaker. We received a number of requests or waivers for physical education waivers. Since,

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we didn't vote on any of those in committee, does that mean that all those school districts seeking to waive physical education for certain students would be in effect?"

Speaker Wennlund: "Representative Davis, please confine your remarks to the Resolution before the Body, HJR 71."

Davis, M.: "Well, I just think that by denying this particular request and not denying those physical education requests, we have not addressed what is really most important to the children in the State of Illinois. This particular request, that notices go to teachers by certified mail or non-certified mail, in my opinion, is not nearly as significant as allowing the physical education waivers that we are allowing by default. By not even discussing it in committee or in this Body and I think that you should be ashamed. It is a travesty what you are doing to the boys and girls in the State of Illinois. The records already show that children are becoming extremely unhealthy. Children are not using..."

Speaker Wennlund: "Could you please confine your remarks to the Resolution that is before the Body? You have made this speech before today. Please, confine your remarks to HJR 71."

Davis, M.: "Well, the question becomes, 'Should we vote 'yes'? Let's deny the request that they waive the current law in reference to how teachers are notified, whether they should be sent certified letters. I think we should vote 'yes'. We should deny the request."

Speaker Wennlund: "The Gentleman from Rock Island, Representative Boland. Further discussion?"

Boland: "Thank you, Mr. Speaker. I think this Resolution here, is the perfect example of what is wrong with the waiver law. Here we are into the most intricate nitpicking..."

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Speaker Wennlund: "Representative Boland, please confine your remarks to HJR 71, which is before the Body."

Boland: "This is a perfect example of it. We are actually micromanaging what a school district is supposed to mail, who they are supposed to mail it to. What type of mail they are supposed to use. Mr. Speaker, I would recommend to all of us that when we revisit this whole issue, vote that 'yes' to disapprove this Resolution, but most important, let's come back to this law, let's revisit it and let's scrap this thing, otherwise we are going to have a hodgepodge of laws over the 940 some districts. This is going to be a lawyers' paradise. It is going to take a lawyer to be able to figure which district you have to apply certain laws to and it is just total nonsense. Thank you very much."

Speaker Wennlund: "Further discussion? The Gentleman from Kendall, Representative Cross."

Cross: "Mr. Speaker, I Move the previous question."

Speaker Wennlund: "Representative Cross has Moved the previous question. All in favor signify by saying 'aye'; all opposed by saying 'no'. The 'ayes' have it and the previous question is put. Representative Mitchell is called upon to close."

Mitchell: "Thank you, Mr. Speaker. Number one, there is nothing in the law, that we have now, that will stop districts from even getting a signature. That can go by the wayside. At least now, with the certification law that we have, teachers can be assured that they will get notice. That is why it is important to keep the law in focus. In answer to my colleague, I think this was a wonderful exercise this afternoon. I have thoroughly enjoyed it. We have spent one whole afternoon talking about our greatest natural

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resource, children and their education. I don't see anything wrong with that. Of all the laws and all the nitpicky things that we do in this Chamber, talking about kids is important and I think this is great. This is American education, to talk about education. Vote 'yes' on this Amendment. Thank you very much."

Speaker Wennlund: "The question is, 'Shall HJR 71 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk take the record. On this question there are 82 voting 'aye', 32 voting 'no', 1 voting 'present'. This question having received the requisite majority, is hereby declared passed. Mr. Clerk, Motions."

Clerk Rossi: "Pursuant to Rule 7-15 and having voted on the prevailing side, Representative Lou Jones Moves to reconsider the vote by which House Joint Resolution 67 failed."

Speaker Wennlund: "Representative Jones Moves to reconsider the vote by which HJR 67 failed. All those in favor signify by saying 'aye'; all those opposed say 'no'. The 'ayes' have it and the Motion is passed. Representative Cowlshaw on HJR 67."

Cowlshaw: "Thank you very much, Mr. Speaker and thank you Representative Jones for your Motion. Apparently, there was some misunderstanding, since this was the very first Resolution upon which we voted this afternoon. Some misunderstanding about what a 'yes' vote meant and what a 'no' vote meant. Mr. Speaker, I would submit that we have already had more than an hour's worth of discussion on the underlying issues and the wavier requests involved here, but let's go back and make sure everybody understands what

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a 'yes' or a 'no' vote means. A 'yes' vote means that we are going to deny these requests to avoid the accreditation process. A 'no' vote means that we are going to abandon the accreditation process at least for the five school districts named in this Resolution and therefore, Mr. Speaker, I would ask for a 'yes' vote and thank you very much for your time."

Speaker Wennlund: "Discussion, Representative Stephens."

Stephens: "Well, thank you. The Representative almost got it right. It is absolutely incorrect to say that we are abandoning the accreditation process with a 'no' vote, that's wrong. I believe she knows it is wrong and I urge a 'no' vote."

Speaker Wennlund: "Further discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, Ladies and Gentleman of the school board."

Speaker Wennlund: "Representative Hoffman, please confine your remarks to the question before the House, the HJR 67."

Hoffman: "Well, this...it is my understanding that this failed once and we are back here again, so now, not only are we deciding things that we shouldn't be deciding in the first place, but we are deciding them once and twice. Maybe we will bring it back a third time. Maybe this one will determine whether we should send things Federal Express, UPS, overnight mail, maybe we should go by the Pony Express. What are we doing? It is absolutely unbelievable, ridiculous that we are doing this again, but it is typical since you have taken over the majority."

Speaker Wennlund: "Further discussion? Representative Parke."

Parke: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. I call for the question."

Speaker Wennlund: "Representative Parke has Moved the previous

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question. All those in favor signify by saying 'aye'; opposed say 'no'. The 'ayes' have it and the previous question is put. Representative Cowlshaw to close."

Cowlshaw: "The question is, 'Shall HJR 67 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 66 'yes', 49 'no', 0 voting 'present'. And this question having received the requisite number of votes, is hereby declared passed. Representative Granberg, for what purpose do you seek recognition?"

Granberg: "Mr. Speaker, I thought you were going to announce the 'Sportsmen's Caucus' tonight, their fund-raiser. And I was going to ask you, Sir, on another point, when the next school board meeting is? I'm assuming that would be next month."

Speaker Wennlund: "The 'Sportsmen's Caucus' is at 6:00 tonight and we will be adjourning here shortly if you just give me a couple of minutes to clear up a couple of matters, Representative Granberg and we will all be heading over to the Prairie Capital Convention Center in a few minutes here. Supplemental Calendar #1, Senate Bills Second Reading. Mr. Clerk, read Senate Bill 946."

Clerk McLennand: "Senate Bill 946. A Bill for an Act that amends the School Code. Second Reading of this Senate Bill. Committee Amendment #1 was Adopted. No floor Amendments. No Motions."

Speaker Wennlund: "Third Reading. Mr. Clerk, Motions, announcements."

Clerk McLennand: "Rules Committee will meet immediately upon adjournment. Rules Committee immediately upon adjournment in the Speakers Conference Room."

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Speaker Wennlund: "Mr. Clerk, Motions."

Clerk McLennand: "Motion on House Joint Resolution #69, pursuant to House Rule 7-15 and having voted on the prevailing side. I Move to reconsider the vote by which House Joint Resolution 69 failed, offered by Representative Rutherford."

Speaker Wennlund: "Representative Rutherford now Moves that the House reconsider the vote by which HJR 69 failed. All in favor signify by saying 'aye'; opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Motion is carried. Representative Churchill now moves that the House stand adjourned until Wednesday, November 15th, 1995 at the hour of 12:00 noon, allowing time for Perfunctory. So, the House stands adjourned until Wednesday at the hour 12:00 noon."

Clerk McLennand: "The House Perfunctory Session will be in order. Introduction of First Reading of House Bills." Introduction - First Reading of Bills. House Bill 2563, offered by Representative Flowers, a Bill for an Act concerning the Sarcoidosis Research Fund, amending named Acts. House Bill 2564, offered by Representative Flowers, a Bill for an Act to amend the Civil Administrative Code. House Bill 2565, offered by Representative Flowers, a Bill for an Act concerning placement of children, amending named Acts. House Bill 2566, offered by Representative Flowers, a Bill for an Act regarding insurance coverage for persons subject to domestic violence, amending named Acts. House Bill 2567, offered by Representative Flowers, a Bill for an Act regarding insurance coverage for persons who have been victims of child abuse, amending named Acts. Introduction, First Reading of these House Bills. Continued introduction, First Reading House Bills. Introduction -

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First Reading of Bills. House Bill 2568, offered by Representative Zickus, a Bill for an Act to amend the Code. House Bill 2569, offered by Representative Roskam, a Bill for an Act concerning notice of abortion. House Bill 2570, offered by Representative Saviano, a Bill for an Act in relation to public employee pensions, amending named Acts. Introduction, First reading of these House Bills. Perfunctory Session will be in order. Representative Churchill, Chairman from the Committee on Rules, to which the following Bills and Resolutions were referred, action taken on November 14th, 1995, reported the same back with the following recommendation/s: 'do approve for consideration' House Bill 41; 'do approve for consideration' House Bill 61; 'do approve for consideration' House Resolution 61. Perfunctory Session will be in order. Corrected Committee Report. The Motion to accept the Amendatory Veto on Senate Bill 245 is not correct. So, the action taken by the Rules Committee, Do Approve for Consideration. Conference Committee Report #1 to House Bill 41. Motion to override the total Veto on Senate Bill 95. House Resolution 61 is Approved for Consideration and placed on the order of nonconcurrence is Senate Bill 388 with the Motion to refuse to recede to House Amendments #1 and House Amendment #2 to Senate Bill 388, Approved for Consideration. There being no further business, the House Perfunctory Session stands adjourned and the House will reconvene at 12:00 noon on Wednesday, November 15th."

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