

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

113th Legislative Day

April 16, 1996

Speaker Daniels: "The House will now come to order. The Chaplain for the day is Pastor William R. Schwichtenberg of the Immanuel Evangelical Lutheran Church in Freeport, Illinois. Pastor Schwichtenberg is the guest of Representative Ronald Lawfer. Guests in the gallery may wish to rise for the invocation. Pastor Schwichtenberg."

Pastor Schwichtenberg: "Let us pray to the Lord. Dear God, heavenly Father, we invite Your presence today in our gathering and ask You to bless our thoughts, our words, and our actions. Give all who are present today wisdom and understanding and let your fruits of love and joy and peace and patience and kindness and goodness and faithfulness and gentleness and self-control, prevail. Especially guide and bless the special considerations this day concerning the education of our young people, that Your purposes may be advanced. Forgive us our sins and grant that we may seek to forgive those who sin against us. Help everyone to choose their words wisely this day and always. May all of us love justice and hate evil and work for the rights of all who are oppressed. May we move beyond party spirit and selfish personal agendas and heed to seek and to find and to promote the cause of all who stand in the need of aid. Finally, Lord, be with our families and friends. Protect them. Take care of them. And grant that we will soon be able to enjoy meaningful hours with them. We pray this all in the name of Jesus our Saviour and may the Lord bless us and keep us, the Lord make his face to shine on us and be gracious onto us. The Lord lift up his countenance upon us and give us his peace. Amen."

Speaker Daniels: "We'll be led in the Pledge of Allegiance by Representative Ron Lawfer."

Lawfer - et al: "I pledge allegiance to the flag of the United

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

Speaker Daniels: "Roll Call for Attendance. Representative Currie is recognized on the Democratic side of the aisle for any excused absences."

Currie: "Thank you, Speaker. Please let the record show that Representative Martinez is excused because of illness and the newest Democratic Schoenberg is here with us today. She's a charm."

Speaker Daniels: "The record will so reflect. Representative Cross is recognized on the Republican side of the aisle for any excused absences."

Cross: "Thank you, Mr. Speaker. We're all here on the Republican side. Thank you."

Speaker Daniels: "The record will so reflect. Mr. Clerk, take the record. There are 116 Members answering the roll and a quorum is present. The House will now come to order. Committee Reports."

Clerk McLennand: "Committee Reports. Committee report from Representative Krause, Chairman from the Committee on Health Care and Human Services, to which the following Joint Action Motions were referred, action taken on April 16th, 1996, reported the same back: 'do approve for consideration' Floor Amendment #4 to House Bill 235. Committee Report from Representative Rutherford, Chairman from the Committee on Constitutional Officers, to which the following Joint Action Motions were referred, action taken on April 16th, 1996, reported the same back: 'do approve for consideration' on the Order of Concurrence, concur in Senate Amendment #4 to House Bill 2251. Committee Report from Representative Cross, Chairman from the Committee on

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Judiciary for Civil Law, to which the following Joint Action Motions were referred, action taken on April 16th, 1996, reported the same back: 'do approve for consideration' Floor Amendment #5 to House Bill 346. Committee Report from Representative Churchill, Chairman from the Committee on Rules, to which the following Joint Action Motions were referred, action taken on April 16th, 1996, reported the same back: 'do approve for consideration' to the House Floor, Floor Amendment #4 to House Bill 2596, Floor Amendment #10 to House Bill 3455. To the House Floor placed and returned to the Order of Third Reading, House Bill 2250."

Speaker Daniels: "Representative Lang, for what purpose do you rise, Sir?"

Lang: "Thank you, Mr. Speaker. Just an inquiry. I heard the Clerk say that the Judiciary Civil Law Committee sent the Bill to the Floor. The Members of that Committee on our side of the aisle report that there was a sign on the door saying the Committee meeting was cancelled today. So I'm a little confused. Can somebody enlighten me?"

Speaker Daniels: "Okay, Representative Lang, thank you for your inquiry. We have checked with the Chairman of the Committee who is going to respond to your inquiry. Chairman Tom Cross is recognized to respond to the inquiry of Representative Lang."

Cross: "Thank you, Mr. Speaker. Representative, apparently through error this morning, there was a sign placed up there. It was taken down, once we realized there was a mistake. My understanding is we called people on your side of the aisle, your staff to advise them there was Committee. We called all the Members on our side and they were there. I know you were not there, Representative, and

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you had a replacement that Mr. Madigan sent a letter over advising us that you were to be replaced by Representative Santiago. So, while you were not there, a replacement was there for you."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. Mr. Speaker, there was a sign on door at 8 in the morning. Representatives Dart and Scott and I all saw the sign. The replacement for me in Committee was because I knew I couldn't make the Committee today. But I'm sure those that saw the sign immediately assumed that they could go on to other endeavors. So, Mr. Dart went on to other endeavors. Mr. Scott went on to other endeavors. And it seems to me that once that sign is posted, the person or the party or whoever is responsible for posting it, must assume the burden of fault. We have at least two Members of that Committee who were not able to attend the meeting only because the sign was posted. And I would just simply suggest Mr. Speaker, that this be sent back to Committee, do a quick vote but let's do it right because we have a Bill now that's on the Floor where two legitimate Members of that Committee at least, were not given the opportunity to know that there was a Committee meeting being held today."

Speaker Daniels: "Representative Cross."

Cross: "Mr. Speaker and Representative Lang, maybe in the interest of fairness, I won't present Amendment #5 today and I'll just proceed with Amendment #6 and we can debate that either on the Floor or back in Committee if that's where it belongs. But I will not proceed with Amendment #5, which is the only Amendment we heard today."

Speaker Daniels: "Representative Lang."

Lang: "Well, I appreciate that. I don't want to stop you from

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moving this Bill along. We discussed your Amendment yesterday, didn't seem to me there was any problem with it, but I'm just trying to make sure the procedures are followed. So Representative, if before we get to it, you would come over to me and show me what Amendment you want to run, we can discuss it. I just want to make sure that we're doing everything in the appropriate way. Thank you, Mr. Speaker."

Speaker Daniels: "Representative Lang, I think your point is well taken. There should not have been a posting, but it's my understanding that your staff was consulted and they said that would not be a problem. So, in the future we'll make sure that this does not happen. Ladies and Gentlemen, could I please have your attention? Today, we're going to do a few Bills which don't have a lot of controversy to them, but we then are going to the Quality First Education Plan, at which point when we call that Bill there will be a caucus on both sides of the aisle. The Democrats will caucus in Room 118. The Republicans will caucus in 114 for approximately one hour, Representative Brunsvold? Approximately an hour. So, at that point we will then proceed to come back to the Floor after the caucus and take action on the Quality First Plan. We're first going to start on the Order of Second Reading. We'll hear some Bills in Second Readings, then we'll move those to Third Readings for passage today. We're going to start with House Bill 3455 which is on page 5 of your Calendar. House Bill 3455 is on Order of Second Reading. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 3455. The Bill has been read a Second Time previously. Committee Amendments #1 and 2 were adopted. Committee Amendment #3 was tabled. Committee

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Amendment #4 referred to Committee. Committee Amendment #5 failed. Floor Amendments #6 and 10 were referred to Rules. Floor Amendments #7 and 8, withdrawn. Floor Amendment #9, offered by Representative Cross, is 'approved for consideration'."

Speaker Daniels: "Okay, Ladies and Gentlemen, if I could have your indulgence please? In order to expedite the business of the House, we need people to please give the Sponsor and the people that want to question the Bill your attention. Okay, Representative Cross."

Cross: "Thank you, Mr. Speaker. I would like to move to withdraw Amendment 9 and proceed with Amendment #10."

Speaker Daniels: "With leave of the House, no objections, so granted. Amendment #10."

Cross: "Thank you, Mr. Speaker. Amendment #10 addresses some, well, I don't know that we had any opposition on this, but we were dealing in the area of the Eavesdropping Bill and we've tried to and I think we have adequately cleaned up any concern about the definition of what marketing or opinion research is. The last day before we left on our two week break, there was some concern in Amendment #9 about the definition of what emergency services entailed. We have taken that out of #10. There were some objections from the AFLCIO. That has all been taken out of Amendment #10 and all we've done is cleanup the definition of marketing opinion research. I know of no opposition. There wasn't any opposition in Committee on this portion of the Bill, but I'll be glad to answer any questions or try to."

Speaker Daniels: "The Gentleman from Madison, Representative Hoffman is recognized."

Hoffman: "Will the Sponsor yield?"

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Speaker Daniels: "Indicates he will."

Hoffman: "Now, Tom this Bill or this Amendment as your Amendment, how would it, if this Amendment were adopted, what would the provisions of the Bill indicate?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, all this Amendment deals with is, remember when we were in Committee the other day, we allowed, or I guess several weeks ago we allowed, along with several other things the eavesdropping in the area of marketing opinion research. All we've done in this Amendment is give a definition of marketing opinion research. It begins on page 2, line 6 through line 13. We've just been trying to...we didn't want to have a vagueness issue or a vagueness question on marketing research. So this is an attempt to make sure we don't have any concern about the issue of vagueness. And that's all this Amendment does."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So the issue with regard to allowing the monitoring to be, to take place when there is 'an emergency', that is out of this Amendment?"

Speaker Daniels: "Representative Cross."

Cross: "It's completely out, Representative. At least up to this point, we have not been able to come up with a definition to address concerns of people. We may still try someday, but we haven't been able to. We want to move forward with the Bill. So that is completely out, completely out altogether."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So basically what this does, it takes the Eavesdropping Bill that people were against that you passed last Session, and it just says that you can only utilize the provisions

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of that eavesdropping in the case of marketing and opinion research, period. Nothing else. Is that right?"

Speaker Daniels: "Representative Cross."

Cross: "Under this Amendment, Jay, now remember in Committee, we tried to streamline and we defined what we could do with marketing and eavesdropping and monitoring. And we allowed in that, in the Committee that day allowed us to monitor in the area of opinion and marketing research. All we've done this Amendment is define what that is."

Speaker Daniels: "Anything further? Representative Hoffman."

Hoffman: "Yeah, I see nothing. I think this Amendment is positive and it goes a long way to making the Bill palatable."

Speaker Daniels: "Representative Cross moves for the adoption of Amendment #10. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Amendment #10 is adopted. Further Amendments?"

Clerk McLennand: "No further Amendments. Correctional Budget Impact Note and Fiscal Note have been filed on the Bill as amended by Amendment #10."

Speaker Daniels: "Third Reading. House Bills - Third Reading. On the Order of Third Reading is House Bill 3455. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3455, a Bill for an Act that amends the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Mr. Speaker. I think we debated this Bill rather lengthy in Committee. We've had several Amendments on it. We have tried to and I think we've done a satisfactory job of cleaning up any concerns that the Governor had as well as Members of this Body. In the Bill



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we passed last Fall, we've become more specific in the areas where we allow monitoring. I would be glad, I'll try to answer any questions anyone has. I don't know of any opposition to the Bill at this point. But I'll be glad to answer any questions. Thank you."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Now, we're talking about the underlying Bill. Could you please explain to the Body, we just talked about Amendment #10, what the other Amendments in Committee did with regard to the eavesdropping provisions you passed last Session?"

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Representative. Jay, what we've done is we've outlined some areas where we would allow the monitoring or the eavesdropping. It could be used for the purpose of service quality control in the area of telephone solicitation. It can be used in the area of education or training of employees or contractors engaged in telephone solicitation and used in internal research related to telephone solicitation. There has to be consent of at least one person who is an active party. We also in one of the Amendments if you'll recall, provided that an employer had to provide some outside lines that would not be monitored by the employer. And then of course, we've now included marketing research in this that we talked about in the last Amendment."

Speaker Daniels: "Representative Hoffman."

Hoffman: "And it's my understanding that the AFLCIO is now in support of this or are they neutral or do they have any position on this Bill?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I know that Amendment #9, they were

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adamantly opposed to that I've withdrawn and that the emergency question is completely gone. I am not aware now that they're opposed to it. And I don't know if they're proponents of it. I know there were some questions in Committee, Jay, about some other things they wanted and I don't know that they're in there. But I know their strong opposition we've taken care of I believe."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, I'm going to vote in favor of this Bill. I think that the Bill addresses something that many of us on this side of the aisle said when it was being done. I guess it was during the Veto Session, was the wrong thing to do. I can't remember if it was a Veto Session or the end of last Session. But if everybody recalls what happened and why we're here today, we're here today because a Bill was passed that did several things. The first thing it did is it made sure that we address the situation of underground storage tanks which needed to be addressed. The second thing it did is it made sure that sex offenders who commit heinous crimes and are released from prison would have to notify the authorities when they're out within our communities. And this Bill was put on, and the reason we're here is because this Bill was put on, it passed as a result of being slid in in the 11th hour. People at that time said it shouldn't be a part of the Bill. It's disgraceful that we have to be here today. But I'm glad that the Representative has seen the light and is protecting the rights of working people by putting this Bill forward, thereby limiting the ability of employers to listen in on the conversations of their employees."

Speaker Daniels: "Representative Cross. Okay, Representative Morrow."

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Morrow: "Thank you, Ladies and Gentlemen, Members of the House.

Would the Gentleman yield?"

Speaker Daniels: "Indicates he will."

Morrow: "Representative Cross, when this Bill was on Second Reading, I didn't hear what Amendments are in this Bill. Could you name 'cause since I see from 1 to 10, could you please tell me which Amendments are in this Bill?"

Speaker Daniels: "Representative Cross."

Cross: "Mr. Speaker, maybe the Clerk could tell us what's remaining. I know we adopted 10, but a good many of them were taken out or withdrawn on the Floor."

Speaker Daniels: "Mr. Clerk, could you cover the Amendments that have been adopted to this Bill?"

Clerk McLennand: "Committee Amendments #1 and 2 and Floor Amendment #10."

Speaker Daniels: "Committee Amendments #1 and 2 and Floor Amendment #10. Representative Morrow."

Morrow: "Thank you for answering that, Mr. Clerk. I too, and I'm going to I guess echo the comments of my colleague on this side of the aisle, Representative Hoffman, that I'm glad that we are beginning to clean up this Bill. But it goes to show to the Members of this Body what happens when we pass legislation that has not been thoroughly thought out, that has not been thoroughly debated, and has not had the input of all parties, pro and con on the issue. I'm glad to see that we are trying to clean up this matter. I don't know if I'm still going to vote for the Bill because I still have a problem with eavesdropping by employers. I happened to have worked on a job where this was allowed until customers found out that their conversations were being illegally recorded. I don't think that has been addressed. So I don't think that this Bill is still really

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needed. It's one thing to eavesdrop and monitor the employee, but I think the customer or the client whose conversation is being recorded also should have the right to know and the right to say 'yeah' or 'nay' to having their conversation recorded because it might be on their part sensitive matters that are being discussed. It might be in the marketing vane, but I worked in customer service for a public utility and many customers were calling about sensitive situations about their bills, about how they were paying their bills, cut-off notices, service notices. They might not have wanted that conversation recorded. So I'm glad to see that we're cleaning up a bad Bill that should have never been passed last year. But I don't know if this Bill is going to address the concerns that I have. Thank you."

Speaker Daniels: "Representative Leitch."

Leitch: "Will the Gentleman yield?"

Speaker Daniels: "He indicates he will."

Leitch: "Representative, I'd like to clarify for legislative intent that the Bill does apply to calls that are inbound calls as well as outbound calls. But inbound calls from people who are responding to 800 numbers, often electronics equipment and so forth that appears when one purchases a piece of Sharps electronics or other types of electronic products and responds and calls in an inbound way."

Speaker Daniels: "Representative Cross."

Cross: "Representative, that's a very good question. And the answer would be yes. But let me just specifically tell you what we view as being specifically in the Bill under the definition of telephone solicitation: Soliciting for or related to the sale of goods or services, receiving orders for the sale of goods or services, or assisting in the use

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of goods or services. And I think we've discussed this in some detail and I think those three areas address the concerns you have."

Speaker Daniels: "Representative Leitch."

Leitch: "Thank you very much. I appreciate all your hard work on this Bill and on defining that specific point. Thank you."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Schakowsky."

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

Speaker Daniels: "Indicates he will."

Schakowsky: "Representative, currently if I'm called by a polling company and they want to record, I'm the respondent, and they want to record my answers, do they have to get my permission to do that?"

Speaker Daniels: "Representative Cross."

Cross: "No."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "So this doesn't change my rights as the person who picks up the phone in any way?"

Speaker Daniels: "Representative Cross."

Cross: "Correct."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "If an employee refuses to give consent to having the conversation recorded, would that be grounds for dismissal or could that be grounds for dismissal of that employee?"

Speaker Daniels: "Representative Cross."

Cross: "No, Representative. I don't think so."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, if only one party needs to give consent, I would imagine that mostly the employers would ask the employees to give consent and you're saying that that would not though be necessarily grounds for dismissal?"

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Speaker Daniels: "Representative Cross."

Cross: "Representative, there's nothing in the Bill that would indicate that that would be a basis for dismissal."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "I was under the impression that there would be some warning, that I get some kind of warning as a person who answers the phone from a polling agency that if that conversation was going to be recorded. But you say, no?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I'm not, maybe I misunderstood your question but we do provide that when we have telephone monitoring or recording system, we must provide current and perspective notice that the recordings they are monitoring may occur during the course of employment. There should be signs posting that and it also it says that we have to provide additional phones that you can use for other purposes."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Right, for the employee. I guess I'm still getting back to my first question. I guess I was misinformed. I thought, I was under the misimpression that if, when I pick up the phone, and it's a polling company, that somehow they say that this conversation may be recorded if I'm going to be recorded. You're saying though, the current law, I can get a call from any kind of polling or public opinion research, I'm back to my first question, and they could record me without my knowledge? I thought that was not allowed."

Speaker Daniels: "Representative Cross."

Cross: "Currently, that's the law, Representative. And of course they, if they want to they can tell you. But currently you're correct. That's the law."

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Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Thank you. I have no further questions."

Speaker Daniels: "Representative Lang."

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

Speaker Daniels: "Indicates he will."

Lang: "Representative, I just have one question. The AFLCIO has been talking about this issue for a long time. Where are they on your new proposal?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I talked, the same question came from Representative Hoffman. They had some strong opposition to Amendment #9 that I was aware of that. That Amendment has been withdrawn. It dealt in the area of emergency services. We've completely taken that out, whether you can monitor a call, say to a chemical company regarding a chemical spill. That's gone. I'm not aware at this point the way the Bill is currently drafted that they have any opposition. There were some things they suggested in Committee that they wanted that aren't in there. But there's not any opposition that I know of at this point. None at all."

Speaker Daniels: "Representative Lang, no further questions. Representative Cross to close."

Cross: "Thank you, Mr. Speaker. This is an attempt to cleanup any concerns we had back in the fall. I think it's a good Bill. I don't know of any opposition. I would appreciate a 'yes' vote. Thank you."

Speaker Daniels: "The Gentleman moves for the passage of House Bill 3455. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take

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the record. On this question, there are 95 'aye', 15 'no', 5 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Supplemental Calendar announcement."

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

Speaker Daniels: "Continuing on the Order of Third Reading, House Bill 2978, Representative Scott. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2978, a Bill for an Act that amends the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2978 is a Bill that is very similar to a Bill we passed last year on a vote of 113 to 1. This would allow non home rule municipalities to remove graffiti from buildings after giving notice to the owner and the owner does not comply with that notice. The difference between this Bill and the Bill that we passed last year is that now we have taken out the provision which would have allowed the municipality to put a lien on the property. So there are no more lien provisions. That was a difficulty in the Senate. They had objection to that particular portion so we've removed that. And we would expect the Senate would go along with this version of it. And I'd be happy to answer any questions."

Speaker Daniels: "Is there any discussion? Being no discussion, Representative Scott moves for the passage of House Bill 2978. 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. There are



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116 voting 'aye', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Continuing on the Order of Third Reading, page 7 of the Calendar, House Bill 3282, Representative Fantin. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3282, a Bill for an Act that amends the Property Tax Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Fantin."

Fantin: "Thank you, Mr. Speaker. House Bill 3282 is for counties with less than 3,000,000, states a supervisor of assessment, county assessor, township or multitownship assessor responsible for adding an assessable improvement to a residential property's assessment shall either notify a taxpayer whose assessment has been changed since the last preceding assessment or he may be eligible for the exemption provided under this Section or should grant the exemption automatically. What this does is if someone puts an addition on a home that they are automatically given the exemption or that they should be notified that the exemption exists."

Speaker Daniels: "Is there any discussion? Being none, Representative Fantin moves for the passage of House Bill 3282. All those in favor signify by voting 'aye'; opposed by voting 'no'. 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 114 'ayes', 0 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental Calendar #1 is House Bill 2250 on the Order of Third Reading. Read the Bill, Mr. Clerk. 2250. House Bill."

Clerk McLennand: "House Bill 2250, a Bill for an Act that amends

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the State Comptroller Act. Third Reading of this House Bill."

Speaker Daniels: "Return that Bill to the Order of Second Reading. On page 6 of the Calendar is House Bill 2612. Representative Woolard."

Woolard: "Mr. Speaker, thanks again for allowing us the opportunity to continue the negotiations as we proceed through the deer honeysuckles of this great state. But we're not quite right yet. I think that Representative Black has two more issues. Thanks again, but would you please take it out of the record?"

Speaker Daniels: "At the Sponsor's request, it will be taken out of the record. Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. As a Member who voted on the prevailing side, I'd like to ask for reconsideration of House Bill 3282."

Speaker Daniels: "House Bill 3282. What was that Bill, Representative Mulligan? Could you refresh the recollection of the Clerk?"

Mulligan: "It was Representative Fantin's Bill that amended the Property Tax Code."

Speaker Daniels: "Representative Woolard. Representative Lang, you wish to join in that as well? Okay. Are there any objections? Do we have unanimous leave of the House? With unanimous leave of the House, the vote by which House Bill 3282 passed is hereby reconsidered. And it appears that everyone in the Illinois House voted for that Motion, reconsideration, including the Sponsor herself. Mr. Clerk, we're back on the Order of Third Reading, page 7, House Bill 3282. Would you read the Bill again?"

Clerk McLennand: "House Bill 3282, a Bill for an Act that amends the Property Tax Code. Third Reading of this House Bill."

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Speaker Daniels: "Representative Fantin, do you care to have your Bill called?"

Fantin: "No. No. Hold."

Speaker Daniels: "Call the Bill. Okay, now Representative Fantin, the House has reconsidered the vote by which House Bill 3282 passed. It is now back on the Order of Third Reading. So you may present your Bill. You may seek some guidance from your neighbor on your right. Young Schoenberg might have better advice than the elder Schoenberg. Representative Fantin."

Fantin: "This Bill provides that in counties outside of Cook County, assessors must either grant the Homestead Improvement Exemption automatically..."

Speaker Daniels: "Excuse me. Excuse me. Ladies and Gentlemen of the House. Ladies and Gentlemen, I think that every Member of the House deserves your attention, particularly a Member whose first Bill is under consideration. So Representative Fantin."

Fantin: "Would this be considered my second Bill since it passed the first time? The Bill provides that counties outside of Cook County, assessors must either grant the Homestead Improvement Exemption automatically or notify taxpayers that they may eligible for the exemption. The Bill does not mandate the matter of notification."

Speaker Daniels: "Is that all?"

Fantin: "That's it."

Speaker Daniels: "Okay, Representative Lang."

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

Speaker Daniels: "She indicates she will."

Lang: "First of all, I want to say that I'm very much indebted to Representative Mulligan for making this Motion. This Bill simply slipped by this side of the aisle and we're usually

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sharper than that. So Representative, I have some questions for you. First, we note that you've limited this to counties outside of Cook. You live in Cook County. Do you know enough about the other counties to know what they ought to be doing?"

Speaker Daniels: "Representative Fantin."

Fantin: "I'm sorry. I didn't understand the last part of your question, Representative."

Speaker Daniels: "Representative Lang."

Lang: "It was suggested to me that it's better not understanding it. But since you live in Cook County and you have a Bill that applies to every other county except Cook County, the question is, do you know enough about these other counties to tell them what they ought to be doing?"

Speaker Daniels: "Representative Fantin."

Fantin: "Cook County does this automatically. And this is why Cook County is exempted from this, and this Bill was brought to me by persons from the other part of the county."

Speaker Daniels: "Representative Lang."

Lang: "I noticed Representative, that you are able to handle these important questions without skads of staff around you like the other side of the aisle. And we're very appreciative that you're able to answer these questions. So tell me, what will the effect of this Bill be on Gallatin County?"

Speaker Daniels: "Representative Fantin."

Fantin: "I do not know if they do this automatically or if they notify their constituents at this time."

Speaker Daniels: "Representative Lang."

Lang: "So you believe that since this is your first Bill, it's clearly a very important Bill to you. Is this really

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important, Representative?"

Speaker Daniels: "Representative Fantin."

Fantin: "Yes, I do."

Speaker Daniels: "Representative Lang."

Lang: "Well, if it's so darn important, why do you have a 1997 effective date? Why didn't you have an immediate effective date on your Bill?"

Speaker Daniels: "Representative Fantin."

Fantin: "This would be, I believe to allow the counties time to implement this."

Speaker Daniels: "Representative Lang."

Lang: "Well, I'm not sure I understood the answer. But to the Bill, Mr. Speaker. I appreciate Representative Fantin answering the questions. I do think she has an in-depth knowledge of the other 101 counties of our state. I think this is clearly a critical matter in her district because it affects every other area except her district, and therefore, I would certainly commend all of you to probably not support her in this Bill."

Speaker Daniels: "Representative Fantin now moves for the passage of House Bill 3282. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 114 'ayes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, if I could have your attention for a moment. We have a distinguished visitor with us today, Dr. Helmut Turk. I'd like to introduce an internationally recognized diplomat and author. His list of accomplishments are lengthy. But to name a few, he first

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came to the United States as a foreign exchange student in the 1950's. He has served as the Acting Counsel General for Austria and Hong Kong, a Minister Counselor in the Australian Embassy in Bonn, a Delegate to the Third and Sixth Committees for the United Nations General Assembly. He has headed numerous delegations for his home Country of Austria, including the United Nations Human Rights Commission, International Conferences on the Safety of Airports and Unlawful Acts in the Seas, the Copenhagen meeting of the Conference on the Human Dimensions of CSCE and he is the Ambassador Extraordinary to the United States, a permanent observer of Austria to the Organization of American States, and a publisher of numerous articles and books. Ambassador Turk has gained a reputation as an expert in peace settlements, human rights, international maritime treaties and the environmental protection. Would you please join me in recognizing and for a few words the Ambassador to the United States from Austria, Ambassador Doctor Helmut Turk."

Ambassador Doctor Turk: "Mr. Speaker, distinguished Members of the House, it is a distinct honor and privilege for me to be here in the great State of Illinois today. But it is not a coincidence, I'm in your great state. When I first came to Washington, as Austria's Ambassador to the United States, I said from the very beginning, 'I'm not the Ambassador to Washington, but to all of the 50 States of the Union.' And so the purpose of my visit today to the State of Illinois is to enhance and strengthen the friendly relations between the people of Austria, the people of Illinois, and also at the same time to increase and enhance our trade relations for our mutual benefit. So once again, thank you so much for welcoming me here today and I am

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happy to promise you to come back. Thank you. Thank you, Mr. Speaker."

Speaker Daniels: "Thank you, Mr. Ambassador. House Bill 2596. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 2596. The Bill has been read a Second Time previously. Floor Amendment 1, was referred to Rules. Floor Amendment 2, offered by Representative Cowlshaw, is approved for consideration."

Speaker Daniels: "Okay, the Democrats have requested a caucus immediately in Room 118, Republicans in Room 114, for approximately one hour. The House will stand in recess until the hour of 3:15. The caucus on both sides of the aisle immediately."

Speaker Daniels: "The House will come to order. The Members will please be in their seats. All those not entitled to the Floor will please retire to the gallery. Mr. Clerk, what is the status of House Bill 2596?"

Clerk McLennand: "House Bill 2596, has been read a second time. Floor Amendment 2, offered by Representative Cowlshaw, has been approved for consideration."

Speaker Daniels: "On Floor Amendment #2, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. Could we please withdraw Amendment #2?"

Speaker Daniels: "With leave of the House, Floor Amendment #2 is withdrawn. Further Amendments?"

Clerk McLennand: "Floor Amendment #3 is in Rules Committee. Floor Amendment 4, offered by Representative Cowlshaw, has been approved for consideration."

Speaker Daniels: "Amendment 4, Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. Amendment #4 to House Bill 2596 does precisely what Amendment #2 did except for one

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thing. There was a detail that had been omitted from Amendment 2 that has been included in this final Amendment. To clarify the language in the hold harmless Section for providing that no school district shall receive fewer dollars under this plan than it would have received through general state aid in the current school year or in the subsequent year. It is simply a hold harmless provision which we wanted to include. And therefore, Mr. Speaker, I move the adoption of Floor Amendment #4 to House Bill 2596."

Speaker Daniels: "Representative Lang."

Lang: "Inquiry of the Clerk."

Speaker Daniels: "Proceed, Sir."

Lang: "I don't know if this has been printed and distributed. We don't have it on our desks and it's not on the system."

Clerk McLennand: "You should perform an update. It is on the system."

Speaker Daniels: "Mr. Clerk, you say that each Member should update their computer right now and it will be on your system."

Clerk McLennand: "Yes."

Speaker Daniels: "Is that right? There being no discussion, Representative Cowlshaw has moved for the adoption of Amendment #4. All those in favor say 'aye'; opposed 'no'. The 'ayes' have it. Amendment #4 is adopted. Further discussion? Or Further Amendment?"

Clerk McLennand: "No further Amendments."

Speaker Daniels: "Third Reading. On the Order of Third Reading appears House Bill 2596. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2596, a Bill for an Act that Amends the School Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Cowlshaw."



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Cowlshaw: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. Rather than begin by going through the rather lengthy list of the details included in this legislation, since many of you have taken the time to become familiar with it since it was discussed in a press conference in Chicago a week ago Monday. We held public hearings in both Chicago and in Springfield, made presentations in various parts of the state throughout the rest of that week, presented it in committee yesterday. I think most people are familiar with a good deal of the material included in this proposal which we have chosen to call 'Quality First'. I want to begin by thanking you, Mr. Speaker, for coming to me and to others and saying 'I would like you to put together a task force. I would like to take part in it.' and you did 'And I want you to look at what we can do to make the schools of Illinois better, academically better. And if we need to some things to achieve that goal, we should be willing to pay to have those things done.' Mr. Speaker, I want to thank you also for the opportunity to work with Representative Douglas Hoeft, with Representative Rick Winkel, and with Representative Jerry Mitchell on that task force. I hope, Sir, that each of us contributed something to the final product that would make you and all Members of this chamber proud of our having finally, and Mr. Speaker, I would remind you, I have served in this chamber for nearly 14 years. For 12 of those years, all we ever did was tinker around the edges of making schools better for the students who are in them. Finally, last year, we proposed and passed a Chicago School Reform Bill that has made such a sweeping, comprehensive, and positive change in those schools, that I think that today there is not one reasonable person in Illinois who would want to go

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back to the way Chicago schools were prior to that Legislation. What we bring to you today, provides a Quality First academic program for all of the children in all of the public schools throughout Illinois. It is a product of a great deal of work, but it is everybody's product. It belongs to all of us in the House, who have sought for so many years, and that includes people on both sides of the aisle, for so many years to do what we all know the people of Illinois want done to make education better to assure that when a child in Illinois goes from kindergarten to twelfth grade and is given a diploma, the diploma means something. So, we have put this together and we know it is not the end of the process. We know that we will be working with the Senators. We will be working with the Governor. We will be working with State Board of Education and all of the groups that are allied with education throughout the state to try to make sure that when we leave here on the 23rd of May, we will have provided an education initiative for all of Illinois that will make us all proud and that somehow will be part of establishing a destiny for the public school children in this state that will make everything in Illinois better from the economy to the State Government to the private sector, to the job market. Everything is affected by the quality of our schools. So, it is on that basis ND with real gratitude for your leadership, Mr. Speaker, for the cooperation of so many of my colleagues, that I bring forward today this Bill which I truly believe in a way that is so profoundly moving to me, does what the people of Illinois have wanted us to do for our schools from time immemorial. I will be glad to answer any questions."

Speaker Daniels: "Okay, Ladies and Gentlemen of the House.

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Ladies and Gentlemen, this is a very, very important topic to all of you. I going ask for your indulgence. I'm going to ask that all conferences be moved to the rear of the chamber. And that we give those people that want to address this issue your total attention. Thank you. Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. There are many, many segments of this piece of legislation that I'm sure Members on this side of the aisle are going to discuss this afternoon. I would like to target one area that I think is very important. When I first got here in 1983, until now, there's always been discussions about the school-aid formula, and over those 14 years we've tinkered with the school-aid formula. And that's just it, we have tinkered with it. Today, in this Bill, we're going to make one of the most drastic changes in school-aid formula that I've seen or heard about in those 14 years. Back in 1973 when the professors got together to create the formula that we would now work under, there was one basic line of philosophy that I think is very important to this piece of legislation. And that is that every child should have an equal access to an education in this state. The poor districts as well as the rich districts. The formula was constructed so that the poor districts got more money. Are we ever going to have total equity? No, we're never going to have total equity in this state. I know that, you know that. But, we have to guard against having the poorer district go deeper and deeper in debt, so they cannot provide an adequate education for the children of this state. This flat grant in this Bill will only perpetuate what's going to happen if we pass this. Amendment 4 is going to hold harmless in

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future years the flat grant to each school district per student grants. That means that the wealthier districts aren't going to get as much money as the poorer districts. If you put that across the board, our poorer districts are going to be dismal. They are not going to have adequate resources to fund education in the poorer areas of this state. And this Bill, it's sad to say, is reverse of what the philosophy of what the original formula said. We need to guard against creating poorer and poorer districts in this state, and that's what this Bill does. I cannot stand here and support a Bill that is not going to give the kids in this state equal opportunity to education. If we pass this Bill, the poorer districts are going to get poorer and the richer districts will get richer. We cannot stand here and do that in this state. I stand in opposition to this Bill."

Speaker Daniels: "Representative Boland."

Boland: "Thank you, Mr. Speaker, also stand as my colleague from the quad city area. Representative Brunsvold very eloquently put out some of the main points that some of us, particularly downstaters, have problems with this. As we know, the original formula has been in place for 23 years. And that was based on a philosophy, that of educating all kids in Illinois, whether they live in lower income downstate districts, whether they live in the big City of Chicago, or whether they live in the suburbs, some of which are wealthy, some of which are not so wealthy. It was based upon...this formula was based upon indices of the number of children living in poverty and the property wealth of a district. What this would do, would be to change or make a dangerous precedent of moving away from that. Next year, what will we do? Will we go back to

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putting more money into the formula, very doubtful. Most likely, the precedent would be set of continuing with the flat grant process which would exacerbate the current inequities that exist in school districts where we have those being able to provide \$14,000 per pupil and those being able to provide less than 4,000. This is a short term one year answer. And let's be really honest about it. It's a one year answer to get us past the election. Let's also be honest about something else, the money has to come from somewhere. If there has been 1/2 million dollars of true waste in our state budget, then the taxpayers of this state have been shafted for a long, long time. If it is true, money that can be taken or money that has to be taken from other valuable programs whether its filling vacancies and correctional officers and so forth. Should we be taking it from those areas or whether should we be doing like the Governor has very wisely said? And let's take some more money from multi-millionaire owners of the riverboats. There's an area we can get money if we really want to get money for education. And let's put it into the formula which will benefit almost every school district in this state, those who need it the most. Let's look at some other provisions of this. There's an unfunded mandate for summer school. Then, there's a second problem with that. And that is with our current waiver law, would we have districts coming back to us and asking to waive that mandate. Once again we'll be sitting as the giant school board of the state. This plan fails to recognize or fails to determine how much money actually should be spent to educate a child at what we call the foundation level. This plan does nothing to correct these gapping inequities that we've talked about already. Let's also look at something

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else, the increased testing. Now, some people have said when I've questioned them, that this really doesn't mean there are more testing coming on. I can tell you as someone who's only been out of the classroom for a couple of years that what I and many, many of my fellow teachers felt, there's too much time spent on testing already, not enough time spent in the actual classroom instruction, time on with the kids. This has to be a new test. We have one for the twelfth grade. Now, let's look at the cost on that. That's an additional cost that's going to come down to the districts. I will close my comments with this. When you look at who is against this proposal, it is almost the entire education community. The IEA, the IFT, the Chicago Teachers Union, various labor unions, the AFLCIO, United Auto Workers, Service Employees, AFSME, the Illinois Association of Community of Mental Health Agency, State Wide Independent Living Council, and the Illinois Association of Rehabilitation Facilities. Ladies and Gentlemen, this is not the way to go. Let's put the money into the present day formula..."

Speaker Daniels: "Can you complete your remarks, Sir?"

Boland: "Thank you, Mr. Speaker. I'd just like to close and we'll let others go on with this. We have a way of doing this. We have a proven way of doing this. The statement was made before our Education Committee the other day that this is something we can do now rather than say what the Governor is proposing or what the Education Committee is coming up with."

Speaker Daniels: "Representative Boland, you need to bring your remarks to a close, Sir."

Boland: "This is...this is a way of doing it now. We have the formula. If this money is truly available, let's put it

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into there where it will do the most good. Thank you."

Speaker Daniels: "Representative Hannig."

Hannig: "Yes, thank you Mr. Speaker and Members of the House. There are a number of elements to this plan that we have seen. Part of this Bill is predicated on the idea that we can raise this extra \$500 million without raising taxes. And of course, there is some money that's available if the Governor has earmarked for education, and certainly no one would argue that that is available and could be redirected. But the plan also suggests that we take \$100 million out of the year end balance and that we spend that for education. And that we take \$100 million out of the medical providers payments of old bills and we simply use that money for education."

Speaker Daniels: "Excuse me, Representative Hannig. Ladies and Gentlemen, again can we break up the caucuses on both sides of the aisle? Move those discussions to the rear of the chambers. I for one would like to hear Representative Hannig's comments. Representative Hannig."

Hannig: "Thank you, Mr. Speaker, I appreciate that. So, indeed there is \$200 million in this proposal that we are trying to capture, that I would say is not always the best fiscally way...the best fiscal way that we can find the money. We know that we can't just draw down \$100 million from the ending balance every year. That will indeed just be a one time revenue source that will put us closer and closer to the days where we will not be able to pay our bills again. And, indeed if we fail to provide monies to medical providers, Illinois' credit rating risks being lowered even further. The plan also provides that there be about \$92 million in cuts and we haven't seen the specifics. We've heard various agencies tell us that...and

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various constituent groups that they don't believe that they can absorb these kind of cuts. Again, we haven't seen the numbers. Will we, I guess, have an opportunity at some point in the process to see them? But to me it seems like we're being asked to accept the plan that is not totally thought out. But, if you do assume that there will be extra money for education, and I think all of us in this chamber agree, that we'd like to spend more money for education than the Governor, I think we can work together to find some additional monies for education. And whether it's 100 million, or 200 million, or 300 million, or 400 million, remains to be seen. But then the next question becomes, after we find that money, after we work together and agree that there is money for education somewhere in this budget, how should we distribute that money? Should we use the method of funding that we've used for the last 15 or 20 years, the State Aid Formula, a formula that was devised to try to close the gap between the wealthy schools and the poor schools, to try to bring the poor schools up? Or should we fundamentally change the way that we distribute money in this state? Should we adopt a method that will give the wealthy schools a bigger portion of the pie, that will give the wealthy schools more and more of the money that's available? Under the figures that I've seen, that if we put this money into the State Aid Formula, downstate would get about 56% of the money, but if we adopt this new funding formula that's before us today, the downstate schools will only get 35%. Now, it may be true that when you put a lot more money into the system, you'll come out with more money than you had last year. But the real question is, proportionately, is this in the best interest of our districts? Wouldn't we be better off if we



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simply kept the State Aid Formula, worked together, and tried to find money in the budget to put into the formula to help the schools in this state that need it the most? So, I would suggest that we can work together to try to find more money, but that we don't need today to pass this Bill to spend it in a different fashion. We don't need to try to spend it in a way that helps the wealthy schools at the expense of the poorer schools, because this is a change in the way that we fund schools, whether it's a change in the formula or not. And, lastly I would just say that the State Board of Education will be asked to implement this Bill, and I've been told by them in my discussions that they have a difficult time trying to figure out exactly what some of these new grants will be and how they should be distributed. So, I'm not certain that we can even do this program this year, even if this Bill would be passed by both chambers and signed by the Governor. So, it seems to me, Ladies and Gentlemen of the House, that we should try to work together. We should try to find more money in this budget for education. I think we can agree on that. But, I think that the new way of funding education as proposed in this Bill, is not in the advantage of the poorest districts in this state. It really hurts them at the advantage of the wealthy districts, and that in my mind, is not the way that we should be changing the way we fund education. And I would urge all Members..."

Speaker Daniels: "Representative Hannig, could you bring your remarks to a close? Are you completed?"

Hannig: "Yes, thank you, Mr. Speaker. I would just urge all Members to do the right thing and vote 'no'."

Speaker Daniels: "The Gentleman from Knox, Representative Moffitt."

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

Speaker Daniels: "He indicates, she will. Representative Moffitt."

Moffitt: "I certainly want to commend...I want to commend the Sponsor for making an initiative here and to advancing the discussion of educational funding. Further, I think it's going to be an ongoing discussion without a doubt. I do want to just express some concerns and then perhaps you could answer some questions, Representative, if you would. One of the first things we started talking about on changing funding of education was our concern about the inequities between districts in the funding and if we advance this plan, it could help districts throughout the state. But at some point I'd like assurance that we can go back and address that concern of the inequities between the districts. And also, we were concerned about the heavy dependence on property taxes and again in the future I'd like assurance that we will address that issue. I assume that would be your intention. Is that correct?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Moffitt, that is most surely my intention. In fact, I can even speak, I believe, for our leader. It is also the intention of Speaker Daniels that those issues shall be addressed in hearings over this summer and even into the fall, just as this legislation that you see before you today is based upon public hearings that were held during the summer and the fall of 1995. The issues that have to do with the mix of the sources of revenue used for schools will be a major focus of this General Assembly during 1997. This Bill does not attempt to address those issues. This Bill is about academic

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standards and academic achievement."

Speaker Daniels: "Representative Moffitt."

Moffitt: "Thank you, Representative, and I appreciate your commitment to that. I just would also express my concern. I've been elected three times...County Treasurer, so a lot of issues regarding finance are of extreme concern. When we look at reducing the carry over, I just would certainly raise a caution flag. It's one of the sources and I know we're just looking at a variety, but we certainly could not continue to do that and the projection for 300 million, there's nothing wrong with having 300 million. There's a lot that we could use it to make our commitment to pensions or pay off the debts of bonds and a variety of things. So, you know there's nothing wrong with having the 300 million carry over. It should be an objective to have a carry over adequate to carry us into the new fiscal year. Also, I would not want to move the direction of extending the actual time of payment of bills. We've been working for several years trying to get the state current on bills and I'm sure you share that commitment to stay current. Don't you?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Most certainly, yes. As a matter of fact, this legislation parallels exactly the proposal put forward by the Governor that the state's bills should be paid in no more than 40 days. I agree with that and I certainly agree with you in relation to being fiscally responsible and prudent. But, I would remind you, this Bill is not an Appropriations Bill. It does not appropriate any money, it does not attempt to balance all of the conflicting pressures on the state budget. This is a Bill that sets forward some academic standards, strong, firm standards for

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students throughout our state. As the appropriations process moves forward, all of the decisions that have to do with the very items, they are very relevant items to the appropriations process that you have raised. All of us will be taking part in making those decisions, but those decisions are not part of this Bill."

Speaker Daniels: "Representative Moffitt."

Moffitt: "Thank you, Representative. I appreciate your concern on some of those same items that I have. I have a correctional facility in my district and I've received many calls from the correctional officers at that correctional institution. Do you see this as reducing the number of guards or delaying the filling of any positions or of state troopers or any facilities like that; mental health, veterans affairs? Do you see any not filling or delay?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Moffitt, in response to your question, I would like to repeat precisely the testimony that was given in the Elementary and Secondary Education Committee yesterday..."

Speaker Daniels: "Excuse me, Representative Cowlshaw. Representative Wirsing, Representative Wirsing, Representative Lindner. Would you yield your time to Representative Moffitt? Representative Lindner yields her time to Representative Moffitt. Representative Cowlshaw, can you answer that question?"

Cowlshaw: "Yesterday, during the meeting of the Education Committee, Speaker Daniels, who is the first named Sponsor of this proposal, came and because he shares the same concerns and wanted to make sure that people understood exactly what his position, as well as that of the task force is. Let me read to you precisely what the Speaker

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said yesterday or at least this is as close as I can recall it. He said, 'During the preceding year, in my first year as Speaker of the House, we added 466 additional prison guards and annualized funding for 416 prison guards who had been hired the previous year. Construction for a new medium security prison is set to begin in southern Illinois, which when complete will add even more correctional guards. It is not the intention of this legislation, this Speaker, or this task force to do anything that would in any way deter those efforts that contribute to the safety of our citizens, and that includes not only correctional officers, but of course the Department of State Police and all of the other entities within our state that contribute to public safety. That is not, absolutely not the intent.'

Speaker Daniels: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. Thank you, Representative. I appreciate that and share that commitment to adequately staffing corrections, keeping state troopers and adequately staffing our Illinois Department of State Police. Again, I see this as moving the process along of having some discussion on funding education in Illinois. It certainly does not do all the things that I want it to do. I have some concerns which I have expressed here and will continue to express those concerns and ask if they be addressed. If it...I intend to support this legislation because it's my understanding there will be some future discussion, some ongoing discussion to reduce these inequities, to bring a balance as far as the spending per pupil, to reduce this heavy reliance on property tax. I will not support cuts in spending for crucial services such as corrections, such as state police, veterans, mental health, public health, and

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that area. I appreciate your support on that. I would also like just to say, that at some point, we've had some discussion about changing the tax structure on riverboats, and I think at some point that would enter into the discussion. I just recently read in the paper that in March the Illinois Riverboat Casinos pulled a record amount of money in, a new record for the State of Illinois, statewide 111.3 million in adjusted gross receipts. I think it is time to take a look at that tax structure too, and apply it for funding education and some other very worthwhile projects. With those commitments that you've given me, Representative, that this is an ongoing process, will continue to address these concerns. I intend to support this legislation and would urge others to do so also. Thank you."

Speaker Daniels: "Announcements, Mr. Clerk."

Clerk McLennand: "Notice. Rules Committee will meet at 4:30, Speaker's Conference Room. Rules Committee at 4:30 in the Speaker's Conference Room."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. First of all, in response to Representative Moffitt who would like to see the taxes increased on gaming. Well, Representative, your party is in control of the House, call the Bill. Just call the Bill. But, more importantly, would the Lady yield?"

Speaker Daniels: "More importantly, she will."

Granberg: "Thank you. Representative Cowlshaw, just one question. Why would you and the Republican leadership, refuse to allow the Amendment to take the \$412 million and put it in the School Aid Formula? Why would you refuse to allow that Amendment to come to the Floor for a vote before the House?"

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Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "I hope you will listen carefully, because believe it or not, for once there is something that we propose to do that is actually logical."

Speaker Daniels: "Excuse me. Ladies and Gentlemen of the House. Ladies and Gentlemen of the House. This is a very important discussion, so will you please move your discussions to the rear of the chamber? Representative Cowlshaw."

Cowlshaw: "There is a fatal flaw in the distributive aid formula as it now exists. There, I am sure was a different philosophy at the time that formula was developed. But what that formula does is to count every elementary child as one, every junior high school student as 1.15 and every high school student as 1.25, so that, in fact, school districts get a larger amount of money through that formula for high school students than they get for students in first, second, and third grades. This whole philosophy of this legislation is based on the principle that we need to pay the most attention to learning the basic skills in children in kindergarten through third grade. But, rather than try to battle all the battles involved in changing that formula, we thought that if our goal in this piece of legislation is academic standards and trying to make sure with that third grade test that we know a third grader before that child can advance to fourth grade, can read and write and understand basic mathematics at a third grade level. Then we needed to find a way to do this funding in such a way that it treated a First Grader the same as a Twelfth Grader. That's how we arrived at the per pupil allocation."

Speaker Daniels: "Representative Granberg."

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Granberg: "Thank you, Representative. You did not answer my question, because what would stop us from allowing a vote on putting all this revenue, supposedly revenue, which does not in, fact exist to put it in the School Aid Formula. Well, we all know the reason, Representative. Let me just give you an idea. Maybe it's because your district receives a 27% increase with flat grants, over the School Aid Formula. Maybe, in due respect to the Speaker, maybe it might be because his district receives 65% increase over the School Aid Formula with flat grants. So, let's look at the downstate districts. Let's look how we fair under your proposal. It's interesting, Representative Bost is going to lose \$875 thousand under your proposal instead of the current School Aid Formula. Representative Bost is going to lose almost \$900 thousand. Representative Jones is going to lose \$900 thousand. They would rather go with the Suburban Flat Grant Formula instead of downstates. Representative Myers loses \$400 thousand. But this is the best. I have seen downstate Republicans walk the plank for their suburban leadership. Walk the plank, time and time again all year. But you have not only asked Representative Klingler to vote to take workers comp funds away from prison guards. Now, you're going to ask her to lay off 902,000 state employees, 6,000 prison guards, and she's going to take money out of her School Aid Formula on top of that. You're going to ask Representative Klingler to lay off 2,000 state employees, to take out almost 1/2 million dollars from the School Aid Formula which would benefit her in downstate districts so she can go with her suburban leadership. Ladies and Gentlemen, in the last year and a half, I have seen you walk the plank for your leadership. This takes it to the extreme. I can't believe it.



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Downstate, if you vote for this, you're turning your backs on your districts, your turning your backs on your constituents, and you're turning your backs on the people of Illinois."

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

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

Speaker Daniels: "She indicates she will."

Novak: "Yes, Representative Cowlshaw, a few weeks ago in the Health and Human Services Committee, a Bill...a House Bill 1080 was passed out of that committee and about \$160 million in GRF was taken away from various agency budgets. Now, was the purpose of this money is to use it towards the financing of of this new education program?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "The answer to that question is decidedly 'no'. I do not even serve on that Appropriations Committee and I have absolutely no way of knowing why that was done, but it was certainly not done with any link whatsoever to the Bill you see before you today."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Now, Representative Cowlshaw, I realize you do not serve on that committee. I think that's Representative Mulligan's committee. However, the concern was that all the phone calls started coming from our districts around the state about cutting veteran's funds, cutting mental health funds, cutting DORS funds, cutting DCSF funds, and many people are wondering whether this money was going to be cut out of those budgets, was going to be used to finance these flat grant additions to school districts throughout Illinois. That is not the case. Is that correct?"

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Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Sir, it is my understanding that the Governor's budget proposal as he introduced it, as he proposed it, is still in that committee."

Speaker Daniels: "Representative Novak."

Novak: "Thank you Mr. Speaker. Representative Cowlshaw, does Governor Jim Edgar support the Quality First plan? What has been his public comments about this plan? Is he in favor of this plan?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "I have no way of knowing. He didn't file a witness slip one way or the other."

Speaker Daniels: "Representative Novak."

Novak: "I love your humor, Representative. I mean, I'm sure you pick up the newspaper everyday. You read the Peoria Journal Star, the Chicago Tribune, or the Chicago Sun...how about the Naperville paper or the Arlington Heights newspaper? Mike Lawrence and Jim Edgar are quoted all over the State of Illinois that this is smoke and mirrors. That's all it is. Smoke and mirrors, untruthful budget numbers. This really doesn't get at the root of the problem in Illinois and we all know that. And I agree with you, Representative, that the School Aid Formula does need to be fixed, because it's been over 20 years since its imposition, but this is not the right way to fix it. We all know that. The only reason this Bill is being considered on this Floor today is because of what Governor Jim Edgar proposed two or three weeks ago. Nobody has the guts on that side of the aisle to have a public hearing on the Constitutional Amendment. That's the only reason why this Bill is here. Let's agree, let's all agree to it. That's the case. And now what we're doing, we're proposing

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a fundamental, radical, massive change of distribution of wealth from the state coffers that go to wealthy suburban school districts. It's already been pointed out by previous Legislators what school districts will be receiving a large percentage or a large proportion of the share of these flat grants. Any downstate Legislator, be it Democrat or Republican, should seriously look at this with a very, very skeptical eye. This is not the way to do it. This is only political cover for people because of all the criticism that has been coming to the other side of the aisle in the media because they refuse to consider Governor Edgar's Constitutional Amendment. The Bill, from what I understand has been filed. A couple of my colleagues on the other side of the aisle, I think, one on this side of the aisle has signed on as Sponsors. Why don't we have a hearing on that? 'Let the people speak' as Governor Edgar said three weeks ago. Why don't we have a hearing on that? Let's go back to the table, let's formulate a fundamental change in how we finance public schools. Kids that go to school in Cairo, Illinois, and kids that go to school in Winnetka, Illinois. Every child in the State of Illinois deserves the exact same amount. What we're doing here is simply playing a numbers game. If you have a lot of kids in your school than you're going to get a lot more money in your school district, Ladies and Gentlemen. So, let's really give this a serious thought. I'm asking my colleagues on both sides of the aisle, let's defeat this Bill. Let's take it back to the committee and let's really, really reform how we finance public education in Illinois, whether it's a Constitutional Amendment, or whether it's new funding with a different resource equalizer formula. We need to do it the fair way. You

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know it, and I know it, this is not fair."

Speaker Daniels: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. There has been some very interesting things said here today. It would take me a long time to go back and start going through like there's unfunded mandates summer school when we have \$411 million, part of which goes into the summer school program increased testing when we eliminate the eleventh grade test and move it to the twelfth grade test, somehow this is increased testing. Let me go through some of the basics here. There are very few things that education funding in the State of Illinois that people agree upon. But one of the basics and it was said here in the debate, the School Aid Formula is broken. It does not work. There is criticism of it virtually from one end of the state to the other end of the state. And to think that we can have more money put into a broken system and get anything positive out of it is ridiculous. The formula needs change and to put money into a broken formula again is throwing it away in terms of true reform. We have started the discussion of this Quality First, not three weeks ago. There's 22 pages in this document. We began this two years ago, with working on the reform with Chicago public schools. We had hearings throughout the state to listen to people this summer, eleven of them, to get the basics necessary to have a quality program which we could present which both sides of the aisle could be pleased with. This compilation of reform is 22 pages of a variety of reforms talking about looking at early intervention, looking at an exit exam that would have quality in the school districts in this state. This is a comprehensive program. The real interesting thing for me here is, we want to make sure that there is

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quality in the Chicago schools and the rest of the schools in the State of Illinois before we approach our citizens for reforming the fundamental funding formula in the state. This is a well thought out, logical three year approach. It is not a quick fix. It is a system that we want to put in place, quality, and when we get quality we will look at the funding. There is a fundamental statement here that in 1997, we will bring up the issues of the funding formula. We will not put money into a broken formula, but we will wait until we can appropriately address that, and that will be done next year. This is well thought through. I would ask that the statements being made on the program be factual because there's a lot of misinformation given unto this program. Thank you, Sir."

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

Mulligan: "Thank you, Mr. Speaker. Representative Novak mentioned my name and my committee in debate and I will tell you that it is not my intention, nor the Member of my committee's intention to have a dialogue that would pit the disabled or the elderly against the school children in Illinois. What we did was simply open up the budget negotiations for discussion, but I will tell you, as people who consider us to be from the wealthy suburbs, which I represent, my school districts get between 3 and 9% from state aid. In one district, we have a generation roll over of 780 new students that we cannot accommodate by extra growth. In the other district, we have grown to 1/3 multicultural in English as a second language. The amount of money that we are getting in the School Aid Formula is not adequate to address that. And under the proposed plan from the Governor, not only would we in Cook County lose some of that funding that business is going to get a break

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on, but we would also pay the income tax increase and we would still be looking for funding for those students that are in need. I think that there is a discussion here. The discussion probably will take a long time. But, the fact of the matter is, we're not trying to pit people against one another, we're trying to address a problem. A problem that says, seniors in my district cannot continue to raise property taxes to fund schooling. School issues are important to the people that live there, but we don't want to fight, and we need some of that state funding, too. This plan will give us an infusion that would address some of the problems that we're currently having and would still leave time for a dialogue to be opened up. It is certainly not my intention as a person that looked at human service appropriations to strip that money out either, but I'd like to go on record as saying that. But, I do think that my district deserves some help here, too. And I do not happen to be from DuPage, I happen to be from Cook."

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

Younge: "Thank you, Mr. Speaker. I yield my time to Representative Hoffman."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Hoffman: "Representative, it's my understanding that of the 412 million that will go into these flat grant proposals, that there are prohibitions as to whether this can be used for teachers. Is that correct?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "There is a list of purposes to which these funds can be put. Some of those, depending upon how the school

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district wants to decide about the expenditure of these funds, some of these things indeed could be used for the salaries for teachers, although I don't think that in the strictest term, in the strictest definition of the word salary, there might be some additional benefits available. For example, it says that one of the things that this can be used for is technology and related staff and curriculum development. Now there is a probably an element in which there might be some reimbursement to teachers who are willing to take the extra training required in order to take advantage of the technology. There is also the requirement for summer schools and that is one of the things that this can be used for and of course, you have to hire teachers to teach in summer school. So, yes there are also of course, as I'm sure you have noticed because of the consolidation of levies and because of the block granting of the categoricals, lots of opportunities for school districts to have more flexibility in the ways in which they choose to spend their dollars. That is something we granted to the City of Chicago schools last year and I'm told by people who have worked with that system, especially Paul Valis, that that has been a very great benefit to them."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Here's what the Bill says about the uses, it says, 'School districts shall allocate and use the flat grant monies distributed to it under this section for technology and technological related staff and curriculum development, construction and renovation of school buildings, summer school achievement programs, property tax relief, and academic learning tools such as text books and software.' All laudable goals, all laudable goals. The problem is

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here is we're not allowing this money that's going to go to these school districts to reduce things like class size that many people think is important. We're not allowing it to flow into the classrooms so that we can assure that we have teachers that can teach our students, teachers who know the latest technological advances. We're not allowing it. We're not allowing it. So, what are we going to use this money for? First of all, we're going to take the money and take it from my school district and change the School Aid Funding Formula. We're going to send it to Representative Cowlshaw's district. So I guess she can do things since she cannot use it. You can't use it to reduce class sizes. I would assume she can do things like maybe build a field box on the football stadium or a swimming pool for the kids. It's crazy. This is absolutely ludicrous what we're trying to do here. We're saying that we could potentially yet we're calling the school mandate waivers, but then you're putting another mandate regarding summer school on our schools, and I guess they could come here and they could waive that. And where does the money come from? Where's the money going to come from for this? Let me tell you what Jim Edgar said. He said in the Dave McKinney Sun Times article, somebody said, 'Edgar's forces were on Monday that the state would have to lay off 315 existing state police officers out of a total police force of 1700, another 270 scientists and technicians, in addition 539 Mental Health Department employees would be laid off.' Now, I'm not saying this, this is your Governor who is saying this. I'm not making it up. It's you Governor who is saying this. There is nothing in here that requires that there is going to be property tax relief to our property taxpayers. There is nothing in here that says



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that we're not going to decimate further the parole system. Right now we have 69 people, 69 people watching 29,000 people out on early release. The Governor, wisely in the State of the State's speech said that we're going to move to increase that. I applaud him for that, but you're taking that all the way. More criminals on the streets, nobody watching them, take people out of corrections, and then on top of that, rob downstate to give to the suburbs. Don't do it, downstate Legislators. We use to work together, both sides of the aisle to protect our schools. We use to do it in unison because it was the right thing to do. Don't let them do this. Somebody earlier said, 'You're walking the plank for your leadership.' You're not only walking the plank for your leadership, but once you've fallen in the water, they're holding you under. You can't do this. You can't do this. We're talking about opening up for discussion. Go down to the second floor and open up the discussion with your Governor. Don't use my school children to open up that discussion. Vote 'no'."

Speaker Daniels: "Representative Winkel. Excuse me, Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, as a matter of information only, I would like to announce that under the plan that you now see before us, predicated on some performance on Appropriations Committees near the level that has been envisioned, the Edwardsville and Collinsville school districts would receive an additional \$2.4 million in the forthcoming fiscal year. Under the Governor's plan, those two school districts, Edwardsville and Collinsville would have gained by 1.5% over the prior year. Under this plan, if it is funded according to our wishes, they would gain 17.7% and the other 13.2%. I just thought those figures might be

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interesting."

Speaker Daniels: "Representative...your name was not mentioned in debate, Sir. Representative Winkel."

Winkel: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Winkel: "Representative, I've heard the debate over the last few days, again today about the various reallocations that are proposed in the budget that affect the Department of Corrections and State Police, Department of Mental Health and Developmental Disabilities. Would the Representative care to clarify for the record of what impact that House Bill 2596 would have in the areas of prison guards and state police and mental health?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Representative Winkel and thank you too for your Sponsorship of the Safe Schools Bill, which we are hoping we can fund at a substantial level so that we can make our schools safer for both the students and the staff. In a prior comment, I mentioned the record that has been established under this Speaker for hiring new prison guards and that that is the intention of this Speaker and at least as far as I know of this whole chamber to continue in that way. But, since there was the question of the Illinois State Police raised, I think that it is important for us to note that as a matter of fact, in last years budget, we added 183 new employees to the Illinois State Police, including 45 new State Troopers in community oriented policing services, and 121 employees in the new Chicago Forensic Crime Laboratory. In addition, we reassigned 45 State Troopers from desk jobs to the road. The number of State Troopers patrolling Illinois roads today is at the highest level since 1990. That is the

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record of this Speaker, and that record will continue."

Speaker Daniels: "Representative Winkel."

Winkel: "Representative Cowlshaw, the same question with regard to the Departmental Health and Developmental Disabilities. How will this Bill impact those services?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Once again, let me point with pride to a record that has been established in our state during just this past year. I am proud to say that the staff/patient ratio in state operated facilities for the mentally ill and developmentally disabled is at the highest level in several years. That is a necessity, I think, and it is one of the budgets that I believe we most clearly need to protect. I know that that is one that all of us, led by this Speaker, will always protect."

Speaker Daniels: "Representative Winkel."

Winkel: "Representative Cowlshaw, also I have some concern about the new technology hubs that are being established throughout the state. I understand that there are six of them, and I'm proud to have one of those hubs in my region in Champaign and Ford County. There is some concern that was expressed yesterday, I believe in your committee during testimony that perhaps those technology hubs would be negatively impacted by House Bill 2596. Could you speak to that please?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Thank you, Representative Winkel. It is not the intent of this legislation to disrupt the progress of those technology hubs that are...because first of all there are six of them and they are already there. They are meant as a matter of fact to enable local school districts to make technology work more effectively and more efficiently as

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well as at a lower cost than we would be able to do without the hubs and therefore, the line items in the State Board of Education suggested budget that have to do with funding for those hubs are not suggested to be changed in any way. We should continue to fund that at the same time that with this kind of proposal we enable local school districts to take advantage of the technology that can be linked to those hubs and hence, to the Internet."

Speaker Daniels: "Representative Winkel."

Winkel: "Yes, Speaker, to the Bill. This is not an Appropriations Bill. We've heard a lot of hand-wringing today from the other side about the impact on the budget that this Bill obviously does not have. This Bill addresses Quality First. It addresses higher academic standards, quality guarantees, and yes, safer schools. That's a major allocation and what we're proposing in this Bill, \$25 million to the Safe School Act, which would establish alternative education throughout the state on a regional basis. That leads to a better learning environment in the classroom, makes our schools safer. I think that's extremely important and a very good step in the right direction in Quality First. I urge a 'yes' vote on this Bill."

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

Stephens: "Thank you, Mr. Speaker. It's certainly interesting to hear my friends on the other side of the aisle tell us how great things would be for downstate Legislators if they could only have their way. Well, I would remind them that for twelve years they were in charge of this chamber. They had the majority, and yet all they could do was bring us further and further along the road to ruin in education."

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They fought us every step of the way and today when we try to make changes in the direction of the goal of schools, the actual education of children, they stand in objection. They tell us that Collinsville schools will pay so that we can send money elsewhere. Well let me tell you about the schools in Collinsville, they're paying now so that we can fund schools like District 189, where the irresponsible Board of Education, spending more than \$6,000 per student can't even keep a restroom open in the high school. They have restrooms that don't function, a kitchen where the drains don't work. They became so irresponsible that the State Oversight Committee that went in to help them, finally just within the past month had to fire the entire Board of Education of District 189. A school district that spends almost twice per student what they spend on the students in Collinsville. The Gentleman from Collinsville says, 'We're going to take our money and send it elsewhere.' I would remind the Gentleman that they're already taking your money and sending it elsewhere, but they're not getting the kind of accountability that this Bill calls for and this is not an Appropriations Bill. Some of our downstate Democrat friends say, 'Well, you should support a Bill that puts all the money in your school districts.' Well, I'll tell you, Representative Bost and Representative Jones and I had a little caucus over here a while ago and we decided that we would vote and support a Bill that puts all the money in our three districts. People down home would just love that. However, we know that we can't pass that Bill and if you could have passed the Bill that you've been talking about all day, when for 12 years you were in control of the chamber, why didn't you? Because you couldn't and you

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won't now. You don't have another idea. This is an idea that puts 3 1/2 million extra dollars in the school districts that I represent. It's a sort of idea that gives local control. It's a sort of idea that calls for accountability. Let's have a test when you finish your twelve years of public education in Illinois and if you fail that test, and I would suggest in districts like 189, they're going to have real problems facing up to the accountability called for here and they're going to have to elect School Board Members who care less about politics and more about children, and that's what this is all about. There's not one dime cut from any budget to fund this. There's not one police officer being laid off. There's not one child who will do without in any mental health facility. There's nothing that hurts the children in the State of Illinois in this Bill. This is a step in the right direction and you should be ashamed of yourselves."

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

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

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

Hoffman: "Yes, I just...I'd like to thank the Representative for yielding his time. I just wanted to respond real briefly to comments about the Collinsville and Edwardsville school district. You see, the point here is what you're doing is you're comparing apples to oranges. Do we want to put more money into education? Absolutely. We're just saying, put it in the right way, the way that we've done it traditionally here and the way that helps our school

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districts. Let me tell you what happens under your plan to the Collinsville and Edwardsville school districts. If you put this money into the flat grant proposal, you are taking away approximately \$300 thousand from my school district by not putting it through the School Aid Funding Formula. That's what we're saying, and you are making out like a bandit because you are getting \$4 million extra. If you want to talk about Representative Stephen's district, we can do that. Representative Stephen's district when we put it through the School Aid Funding Formula, and put the money through there, would have 42,250 thousand. Under this proposal he gets 41,719 thousand, a loss of about \$500 thousand. That's the point. The point is we used to work on a bipartisan basis. We used to work together to make sure that our children were protected. We didn't walk lock step. We used to work together for what was good for our district, regardless of politics, regardless of partisanship. I'm saying stand with us here. Don't lose \$500 thousand from your district. Don't make my district lose \$300 thousand. That's all we're saying. We're saying don't make a change that we're going to regret years down the line because there will come a time when your public service is over, I guarantee you're going to regret this vote."

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

Mitchell: "Thank you, Mr. Speaker. You know as a downstater, I had a little bit to do with this Bill, and I'm really proud of it. And I looked at it number one, to see what it would do for downstate schools and I see the numbers, and I see the problems that we have, and I see that in 27 years in education, the funding formula that was used didn't do the

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job that this is going to do for me. The funny thing is, is that we in one breath say, 'this is just a quick fix, this is nothing permanent'. In the next breath we say you're doing something that's going to last forever. Now, I'm a little confused over that. I'm also confused about losing money that we don't even have. When I look at Nelson School District, that this is going to make a turnaround of \$60 thousand to a district that has less than 100 kids and keep them solvent, then I think it's a pretty good deal. But, beyond that, it does three things that every teacher, every principal, and every superintendent in the State of Illinois tries to do year after year. And that's to reward achievement, higher test scores get rewards, to have classrooms with fewer discipline problems. This with Representative Winkel's Bill, allows for that and the funding is there, and better attendance. We're saying folks if you just get the kids there, the teachers can teach them and we're going to reward you for that. And if they have difficulty, put them in summer school, and we will fund it. There are no unfunded mandates when you add money to every single school district in the State of Illinois, there aren't any unfunded mandates. Now, let's talk facts. We've heard an awful lot about the money that we're going to lose that we don't even have. I spent years struggling in school districts with a formula that you say helps downstate, then why do we have downstate schools on the financial watch list? If that formula is doing everything that it should do, that wouldn't happen. Two years ago I had a conversation with Dr. Alan Hickrod, and my colleague from the Quad Cities said it best, 'We have tinkered and tinkered and tinkered with a formula and now it doesn't work. This works for every school district and



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no it's not a panacea. And yes I would not have signed on and agreed if we were not going to continue to look at this problem and make sure that we do have something that will help all districts down the road. But, folks, the fact is everything in this Bill is something that's going to improve the educational opportunities for kids in the State of Illinois. And if I thought I was working on anything that was going to hurt kids, and I don't care where they are, inner city Chicago, Suburbs, Cairo, Illinois, or Sterling and Rock Falls. I wouldn't have had a part of it. But we work doggone hard to make sure that we put together a program that's going to help kids. I'm extremely proud of it and anybody that votes against a plan that helps kids, helps their achievement, helps their education, then doesn't care about kids. They care about politics. Vote for the Bill."

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

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

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

Davis, M.: "Representative, after reviewing this legislation, and looking over the shift of dollars, what we find is an exacerbation in the nonequity in funding. Those students who are now suffering because they come from needy school districts will suffer even greater and those school districts that are doing extremely well, will do even better. This Bill further exacerbates the inequity in the funding and education in the State of Illinois, and I am appalled that we would come to this Body after your Governor put together a commission. He put together a commission in an attempt to find a method to bring equity to educational funding in the State of Illinois. What does

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this Bill do? It gives millions of extra dollars to the Naperville School District, which is not a poor district, which doesn't need the money. But, it takes money from poor districts, not just 299, but other poor districts downstate and you say to those districts, 'Make do with a block grant.' Well, let's look at what else this stupid Bill does that was not talked about in the Education Committee, the Education Appropriation Committee. Three weeks in a row, Superintendent Spagnola sits before this committee, Education Appropriation Committee, Superintendent Spagnola sits there three weeks in a row providing testimony. Not once did this Bill or its ingredients come up, and you, Representative, sit on that committee. What else does this Bill do? Twelfth grade testing. What the Bill says is the first year, I'm sorry the first semester of Twelfth Grade, the student will be given an IGAP test, and if the student doesn't do well, they take the test over in the second semester. Well, let me give you some information. Colleges usually are sending acceptance letters by the first and second semester of the twelfth grade. Twelfth grade is a little late to find out people can't read or compute. We should know that much sooner than twelfth grade. Most school districts across this country who are dealing with school reform do a lot of things before the student reaches the second and first semester of twelfth grade. What do the colleges do if they have accepted this student in a college program, if they have already placed this student on their roster? All of the sudden we say to them, this kid is not coming, because he failed to pass a state achievement test that we have yet to make up. We don't even know if the test will be...what do you call it, accredited or credible, because it isn't

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in existence yet. What else does this good Bill do, besides further exacerbating the inequity in funding between the poor schools and the rich schools? This Bill says, if a student who doesn't pass this test in the first or second semester of twelfth grade, the student doesn't get a diploma. Oh, no, he's lost his chance for that four year diploma. No, no, no, now he can get a GED certificate if he applies for and pays for the test. There's something awful disturbing about a Bill in which Legislators are attempting to reduce the number of people who get high school diplomas. There is something flawed in that kind of thinking. Another part of this Bill says that if an employer hires you and you have just left a Chicago public school or a Naperville public school six months ago, and you don't do well on your new..."

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

Murphy, M: "Thank you, Mr. Speaker."

Speaker Churchill: "Excuse me, we'll go back to...Representative Davis, I'm coming back to you to do that. Would you please bring your remarks to a close, Representative."

Davis, M.: "I appreciate that. I say to this Body, let us not provide an indecent, an indecent educational reform program. Let's not embarrass the Governor of the State of Illinois. Let's not say to twelfth graders that your education is meaningless now because you didn't pass some test we have not even put together yet. Let's not take money from the police in the State of Illinois and their training academy. Let's not take money from the poor schools and give them to the rich schools. Let's vote 'no' on this Bill and remain at least credible Legislators. Thank you."

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Speaker Churchill: "Okay, and now for further discussion, the Lady from Cook, Representative Maureen Murphy."

Murphy, M: "Thank you, Mr. Speaker. To the Bill. This is about Quality First. Up in Chicago, we had some hearings and the voices of Illinois children gave a startling statistic. In their research it shows that 83% of all Illinoisans want improvement in their schools. It didn't say more money, it said improvement in the education of Illinois children. This is about performance. It's about performance first, Quality First. Children have been passed through from eighth grade on to high schools, who can't even read their diploma. Employers tell us of future employees not being able to fill out an application. We are demanding that someone find out when children can't read. The ALEC report card will be out next week and in the past two years across the nation average reading test scores have dropped in two of the three grades that have taken the Reading Test, the National Assessment Test. We are losing ground, Ladies and Gentlemen, when today's children cannot read. Yes, we are mandating that we find out who these children are in third grade and certainly by Sixth Grade because we all know if you can't read you aren't going too far. And if we hand you a diploma, it will be meaningless whether you choose to go with further education or to the workplace. It's also about discipline. The public wants discipline in today's public schools, and if kids are disrupting the classroom, we want them out of there so that the children there to do the business of education can learn, and best of all we have local control. Are you so afraid of letting seven elected school board members determine where this money will go to? You don't want the parents and the school boards and the PTA to have some say in the direction of the

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education of their children? This is the per capita amount, nothing could be fairer than the kind of money being distributed per child. But remember, it's about responding to our public, Quality First, having performance and discipline, and that the State of Illinois will be the first in the nation to reward diplomas where they have a guarantee. I urge your support. Thank you."

Speaker Churchill: "Further discussion? The Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. I'd like to address this Bill if I may, and I'd like to have the opportunity to maybe ask a question a little later, but right now first and foremost, I'd like to be one of those who commends the Governor of this state. I don't think we'd be having this debate today, I positively don't believe we would be having this debate today if it wasn't for the initiative of Governor Edgar. He stepped forward. He appointed a group of men and women to look into education. He effectively put forth the the plan. Maybe it's not right, but he put forth the plan. Secondly, I'd like to commend the Speaker of this House. I think that the Speaker has stepped forward also, and has put forth a plan. I don't think it's right, and I think that there's probably a lot of other people think that there's a lot of flaws in it. But, I commend you Speaker Daniels for stepping forward with an idea. I think the only way that we can accomplish anything here and I believe the majority of the Legislators in this Body are just like Larry Woolard from little old Southern Illinois. I believe we're here for the good of the people that we represent. I believe we're here for the good of those kids that we have responsibilities for, and I believe the only way that we can be effective Legislators is to do

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it together. We have to work with the Governor. We can't be successful if the Governor is not a part of the plan. We positively can't do it if we're not all involved. I commend you for the start, but we have to involve everyone. There's no way that we can eliminate this side of the aisle in this discussion. I know that you're giving us the opportunity to lambaste you or whatever it is that we might have to say. We appreciate that. That's a step in the right direction, but I'm here to tell you that I want results. I want something that will make a difference, and I think we can. This is a start. The way that we're funding this plan is wrong. If we want Quality First, let's make it first. Let's eliminate any part of the funding formula as far as this piece of legislation is concerned. Let's step on with making a difference. Let's find a way that we can make it happen. I'm one who believes that the State Aid Formula does work. I heard someone earlier say that it doesn't. It's not perfect. It probably needs real modifications. But I'm here to tell you that it does make a difference for school districts that I represent. It continues to make a difference, even though it's been tinkered with. I'm also here to tell you that I understand the dynamics of this Body. I understand where the people live in this state. I understand that there's more of those 'haves' than there is us 'have nots', and I'm willing to talk to you about finding something that works in the middle. It's not giving equal dollars to those people who have \$8, 10, 12, 14,000 to educate their kids, when I have less than 3,000 in many of the school districts that I represent. I'm here to tell you that we can find a way. It's some kind of happy medium. There's one other component part of this plan that's not here today

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and some of you have made it very clear that that's not a part of what you're voting on today, but you can't find \$500 million without being very stressful in some of those other areas of governmental resources and services that we're providing. We're going to have to have guts enough to stand up. We're going to have to have guts enough to make a difference. I'm telling you that I'm ready and willing to do whatever it takes. I'm one of those that will put it on the line. If it causes my defeat to vote for a tax increase, I'm willing. I'm here to make a difference. I hope the rest of you feel the same way. In closing, I'd like to just say, Mary Lou, I believe you're genuinely concerned about kids. Lee, I believe you're genuinely concerned about kids. Let's do it together. Let's make something real happen, not today because it can't happen today, but it can happen this year, and I hope that 's where we're headed. I encourage each and every one of you on that side of the aisle to give us the opportunity to participate with you as we tread down this long trek, for the kids of this great state. Thank you."

Speaker Churchill: "The Gentleman from DuPage, Speaker Daniels."

Speaker Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I appreciate this opportunity to address this Body on the Quality First Plan. Let me, if I may, give you a little bit of history as to how this plan started and why it came about and the direction that we are taking and why. When we listen to the 'hype' and the early release and the leak of the Ikenberry Commission Report, my initial reaction was one of concern as many of you witnessed and heard. I was concerned because I was fearful that all of the desired improvements in education that we would see come out of this report seemed to initially...going to be

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dashed because it was calling for such a huge tax increase, we'd never get beyond that point. And I express my dismay. I was visited then shortly thereafter by President Ikenberry, who explained to me certain features and we expressed our concern about not only the foundation level, but also some of the issues that he was putting forth at that time. And after that I was visited by the Governor on election day, who told me that he intended to support this Bill. I didn't have any problem with his desire to do that to support the Ikenberry Commission Report. It was his report. But, I expressed to him at that time that I still had a concern about a Constitutional Amendment, as I first expressed to him way back in July and before that date. I do not believe that the appropriate way to talk about funding education in this state should be taking away options from the General Assembly as to the direction that it wants to take. I believe that a General Assembly working together will make the right decision on funding of education. I believe that we should do exactly what previous Speakers have talked about and we should work together in making sure that education itself is a priority in this state. When we listen to the debate and the very first words out of the Chairman of the Commission at the press conference announcing his support was that this would take a \$500 million tax increase over and above a tax swap. And yes, would be the largest business break that business in the State of Illinois had ever experienced by a 25% reduction in the real estate taxes for schools by the owner of the Hancock Center, every skyscraper in the City of Chicago, and every land baron that you know in each and every one of your districts, something struck us as wrong. So, yes, we expressed our reservations, but to this date we



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have not officially said that that plan, that Commissions Report is killed. The Republicans had said we will look at it. As recently as yesterday some of our Members introduced that plan so we could continue the discussion and hopefully the input over the summer and into the fall. But, you know what struck me the most about it, was all of the 'hype' and all of the discussion, and all of the concern about the kids of Illinois, nothing was being done today. People were willing to talk about tomorrow, as we have heard for so many years in this General Assembly over the last period of years. Everyone has said 'Well let's talk about education reform tomorrow, it's okay to wait.' We, in the House Republican side of the aisle are unwilling to wait for tomorrow for quality in education and demand that it occur today and occur now. We demand of this General Assembly, House, and Senate and this Governor, that quality improvements in education be started today and be followed through by this General Assembly. And that's why our plan is called and named Quality First. That's why every document and every list and every word in this plan talks about how to improve the quality of education for the kids today. Every educator will tell you that if you lose a child in reading, writing, science, or math, by the time they're in third grade that they are going to have serious problems catching up. Every educator will tell you that it's important for us to catch a child's lack of a proper education in the first or second grade. That's why our plan of Quality First calls for a very precise statement of diagnostic testing in first and second grade. That's why our plan talks about encouraging summer school or remedial education in first and second grade, not sixth, seventh, or eighth grade. It's too late then if you haven't caught

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them. That's why our plan starts achievement testing in the Third Grade level and repeats it at sixth, eighth. And that's why our plan calls for no longer will Illinois issue a diploma that is meaningless when a child can't even read his or her own diploma from High School because they haven't been given the proper education and training. You may not be aware of this, but let me tell you that the very direction and the improvement in the Chicago School System of today has laid the ground work for talking about quality education in the rest of the state. I have made many speeches in the last year and complimented the Mayor of Chicago, Paul Valis, and Gary Cheeco over the advancements they are making in Chicago. Every hour that's put in to reform that system of education to benefit children and their opportunity for a brighter tomorrow is worth the investment. And I compliment them on the role that they're taking. Ladies and Gentlemen of the House, every hour that you put in, in this very difficult debate to benefit the children of Illinois and the opportunities and for a bright future is worth the investment. It doesn't matter that I may be heaped with criticism by spewers of negative thought, by people that know no thing better than to write nasty things about plans that mean well. That's not important. What is important is that when everything is said and done we can stand up and look every constituent in the eye and said 'We worked hard, aggressively and wouldn't sacrifice or compromise our principles for a better form of education than we were given when we walked into this General Assembly. So, I compliment the Governor of the State of Illinois for his focusing the issue, just as many people of today have done. And I think he has performed a tremendous service for the people of Illinois

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by bringing this to our attention. I may not agree with the conclusions of a commission that he appointed. And I may not agree that we should have a Constitutional Amendment that mandates a huge tax increase and ties our hands and gives us no other alternative, but I do agree with the goal of improving education and the quality of education in this state. The time spent in talking about Illinois education should also recognize the good things about it. We are 16th in the nation in graduation rate. We are ninth, and some have released recent reports that we are fifth, in the country in SAT scores. We are eighth in the nation in average teachers salary pay at \$40,989. We rank seventh in the nation in public school expenditures, which includes total education spending minus capital outlay and interest on debt. And the list goes on and on and on about the quality of Illinois education, instead of the thought that everything we have done is wrong, the reverse is true. So much of what we have done is right and working today. But we can do better and we should do better. We should not accept the thought that we can put \$20 million into education and money into the school aid formula more than last year and every year for the last several years we walk out of here putting more in education and yet under proposed budget that's before us now, Carbondale loses \$91, thousand. Under our proposed suggestion and Quality First, Carbondale would be a winner of 315,000 more or Bloom Township High School in the south suburbs would lose \$276, thousand after putting \$220 million more in education this year than last. Under our plan Bloom Township High School in the south suburbs, would gain \$965 thousand. Peoria, in Central Illinois, under the proposed budget before you today, would lose \$928 thousand,

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under our plan would receive \$4.6 million. One of the greatest cities in the United States, the City of Chicago, under the proposed budget would gain \$10 million over last year. Under our plan, the City of Chicago would gain an additional \$76 million in funds that are so direly needed to help educate the children of Chicago. And Springfield, our home, our residence for at least five months out of the year, which we have a responsibility to because we reside here for that period of time, under the proposed budget would lose a whopping \$1.5 million, under our proposal would gain \$5 million in education funding. Are you willing to accept that? Are you willing to accept leaving here with \$220 million more in education and the losses are staggering as to some of our communities? I'm not willing to do that. There is a better way, but the better way starts with quality. The better way starts with opportunity and for the future of our children. The better way starts with a commitment to spend the necessary hours and the time that we have to spend to establish a high academic standard and guarantee quality in education, to increase local control and innovation over our educational standards, to increase and improve school safety for children and teachers by allocating \$25 million for alternative education, and by continuing our reform of the Chicago system of education and working with them. Now, so nobody is confused, no vote today will be taken on the issue of how much you fund the per pupil grant. And I've heard so much discussion already today, earlier, yesterday and in committee and on, about 'Well, my gosh, how can we find this money? Are the children of Illinois really worth it or are we going to sacrifice prison guards or mental health?' I'll tell you something, every minute we spend

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finding the necessary money for the children of Illinois is worth it and every dollar we spend on their education is worth it. Our plan calls for our payment cycle to be under 40 days exactly as the Governor's budget proposes. When we took over control in the majority, the payment cycle was 108 days. Today, it's 37 days and our plan proposes a 36 day payment cycle. Now let me put it in dollars and cents, for every day that you extend the payment cycle, it's a savings of \$2.5 million. So, if you don't like the 36 day payment cycle that we suggest and you want to go to a 30 day payment cycle, fine, if that's the will of the Assembly. But then you multiply 12.5 times 6 and that's how much you take out of the classroom for technology, or education, or our children's future. And we think that by keeping it at a 36 day payment cycle, under the 40 as the budget document had called for, we're doing the best job that we can for our children. So, the payment cycle is one that we're willing to address and look at, but at the same token we are saying to you as other speakers have alluded to, 'Let's work together. Let's move this Bill forward.' But why would anyone in this Assembly vote against quality education? Why would you vote against more local control, improved testing, improved achievement, having children do mandatory summer school when we send the money to the school districts to allow them to pay for it? Why would you turn your back on advancements in education? Because you're going to hide behind something that says you don't like the dollars that have been suggested, but not required under the Bill before you today. Make no mistake about it. House Bill 2596 is a Quality First Bill and doesn't have one cent in that Bill. It's up to the Assembly to determine it. If you turn your back on this Bill today,

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you are turning your back on quality education and the future of our children, and you ought to be ashamed for what you're doing, if you do that. Instead I invite you to participate in demanding that this state not settle for 16th in graduation rate, not settle for ninth or fifth in SAT scores, but be in the top five or top ten, whatever the category is. And I think from that standpoint, we all have an obligation. And on behalf of House Republicans, I don't intend to leave this Session of the Legislature without attending to the issue of quality in our educational system, and I'll stay here if it takes all summer long to guarantee our children a future and a better tomorrow. Join us, work with us, be part of this education reform and join us today. Mr. Speaker, I move and I hope that all will join in House Bill 2596."

Speaker Churchill: "Further discussion? The Gentleman from Will, Representative Wennlund."

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

Speaker Churchill: "The question is, 'Shall the previous question be put?' All those in favor, signify by saying 'aye', opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the previous question is put. The Chair now recognizes the Lady from DuPage, Representative Cowlshaw to close."

Cowlshaw: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I join Speaker Daniels in urging you to support this legislation. As we have worked on this and we have worked long and hard, there is one thing that has come to my mind very often, and I would like to conclude with it today. It is a statement that was once made by a man named Robert Kennedy. He said, 'Some people see things as they are and say, why? I see things as they have never been and ask,

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why not?' Please, vote 'yes'."

Speaker Churchill: "The question is, 'Shall House Bill 2596 pass?' All those in favor, vote 'aye' all those 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 69 voting 'aye', 46 voting 'no' and none voting 'present'. House Bill 2596, having received a Constitutional Majority, is hereby declared passed."

Speaker Churchill: "Mr. Clerk, Committee Reports."

Clerk McLennand: "Committee Report from Representative Churchill, Chairman from the Committee on Rules, to which the following Joint Action Motions were referred, action taken on April 16th, 1996, reported the same back: 'do approve for consideration' Floor Amendment 2 to House Bill 2206."

Speaker Churchill: "Ladies and Gentlemen, if I may have your attention for just a moment. Representative Pugh has filed a Motion. Representative Pugh had voted on the prevailing side. And Representative Pugh now moves to reconsider the vote by which House Bill 2596 passed and the Chair now recognizes Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. I move to table the Motion to reconsider."

Speaker Churchill: "All those in favor of the Motion will signify by saying 'aye'; any opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Motion to Table is passed. Mr. Clerk, please read House Bill 2524."

Clerk McLennand: "House Bill 2524, a Bill for an Act to amend the Illinois Pension Code. Third Reading of this House Bill."

Speaker Churchill: "Back to Second. Committee Announcements."

Clerk McLennand: "Committees scheduled for tomorrow: 9 a.m., Revenue in Room C-1, Judicial for Civil Law in Room D-1,

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Elementary and Secondary Education, Room 114. At 10 a.m., Aging in Room 114, Constitutional Officers in Room 118. At 11 a.m., Cities and Villages in Room C-1, Elections in State Government in Room 114. Again, the Committee schedule for tomorrow: 9 a.m., Revenue Committee - Room C-1, Judiciary for Civil Law in Room D-1, and Education Committee for Elementary and Secondary Education, Room 114. At 10 a.m., Aging Committee in Room 114, Constitutional Officers in Room 118. At 11 a.m., Cities and Villages in Room C-1 and the Elections in State Government in Room 114."

Speaker Churchill: "The House is ready to adjourn. But before we do that, Representative Morrow has asked for one second for a point of inquiry. Representative Morrow, before we adjourn."

Morrow: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have a point of inquiry. I would like to know if it's in the House Rules that campaign commercials can be taken on the House Floor. In my 10 years of being in office here, I've never seen that allowed. I've never seen that done. And the fact that I was just informed that that was being done here on the chamber's Floor. I am ashamed. I am appalled. And I would hope that any Member who was videotaped would not use that in their campaign, specifically on this Bill."

Speaker Churchill: "Representative Morrow, I understand that this year that has been done already for Members on your side of the aisle."

Morrow: "Mr. Speaker, if that's been done, I don't care whose side...this Body is political enough to have commercials for campaign literature done on this House Floor so that people can get up and put on some kind of show or theatre



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so they can go home to their district and show what a damn good job they've been doing when they haven't been doing nothing."

Speaker Churchill: "Representative Morrow, perhaps..."

Morrow: "It's a disgrace."

Speaker Churchill: "Yes. You should tell that to the people on your side of the aisle too. And now, Representative Black now moves that the House stand adjourned until Wednesday, April 17th, 1996 at the hour of 12 noon. All those in favor signify by saying 'aye'; any opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. And allowing Perfunctory time for the Clerk, the House now stands adjourned until Wednesday, April 17th, 1996 at the hour of 12 noon."

Clerk McLennand: "House Perfunctory Session will be in order.

Introduction - First Reading of Bills. Senate Bill 1264, offered by Representative Rutherford, a Bill for an Act concerning taxes. Senate Bill 1407, offered by Representative Goslin, a Bill for an Act to amend the Fire Protection District Act. Senate Bill 1823, offered by Representative Wait, a Bill for an Act in relation to criminal law. Senate Bill 1887, offered by Representative Wirsing, a Bill for an Act to amend the Election Code. Introduction - First Reading of these Senate Bills."

Clerk McLennand: "House Perfunctory Session will be back in order. Introduction - First Reading of Bills. Senate Bill 1511, offered by Representative Winters, a Bill for an Act that amends the Property Tax Code. Introduction - First Reading of this Senate Bill. Introduction - First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #36, offered by Representative Cross. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE

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EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Sections 7, 8, and 12 of and add Section 12.1 to Article VI of the Illinois Constitution as follows: ARTICLE VI THE JUDICIARY SECTION 7. JUDICIAL CIRCUITS The State shall be divided into Judicial Circuits consisting of one or more counties. The First Judicial District shall constitute a Judicial Circuit. The Judicial Circuits within the other Judicial Districts shall be as provided by law. Circuits composed of more than one county shall be compact and of contiguous counties. The General Assembly by law may provide for the division of a circuit for the purpose of selection of Circuit Judges and for the selection of Circuit Judges from the circuit at large. (b) Each Judicial Circuit shall have one Circuit Court with such number of Circuit Judges as provided by law. Unless otherwise provided by law, there shall be at least one Circuit Judge from each county. In the--First--Judicial-District,--unless--otherwise--provided--by--law,--Cook--County,--Chicago,--and--the--area--outside--Chicago shall--be--separate--units--for--the--selection--of--Circuit Judges,--with--at--least--twelve--chosen--at--large--from--the--area outside--Chicago--and--at--least--thirty--six--chosen--at--large from--Chicago; (c) Circuit Judges in each circuit shall select by secret ballot a Chief Judge from their number to serve at their pleasure. Subject to the authority of the Supreme Court, the Chief Judge shall have general administrative authority over his court, including authority to provide for divisions, general or specialized, and for appropriate times and places of holding court.

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SECTION 8. ASSOCIATE JUDGES Each Circuit Court shall have such number of Associate Judges as provided by law. Associate Judges shall be appointed by the Circuit Judges in each circuit as the Supreme Court shall provide by rule. In the First Judicial District as of December 1, 1997, and in those Judicial Districts adopting Section 12.1, no new Associate Judges shall be appointed, and existing Associate Judges shall be eligible for retention as the Supreme Court shall provide by rule. In--the--First--Judicial--District, unless--otherwise--provided--by--law,--at--least--one--fourth--of the--Associate--Judges--shall--be--appointed--from,--and--reside, outside--Chicago. The Supreme Court shall provide by rule for matters to be assigned to Associate Judges. SECTION 12. APPOINTMENT, ELECTION AND RETENTION (a) For the purpose of filling a Supreme Court vacancy, a Supreme Court Merit Nominating Commission shall be formed in a Judicial District where a vacancy arises. A Commission shall evaluate the qualifications of candidates for the vacancy and by majority vote recommend to the Governor 3 persons who are well qualified by integrity, legal knowledge, legal experience, and judicial temperament to serve on the Supreme Court. (b) A Supreme Court Merit Nominating Commission shall consist of 8 persons who reside in the Judicial District. The President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives shall each appoint 2 members, of whom no more than one shall be an attorney. Appointments to a Commission shall be made without regard to political affiliation and no member shall be a Judge, elected public official, or elected political party official. A Commission shall have the authority to investigate candidates for their fitness and qualifications for

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appointment to the Supreme Court. Qualified staff to conduct such investigations shall be provided by the Attorney General. There shall be a period for public comment and public hearings before a Commission recommends candidates to the Governor. A Commission's recommendations shall be made in a written report, which shall be transmitted to the Governor and made public. (c) From the 3 candidates recommended by a Supreme Court Merit Nominating Commission, the Governor shall nominate and, by and with the advice and consent of the Senate, appoint a Supreme Court Judge. (d) {a} Except as provided by Section 12.1, Supreme, Appellate and Circuit Judges shall be nominated at primary elections or by petition and--Judges shall be elected at general or judicial elections as the General Assembly shall provide by law. A person eligible for the office of Appellate or Circuit Judge may cause his name to appear on the ballot as a candidate for Judge at the primary and at the general or judicial elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions. (e) {b} The office of a Judge shall be vacant upon his death, resignation, retirement, removal, or upon the conclusion of his term without retention in office. Whenever an additional Appellate or Circuit Judge is authorized by law, the office shall be filled in the manner provided for filling a vacancy in that office. (f) {c} Except as provided by Section 12.1, a vacancy occurring in the office of Supreme, Appellate or Circuit Judge shall be filled as the General Assembly may provide by law. In the absence of a law, vacancies may be filled by appointment by the Supreme Court. A person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Judges shall

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serve until the vacancy is filled for a term at the next general or judicial election. A person appointed to fill a vacancy less than 60 days prior to the next primary election to nominate Judges shall serve until the vacancy is filled at the second general or judicial election following such appointment. (g) (d) Not less than six months before the general election preceding the expiration of his term of office, a Supreme, Appellate or Circuit Judge who has been elected, appointed by the Governor, or appointed by a Merit Selection Commission to that office may file in the office of the Secretary of State a declaration of candidacy to succeed himself. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy to the proper election officials. The names of Judges seeking retention shall be submitted to the electors, separately and without party designation, on the sole question whether each Judge shall be retained in office for another term. The retention elections shall be conducted at general elections in the appropriate Judicial District, for Supreme and Appellate Judges, and in the circuit for Circuit Judges. The affirmative vote of three-fifths of the electors voting on the question shall elect the Judge to the office for a term commencing on the first Monday in December following his election. (h) (e) A law reducing the number of Appellate or Circuit Judges shall be without prejudice to the right of the Judges affected to seek retention in office. A reduction shall become effective when a vacancy occurs in the affected unit. SECTION 12.1. MERIT SELECTION COMMISSIONS (a) For the purpose of selecting the most qualified candidates to fill vacancies arising or created on or after December 1, 1997, that would not otherwise be

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filled in the 1998 general election, on the Appellate Court and Circuit Court, a Merit Selection Commission is created in the First Judicial District. For any other Judicial District where merit selection of Appellate Judges and Circuit Judges is adopted by referendum, a Merit Selection Commission shall fill Appellate Court and Circuit Court vacancies existing after the first Monday in December following the referendum creating merit selection. (b) A Merit Selection Commission shall have 9 members. In the First Judicial District, the President of the Cook County Board of Commissioners shall appoint 4 members of whom no more than 2 shall be attorneys; the senior State Senator and the senior State Representative residing in Cook County, who are members of the political party with the greatest number of State Senators residing in Cook County other than the political party of the President of the Cook County Board of Commissioners, each shall appoint 2 members of whom no more than one shall be an attorney; and the Governor shall appoint one chairperson. In any other Judicial District where merit selection of Appellate Judges and Circuit Judges is adopted by referendum as provided by law, the Governor shall appoint the chairperson of the Merit Selection Commission and the General Assembly shall by law designate other appointing authorities. All appointing authorities shall ensure that each Merit Selection Commission substantially reflects the racial, ethnic, and gender diversity of the jurisdiction and will give due consideration to geographic representation without regard to political affiliation. (c) Members of a Merit Selection Commission shall serve five-year terms except initially when members shall serve staggered terms as the General Assembly shall provide by law. No member shall be

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eligible to serve more than one term. Unexpired terms shall be filled by the original appointing authority.

(d) Judges, salaried elected public officials, and elected political party officials are not eligible for appointment to a Commission. No member of a Commission shall be eligible for appointment to the judiciary for 2 years after leaving the Commission. (e) A Commission shall fill Appellate Court and Circuit Court vacancies by a three-fifths vote of the Commission membership while sitting en banc. In the First Judicial District, the Commission shall fill Circuit Court vacancies by alternating its appointments between applicants residing anywhere within the District and applicants residing within the divisions of the Circuit provided by law. The appointments from the divisions within the Circuit shall be allocated equally among the divisions. (f) A Merit Selection Commission shall have the authority to investigate applicants for their fitness and qualifications for appointment to the Appellate Court or Circuit Court. The criteria for judicial appointment shall include integrity, legal knowledge, legal experience, and judicial temperament. A Commission shall make judicial appointments without regard to political affiliation and shall make reasonable efforts to select judges who reflect the racial, ethnic, and gender diversity of the jurisdiction. (g) A Merit Selection Commission shall adopt rules governing itself. Applicants shall have an opportunity to withdraw from consideration after initial staff investigation and before names of applicants are made public. There shall be a period for public comment and public hearings before a Commission votes on judicial applicants. It shall be unethical for Members or staff to recruit applicants for

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judicial vacancies or to discuss outside of public hearings the qualifications of applicants with anyone other than Members and authorized staff. After each filling of judicial vacancies, a Commission shall publish a report showing the race and gender of judicial applicants, Judges selected, the judiciary, and the bar of the jurisdiction.

(h) The General Assembly shall appropriate funds for the operation of each Merit Selection Commission.

SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State. Introduction of First Reading of House Joint Resolution Constitutional Amendment #36, offered by Representative Cross, is referred to the Rules Committee. Being no further business, the House Perfunctory Session stands adjourned and the House will reconvene on Wednesday, April 17th at the hour of 12 noon."



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