

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Speaker Breslin: "Ladies and Gentlemen, the House will come to order. It is about time. I would ask Members to be in their seats. The Chaplain for today will be the Past...will be Pastor Mark Bledsoe from the Elm Street Christian Church in Springfield. Pastor Bledsoe is a guest of Representative Curran. I invite our guests in the gallery to rise and join us for the invocation."

Pastor Mark Bledsoe: "Oh God and Father of our Lord Jesus Christ, we bow before You now, recognizing Your holiness. We praise You for the blessings that are ours in Christ Jesus. Father we ask now for guidance and wisdom for these men and women as they make decisions that involve lives of thousands of people. We recognize You as the God of all wisdom and come to You in the name of Jesus Christ our Lord. Amen."

Speaker Breslin: "Representative Ropp will lead us in the Pledge."

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

Speaker Breslin: "Roll Call for Attendance. There are 118 people answering the Roll Call, a quorum is present. Ladies and Gentlemen, we are going to start this afternoon on page 3 on the Calendar on the Order of Concurrences. The first Bill is House Bill 3085, Representative Cullerton. Out of the record. House Bill 3380, out of the record. House Bill 3512, Representative Frederick. Out of the record. House Bill 3671, Representative Steczo. Out of the record. House Bill 3705, Mr. Keane. Out of the record. House Bill 3767, Representative McPike. Representative McPike. House Bill 3968, Representative DeJaegher. The Clerk informs me

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

that this Bill is on this order in error, that the Bill has already been acted upon. So Ladies and Gentlemen mark this off your Calendar, 3968. On the Order of Nonconcurrency appears one Bill, Senate Bill 959. Representative Capparelli. Mr. Capparelli are you ready to act on this Bill? Out of the record. Representative Daniels for what reason do you seek recognition?"

Daniels: "Madam Speaker, Ladies and Gentlemen of the House, I wonder if I might just indulge you for a second and ask for you to join me in welcoming back a native of Springfield, a gentleman who graduated from Southern Illinois University and presently serves as the Assistant Republican Leader of the Florida House of Representatives. He's here in Springfield to attend the ceremonies over the weekend, nothing to do with baseball or anything like that, but he's here to say hello to everybody. Would you join me in welcoming back a Springfield native, Representative Frank Mescherschmidt from Florida?"

Speaker Breslin: "Welcome. Thank you. Representative Daniels."

Daniels: "It's interesting to note that the Florida House, their two top leaders, Representative Dale Patchett, who's the Minority Leader of the Florida House is a former resident of Illinois and a graduate of Southern Illinois University and of course Frank Mescherschmidt whom I just introduced to you is a Springfield native. So the Florida House of Representatives is being run by some Illinois natives and so if you're ever down there make sure you call upon them, because they'll extend to you I'm sure the best of hospitality."

Speaker Breslin: "I have one question, though, Representative Daniels, I understood that Clyde Schult was...had indicated that only Democrats could graduate from Southern Illinois University, how did this happen?"

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Daniels: "Well that shows you why Clyde is no longer a leader in the Assembly."

Speaker Breslin: "Representative Parke for what reason do you seek recognition?"

Parke: "Madam Speaker, just to point out that very conservative able Republicans also call themselves Saluki's and I am a graduate of Southern Illinois University."

Speaker Breslin: "Aha. Ladies and Gentlemen a Supplemental Calendar has been passed out and should be on your desks. Does everyone have the Supplemental Calendar so that we can go to this Order of Business? It was just passed out Representative Piel, just in the last couple of minutes. Okay. On Supplemental #1 appears House Bill 3930, Representative Ryder. Now where is Representative Ryder? He was just here. Out of the record. Representative Keane for what reason do you seek recognition?"

Keane: "Thank you, Madam Speaker. If you're looking for something to do on the Concurrence Calendar, I have 3705. I'd like to nonconcur with."

Speaker Breslin: "Yes, we were just going to that on the Order of Concurrence on page 3 on your Calendar appears House Bill 3705, Representative Keane."

Keane: "Thank you, Madam Speaker. I move to nonconcur with Senate Amendments 1, 2 and 3 to House Bill 3705. Actually there's nothing wrong with 1 or 2, but Amendment #3 broadened the language and broadened the delinquent property tax payers rights. So I'm asking that the Bill...we nonconcur and we can force the Bill into Conference Committee and work out our disagreements."

Speaker Breslin: "The Gentleman has moved to nonconcur in Senate Amendments 1, 2 and 3 to House Bill 3705. Is there any discussion? Hearing none the question is, 'Shall the House nonconcur in Senate Amendments 1, 2 and 3 to House Bill

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

3705?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the House nonconcur in Senate Amendment #1, 2 and 3 to House Bill 3705. Going back to Supplemental #1 under the Order of Conference Committee Reports, Representative Kubik you have a Bill on that Order. That's House Bill 4037. Do you wish to call it? House Bill 4037? Out of the record. Ladies and Gentlemen on Supplemental #1...excuse me, Representative Bugielski for what reason do you seek recognition?"

Bugielski: "Thank you, Madam Speaker. Just a reminder, most of you got notices already. The VFW's passing out citations today, if your name appears on this list, please come up to the front to have your picture taken with Larry DiPrima. Thank you and receive your citation."

Speaker Breslin: "Thank you. On Supplemental #1 under the Order of Conference Committee Reports appears House Bill 4037, Representative Kubik."

Kubik: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 4037, the First Conference Committee is an Agreed Conference Committee. This particular Conference Committee is the follow up to the Welfare Reform Bill that has passed out of both Houses. What we do...what we do is to we concur with Senate Amendment #1 which is the Bill that Representative McNamara passed out of the House. I believe that...House Bill 4097, which would ask that the...anybody who...which would prohibit...protect against the use of false records in obtaining public assistance. In addition to concurring with Senate Amendment #1 we do the following, which is the agreement between business and labor on this issue. We increase the fee which an employer may collect from an employee for withholding spousal and child support pursuant to a court order, from the \$4.00 fee

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

at present to \$5.00. We also allow employers to forward the withheld support payment to the obligee or the public office whichever is applicable within 10 days of when the affected employees are paid, rather than the same time such employees are paid. This is the federal standard, so in this particular case we're adopting the federal standard. I'd be happy to answer any questions and I would appreciate your support on Conference Committee #1 on House Bill 4037."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report on House Bill 4037. And on that question the Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Madam Speaker. Will the Gentleman yield?"

Speaker Breslin: "The Gentleman will yield to a question."

Countryman: "Representative Kubik does this contain the Bill that Representative Daniels sponsored which requires in any divorce case heard after the effective date to withhold child support payments by the employer?"

Kubik: "This does not, Representative Countryman. This is a follow up Bill which would establish..."

Countryman: "So this just increases the fee that the poor child support payer has to pay. Is that right?"

Kubik: "Correct, correct."

Countryman: "Did this go through any committee? Was this heard in the Judiciary Committee or any other committee?"

Kubik: "I do not believe so."

Countryman: "So you just decided to increase that fee in addition to making them have to pay the child support. Is that right?"

Kubik: "No this was not just decided to be done. This comes after long and extensive negotiations between both business

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

and labor on the issue. And this was the agreement that we came up the \$5.00..."

Countryman: "Well didn't we just come to a compromise last year or the year before on this fee?"

Kubik: "I beg your pardon?"

Countryman "Didn't we just come to a compromise two years ago on this fee at \$4.00 a month?"

Kubik: "Representative Countryman, yes we did agree a few years ago to a \$4.00 fee, however, we have passed a Bill out of both Houses which is now sitting on the Governor's desk, which requires child support payments and as a result we decided to increase the fee because there would obviously be more employers that will be affected."

Countryman: "Well, why would it go up if they're going to do more of them? Most of these are on computer and the more you do, the less it costs, doesn't it?"

Kubik: "Well, Representative, in the discussions between business and labor this was a compromise. Now the business community said that even \$4.00 or even \$5.00..."

Countryman: "Well did you ask any of the poor people who are going to have to pay the fee?"

Kubik: "Representative, would you allow me to finish my answer before you ask another question?"

Countryman: "Well you're not answering the question."

Kubik: "I'm answering the question, I'm telling you that they're moving it from 4 to \$5.00 even though it will not cover the total amount that's necessary to cover the fee. But business believed that they had to compromise on this issue and that's what the number came up with, 5 bucks."

Countryman: "Well did you ask any of the people who pay this fee why they should have to pay more?"

Kubik: "Representative..."

Speaker Breslin: "Any further discussion? Representative Kubik."

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Kubik: "In these discussions it would appear that the people are represented by labor."

Countryman: "Oh, so you took the position to the people who are represented by labor? Is that correct?"

Kubik: "In this particular case, yes."

Countryman: "Alright, and how much will it cost somebody who now comes under the jurisdiction of this Act? How much will he have to pay in fees each year to pay...just to have the privilege of paying child support through wage deduction?"

Kubik: "Representative, my understanding that the agreement allows the employer to charge \$5.00, it doesn't necessarily mandate that they charge \$5.00 so it would be hard to estimate exactly what it would be."

Countryman: "Well wouldn't it be 12 times 5, \$60.00 a year plus \$36.00 a year to the Circuit Clerk for a total of \$96.00?"

Kubik: "It might be in those cases, but not necessarily, depending upon what it costs to process the child support payment."

Countryman: "Does this provide that they shall charge what it cost or that they may charge a fee up to \$5.00 per month?"

Kubik: "It provides that they can charge up to \$5.00. It does not name a specific number that they will charge."

Countryman: "Why didn't you have them charge...allocate it on how much it cost. So if it only costs them \$1.00 a month, that's all the person has to pay?"

Kubik: "Frankly, business believed that it cost more than \$5.00 to comply with this fee, but as a...as a compromise they've come down to \$5.00."

Countryman: "But it could cost less, is that right?"

Kubik: "I beg your pardon?"

Countryman: "Madam Speaker, to the Conference Committee Report.

I stand in opposition to this Conference Committee Report because I don't really think we've taken into concern the

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

person out there and the citizens of the State of Illinois, the little guy. All of a sudden we come through here with a Bill that says we're going to require child support by wage deduction, and when we do so, then, we come back with another Bill that hasn't gone through Committee and we raise that fee. Now we've got the burden not only of paying child support, mandatory guidelines, but we're talking about \$100.00 a year more for fees for people to in enforce a process to force a process down the little guy's throat. And in order to do so we're just going to charge them for it. We really don't care about them, we're just going to put it to them. I think this is a bad Bill and I think a 'no' vote is a good vote."

Speaker Breslin: "The Gentleman from Macon, Representative Dunn."

Dunn: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I too rise in opposition to this legislation. The previous Speaker has put his finger right on the nub of the problem here and that is that the underlying legislation will require every employer in this state whether you have one employee or whether you have 100,000 employees to sort your employees out. Find out who are paying child support. Find out where they are paying child support. Find out how much the child support is, withhold the child support, whether it is to be paid weekly, monthly, bi-weekly, and in whatever amount and be ready and alert to change those withholding procedures upon proper receipt of a court order indicating that the amount has been changed and to do all that...and to do all that for a fee as indicated from \$4.00 to \$5.00 a month. Which may result in \$100.00 a year to be paid ultimately by the payer who has never missed a child support payment, never intends to miss a child support payment and to force that payer to be in the awkward situation of having his or her employer deduct these wages.



STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

And large employers, I've talked to some of them, tell me...they tell me that they can process this through a computer. I hope they're right about that, it's difficult for me to grasp how you can readily computerize a situation where payments may be made to any court in any state of this nation and process the mailing...the deduction and mailing of those payments to those courts and quickly process the changes in court orders. Maybe that can be done, but in the small ma and pa operations which we like to say here in the General Assembly that we're looking out for, those people don't have the equipment, they don't have the computers, they don't have the extra employees, the bookkeepers to process these payments. So if they have one employee who is current and who's withholding needs to be deducted they will have a tremendous burden, they'll be unhappy with that employee. It will build friction, needlessly so, because this Bill doesn't trigger in when there's delinquencies. This Bill triggers in from day one, every...each and every payment must be paid by the employer, taken out of the employees wages. If we're going to do this, we should say that the employer should be reimbursed in full for whatever the costs are for processing this payment and when we do that we will then be taking more money out of the payer's pocket to do that, less money to the payee, all in a situation where the payer was willing to pay direct anyway at no cost to anyone. The underlying Bill is a bad Bill. This Bill may help the Bill become law, and anything which helps this Bill become law is bad. I urge a 'no' vote on this Bill."

Speaker Breslin: "The Lady from Cook, Representative Currie."

Currie: "Thank you, Madam Speaker, Members of the House. I rise in support of the Conference Committee Report to House Bill 4037. The underlying Bill that is the subject of some

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

disagreement on this House floor, is not in the Conference Committee Report on House Bill 4037. That Bill has already been passed by both chambers and is on the Governors desk. I think most employers can manage to cut a second check without additional costs. The employer community, however, came to this Legislature and requested as much as \$13.00 extra per month to cut a second check. The compromise that is the substance of House Bill 4037 permits an increase in the fee of only \$1.00 a month. This agreement has the support of the organized business community, of organized labor and, perhaps most importantly, for those of us who are concerned with the welfare of Illinois children of the Illinois Task Force on Child Support. Let me mention too that this House adopted yesterday a Resolution directing the Inner-Governmental Cooperation Commission to find out what the real costs to business are of sending second checks to the Federal Government for payment of withholding under income tax laws, to the Social Security Administration, for Social Security payments, to the State of Illinois for income tax withholding purposes and find out whether this additional requirement to send money for children from absent parents who owe that money, in fact costs them one extra dime. When we have the results of that study we may be able to come back and abolish any fee prov..."

Speaker Breslin: "Proceed Representative Currie."

Currie: "But in the mean time this Conference Committee deserves our support. I hope you will support it along with the Illinois Task Force on Child Support."

Speaker Breslin: "The Lady from Cook, Representative Didrickson."

Didrickson: "Madam Speaker, Members of the House. This is a Bill that had gone through a year ago and got caught up at the after Session in some dialogue that wasn't clarified. This

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

is an important Bill to the employer community for a service that we in the State Legislature are mandating on them. It's a lot of record keeping with the current legislation that's passing through the House with regards to automatic withholding. The burden is even going to be greater. I agree with Representative Currie, as long as we have the original Bill that will be expanding the base we now need this additional legislation in order to be fair to the employer community. I understand that there's agreement not only with the employer community, but also with the labor community. I think we should recognize this and vote it up and proceed then with the study."

Speaker Breslin: "The Gentleman from Lee, Representative Olson."

Olson, M.: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. We've heard from the Defense Bar, we've heard these arguments before. This is a good measure. We've heard the affirmative response and I urge an 'aye' vote on 4037 First Conference Committee Report."

Speaker Breslin: "The Gentleman from Fulton, Representative Homer."

Homer: "Question for the Sponsor."

Speaker Breslin: "Proceed."

Homer: "Representative Kubik, who pays the processing fee? Is it the payer or is that deducted from the child support benefit?"

Kubik: "Representative, it's my understanding the employee would pay the processing fee. It would not...it would not be deducted from the child support."

Homer: "Okay, the...in the normal wage deduction order the employer's allowed to deduct a processing fee, but that is a offset from the benefits that are to go to the recipient of those wage deduction benefits and the employee is not the party who pays. What you're saying in this case, you

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

understand that it is the employee who pays the processing fee and that there would be an additional withholding from that employee's paycheck in order to compensate the employer for the withholding. Is that your understanding?"

Kubik: "Representative Homer, you are correct. It is paid by the employee. I would also state that under current law the \$4.00 fee is presently paid by the employee as well. So that we haven't changed that particular provision, we've only increased it by a dollar."

Homer: "Alright, in asking the question I'm not advocating a vote one way or another on the Bill, I just want to know...I didn't quite understand what you said."

Kubik: "Okay, what I said was that under this legislation the employee would pay the \$5.00, but I would also remind you that under current law the \$4.00 charge that is in effect right now is also paid by the employee. So we're increasing it one dollar."

Homer: "Okay, thank you."

Speaker Breslin: "The Gentleman from Warren, Representative Hultgren."

Hultgren: "Thank you, Madam Speaker. Two things, first of all can we get to the point where I could hear?"

Speaker Breslin: "Ladies and Gentlemen. Ladies and Gentlemen. Is that any better Representative Hultgren?"

Hultgren: "Some, we can do better, but it will have to do apparently. Would the Sponsor now yield for a question?"

Speaker Breslin: "He will. Would those of you standing between Representative Kubik and Representative Hultgren sit down or move to the side?"

Hultgren: "Jack, if I understood your response to earlier questions, this subject matter was added to this Bill in the Conference Committee, it had not previously been a part of the legislation until it went to the Conference

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Committee. Did I hear that correctly?"

Kubik: "That is correct."

Hultgren: "Is it being done this way because there's some emergency, that is to say, do we have to have it done now? Or could we wait until 1989 when this would have an opportunity for a full hearing before the House and Senate so we have an opportunity for some public input on this issue?"

Kubik: "First of all, Representative, it will be effective in 1989. This particular provision will be effective in '89. Secondly, as a part of the negotiations we have also passed a Resolution as of yesterday to get various groups back together to look at this issue and study this issue and report back to the General Assembly as to the cost factor involved in this legislation."

Hultgren: "If that report is to be forthcoming, and I assume your reporting date is sometime in 1989, then rather than adopt something now before the Task Force has an opportunity to meet and also to adopt something where we have not been through the committee process, what would be the disadvantage to simply waiting until 1989 to act on this matter?"

Kubik: "Well Representative, with the law which was passed and is now sitting on the Governors...the Bill that has passed and is sitting on the Governors desk..."

Hultgren: "Yes."

Kubik: "We are mandating child support payments. That is something that we have not had in this state before. The business community is concerned about the cost that they will have to endure under this particular legislation. And we felt it only appropriate that if this particular provision was going to go into effect that the additional fee be allowed so that we can help the business community

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

in this...in processing and defraying some of the cost."

Speaker Breslin: "Representative Hultgren."

Hultgren: "I think maybe she's trying to tell me I'm out of time.

What...one follow up question, the legislation you referred to which is now on the Governors desk, what's the effective date of that legislation? Do you recall?"

Kubik: "January 1, 1989."

Hultgren: "Thank you, thank you for bringing some order to the House."

Speaker Breslin: "Ladies and Gentlemen, there is...there is too much noise on the House floor. I'm going to have to ask the photographers to move to the back of the Assembly. I'm going to have to ask the Doorkeeper to remove all unauthorized persons. If we have staff people on the floor that are not needed at this time, I'm going to ask you to move to the rear of the chamber. People cannot hear the debate. There are still people seeking recognition on this Bill. Oh, that's much better. The next Lady to be recognized is the Lady from Sangamon, Representative Hasara."

Hasara: "Thank you, Madam Speaker. I have three points I would like to make. First of all, when I was Circuit Clerk here in Sangamon County and obviously I can only speak for my own area, and I collected child support from employees...employers, very, very few of them chose to charge the fee that they could have charged. So it may put your mind at ease to know that under the existing law, employers could charge \$4.00 and in this county anyway, very, very few of them chose to even charge the payer that \$4.00. So hopefully that will answer some of your concerns. Secondly, I would just like to remind all of you that it was said I believe, that some of the people forced to pay this money would always intend to pay their child

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

support, let's remember under the underlying Bill there is an opt out provision at the time of the original child support order. If both parties in the divorce decree agree, the payer may pay without going through his or her employer. Thirdly, we've been talking a lot about the little guy, not only in this regard, but in a lot of regards dealing with legislation before us in this Assembly. I would like to remind you that in this case the little guy is the child. The reason that this Bill came up in the first place is the child that is not being supported by both of his or her parents. That's the little guy in this case. I ask you not to forget that and please accept this Conference Committee Report. Thank you."

Speaker Breslin: "The Gentleman from Kane, Representative Kirkland."

Kirkland: "Will the Sponsor yield please?"

Speaker Breslin: "He will."

Kirkland: "Jack, my reading of the Conference Committee Report would indicate that this is simply a one dollar increase in the fee."

Kubik: "Correct."

Kirkland: "And there has been an argument made that this would increase the paper work of the employers. Am I correct in not understanding that argument, simply because that paper work is now going on and they'll simply be inserting a different number into whatever paperwork they presently go through?"

Kubik: "That is correct."

Kirkland: "And the only paper work that might increase is caused by the underlying Bill not by this increase in the fee."

Kubik: "Yes, Representative, that's correct."

Kirkland: "Okay, thank you."

Speaker Breslin: "The Gentleman from McDonough, Representative

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Slater."

Slater: "Thank you, Madam Speaker. The extra one dollar that we're talking about here is not for the little kids. This extra one dollar goes to big business. I urge a 'no' vote."

Speaker Breslin: "Representative Kubik to close."

Kubik: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. In closing I'd like to say that there was a lot of debate about the under...the Bill that was passed and put on the Governors desk, the Welfare Reform Bill. And in that debate I heard a lot about how this was going to be a terrible thing for little business and small business and they were going to pay the price. Well what we're trying to do in this legislation is make it possible for little...small business to be able to handle this kind of...this new legislation. I would also point out that this an Agreed Bill. The people who have worked on this legislation and agreed to it are the Department of Public Aid, the AFL-CIO, the UAW, the Steel Workers, the Teamsters, the Illinois State Chamber of Commerce, the Illinois Retail Merchants Association, the Associated Employers of Illinois, Deere and Company, and the National Federation of Independent Business. These people have all agreed and signed off on this legislation. It's a compromised piece of legislation and I might point out that this only increases the fee one dollar. We've heard a lot of figures bandied about in this debate to kind of throw a red herring into the debate. The fact of the matter is there's only a one dollar increase. I urge your support of First Conference Committee #1 on House Bill 4037."

Speaker Breslin: "The question is, 'Shall the House adopt the First Conference Committee Report on House Bill 4037?' All those in favor vote 'aye', all those opposed vote 'no'."



STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Voting is open. Representative Farley, one minute to explain your vote. The Gentleman indicates he does not wish to explain his vote. Have all voted who wish? This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 103 voting 'aye', 14 voting 'no', none voting 'present'. The House does adopt the First Conference Committee Report on House Bill 4037. And this Bill having received the Constitutional Majority is hereby declared passed. Going to the Order of Concurrences, on page 3 on your Calendar appears House Bill 3085, Representative Cullerton is recognized."

Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Madam Speaker with regard to House Bill 3085, the Senate adopted Amendments 1, 2, 3, 4 and 6. It's my intention to concur with 1, 2, 3 and 4 and to nonconcur in 6. So with the permission of the Speaker, and since I don't want anyone to say that they weren't paying attention when I offered this Bill, I would suggest that people realize that this is a Bill dealing with the Chicago Park District, that there might be some confusion that they're voting to concur with #6 but I have no intention of doing that. So perhaps we can, of course, if what I say is not interesting to them they can keep on talking and it won't make any difference. So perhaps we'll just proceed. Senate Amendment #1 and 2 were stripped by Senate Amendment #3. So in explaining the Motion to concur let me just first explain what Senate Amendment #3 did. There are terms of offices in the Chicago Park District that were established by state law, Treasurer, Secretary, General Superintendent, and it was the intention of this Bill to remove those terms. Furthermore, there is a position of Superintendent of Employment which is found in the State

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Wide Code that is a 6 year term and it's the intention of this Bill to remove the term of office from that as well. These positions then would be filled by appointment of the board. Amendment #3 also clarifies that the park district is subject to the investment of Public Funds Act with regard to the depositing of monies. It also indicates that the commissioners would be entitled to receive reimbursement for reasonable expenses, but it in no way allows them to receive a salary. It also clarifies that the park district is authorized to individually or jointly self insure. It provides that the park district is not required to publish appropriation ordinances and additions of newspapers distributed outside the City of Chicago. And it removes the requirement that the park district deposit funds after competitive bid to the highest bidders as I indicated. That's what Amendment #3 did and perhaps, Madam Speaker, we can take a vote on...if you wish on Senate Amendments #1, 2 and 3...correct the board make it 1, 2 and 3. And then on 4 we can have a separate vote."

Speaker Breslin: "That would be fine. The Gentleman has made his Motion. It is that we concur in Senate Amendments 1, 2 and 3. We will debate Senate Amendment #4 and Senate Amendment #6 at a later time. On the question of concurrence in Senate Amendments 1, 2 and 3 the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you. Representative, what is your Motion again? You want us to nonconcur in 4 and 6?"

Cullerton: "No, I'm going to nonconcur on 6 only."

McCracken: "And 6 is the one that would have allowed the mayor to fire all the members and reappoint 7 new ones?"

Cullerton: "Right."

McCracken: "And is your intent to get this into a Conference Committee some portion of it?"

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Cullerton: "Yes, but I see a certain value in...since the same issues are going to come up in a Conference Committee, because they're going to include these Amendments, I see a value in debating them now and explaining them so if anybody has any questions we can anticipate any problems."

McCracken: "That's..."

Cullerton: "I also would remind you..."

McCracken: "That's noble."

Cullerton: "I also would remind you that, you know, who knows what the Senate does this time of year. I mean the Senate could recede from Amendment #6 and if they did that, although that's not the plan, I would like to make sure we pass this Bill because the Bill is truly a reform package and I think it's important."

McCracken: "Well yesterday we sought, or one of our Members sought to concur in one Amendment and not concur on another, but not to seek the Senate's receding from its Amendment. She proposed to send it into a Conference Committee. So I think what's good for the goose is good for the gander. I would ask you to put it into a Conference Committee, clean it all up and bring it back and explain it to us."

Cullerton: "Representative, you cannot...Representative you can't do that on a House Bill. On a House Bill you can't ask for a Conference Committee."

McCracken: "Well I know, I know, but you nonconcur on everything and send it back."

Cullerton: "I have no intention of doing that. I don't want to nonconcur on the Amendments that I want to have in the Conference Committee."

McCracken: "Well, I think...I think the problem is this..."

Cullerton: "What is your problem with debating the merits of these Amendments?"

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

McCracken: "Because they're not up. It's not a final vote."

Cullerton: "What if the Senator changes his mind and decides to recede from Amendment #6 and is successful?"

McCracken: "Well you're telling us you're going to send it into a conference. Now are you saying you don't know if you're going to send it into a conference?"

Cullerton: "I'm saying that it's my intention and my understanding is that the Senator's going to send it to a conference, but I don't have any control over the Senator. You know that."

McCracken: "Well I'm under the impression there's an agreement as to the substance of Amendment #6 that the mayor will be given two new appointments, but that the current board will not be fired."

Cullerton: "Well I'm glad you know what the Bill's going to do."

McCracken: "Well is it true? I don't know if it's true, that's what we're told."

Cullerton: "That's what the understanding is, yes."

McCracken: "Well then it's going to go to a Conference Committee, so what is the point? Yesterday we tried to do the same thing and Representative Homer objected to it, pointing out that it was pointless. I, Sir, to you point out the same thing. It's pointless if you've got a deal..."

Cullerton: "Well if I was...if I was here yesterday on the floor I never would have said it was pointless."

McCracken: "If you've got a deal send it to the Conference Committee."

Cullerton: "Representative Homer, maybe he was...maybe it was a Senate Bill. She was asking for a Conference Committee, I'm not saying I want a Conference Committee, I'm saying I want what I said, I want to concur on these Amendments and nonconcur on the others. Now if you want to debate the merits, I'm ready."

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Speaker Breslin: "Any further discussion? Representative McCracken."

McCracken: "Alright, thank you. Is it correct that part of Amendment #3 dispenses what the requirement of competitive bidding for the deposit of Park District Funds?"

Speaker Breslin: "Representative Cullerton."

Cullerton: "Yes, let me explain. That Section is unique to the Chicago Park District. And what that says is if you want to deposit your funds in a bank, you have to have competitive bidding to determine which bank the deposits are in. It's not the case for any other unit of government in the State of Illinois."

McCracken: "Isn't it the case for the state? Doesn't the Treasurer have to do that?"

Cullerton: "Not for deposit of funds."

McCracken: "What's he have to do it for?"

Cullerton: "He has to comply with the investment of Public Funds Act, which is what I suggest is located in this Amendment. We require the park district to comply with the Investment of Public Funds Act."

McCracken: "And that's what governs the state?"

Cullerton: "Yes."

McCracken: "Now is that requirement that it be required to comply with that law in this Amendment?"

Cullerton: "I'm sorry could you repeat the question?"

McCracken: "Yes, would there, being required to follow the Public Investment Act, is that stated anywhere in the Amendment? Or is merely the requirement that they undertake competitive bidding deleted?"

Cullerton: "That was stated in the Amendment. If you want me to get you the line number, I will."

McCracken: "Is that in three?"

Cullerton: "Yes, Representative the Investment of Public Funds

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Act is in Chapter 85, Section 901."

McCracken: "Okay."

Cullerton: "And the word public agencies as used in this Act mean the State of Illinois, the various counties, townships, cities, towns, villages, school districts, special road districts, public water supply districts, fire protection districts, drainage districts..."

McCracken: "Okay, okay..."

Cullerton: "levee districts, sewer districts, etc..."

McCracken: "Okay I see it. Under that Act what if any requirements are there to safeguard the public trust? I mean I don't need a long explanation, but I would like to know how does the Public Investment Act protect the public in this situation?"

Cullerton: "Acknowledging that it applies to the state you understand that. And all these other boards."

McCracken: "Well I know, but what does it do?"

Cullerton: "Well okay, it's found on the...the problem I have is that it is..."

McCracken: "I see it's in here, yes you're right."

Cullerton: "It's two pages long, so..."

McCracken: "Alright why don't we go to something else. This allows for the..."

Cullerton: "See now, Representative McCracken, I want to point out and emphasize the importance of this debate in saving time when we do the Conference Committee."

McCracken: "I've already heard that one. Alright what is it, briefly? I mean, if they no longer have to engage in competitive bidding and they can put it anywhere they want, what, if any, safeguards are there? You've said the Investment Act which applies to the state."

Cullerton: "I've got time. I've got time. Permitted investments, any public agency may invest any public fund,

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

#1 in bonds, notes, certificates of indebtedness, treasury bills or other securities now or hereafter issued which are guaranteed by the full faith and credit by the United States of America as to principal and interest. Or two, an interest bearing savings account, interest bearing certificates of deposit or interest bearing time deposits or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act. Or three, a short term obligations of corporations organized in the United States with assets exceeding 500 million dollars."

McCracken: "Okay, so the result is they can put it into a interest bearing bank account among other things, which they can do now. But now they have to engage in competitive bidding. So the only difference is they won't...they will no longer have to engage in competitive bidding, period. Right?"

Cullerton: "The problem...you have to understand what the problem of competitive bidding in when you...you're just talking about a savings account."

McCracken: "Okay, what is the change in the law regarding the appointment of the...what is the term? Superintendent or Supervisor?"

Cullerton: "You're specifically asking about the term Superintendent of Employment?"

McCracken: "Well, it...the Amendment eliminates any set terms for the park district, Secretary, Treasurer, Superintendent."

Cullerton: "It eliminates Treasurer, Secretary and General Superintendent which are found in the Chicago Park District Act, eliminates their terms. It just says that the board shall appoint these people and they shall serve at the board's pleasure. We have anachronism which has been supported by...this change has been supported of course by the editorial boards of the newspapers, because they

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

recognize that the board...the Park District Board shall have the power to select these people and that the state shouldn't arbitrarily impose on them a four year term. And the Superintendent of Employment is a six year term which is found in the Civil Service and Parks Act, and what we're saying is that with regard to that position we're also eliminating that six year term."

McCracken: "Okay, thank you."

Speaker Breslin: "The Lady from Cook, Representative Braun."

Braun: "Thank you, Mister...Madam Speaker, Ladies and Gentlemen of the House. To clarify in this regard the former chairman of my legislative campaign is a Member of the Board of Directors of Friends of the Parks. House Bill 3085 started out as a reform effort by Friends of the Parks. Unfortunately and by virtue of some mix up, Amendment 6 did not represent the will of either the Mayor of the City of Chicago or of Friends of the Parks. As such Representative Cullerton and consistent with the letter which Friends of the Parks distributed yesterday is attempting to concur in the body of the Bill so that only Amendment 6 will be before the Conference Committee. Let me share with you what Friends of the Park said yesterday. It says, 'This Bill was proposed to facilitate the current reform of the Chicago park system. On Friday the Senate added and approved a critical Amendment #6 which negates the essential spirit of the legislation. We urge you to support House Bill 3085, but to reject Senate Amendment #6.' So, where we are now is Representative Cullerton has moved for concurrence in those Amendments which are consistent with the reform effort so that we may exercise Amendment 6 in Conference Committee and change just that part of the Bill. His Motion therefore is very well put. It will preserve the reform effort, but at the same time



STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

allow for reclarification on the issue of the park district board membership. I appreciate your support for his Motion to concur in Senate Amendment #3."

Speaker Breslin: "There being no further discussion, Representative Cullerton to close. Excuse me, the Gentleman from Cook, Representative Huff is seeking recognition. Representative Huff."

Huff: "Thank you, Madam Chairman. It distresses me, Ladies and Gentlemen, how liberally we throw this term 'reform' around. It seems to me that the exclusion of Amendment #6 does not lend itself to the term...in a worthy term. I think we should consider Amendment #6 and table the other Amendment...Amendment #3 and Amendment #4. We ought to talk about reform, I don't see any reform in changing the way we deposit park district's monies. If we're going to have reform let's throw the whole kit and kaboodle out and start over again, which is what Amendment #6 does. I think we are deluding ourselves and I wish you wouldn't use that term 'reform' when we really mean something else. I'm tired of getting caught in these euphemistic hyperboles."

Speaker Breslin: "Representative Cullerton to close."

Cullerton: "Yes, thank you, Madam Speaker. Madam Speaker in coming to the defense of Representative Homer, I understand that he was absolutely correct yesterday. There was a State Representative here who wanted to do nothing...wanted to do nothing with regard to a couple of Amendments, neither concur nor nonconcur and expect the Bill then was going to go to a Conference Committee. Representative Homer correctly informed that Representative that you have to either concur or nonconcur for that to happen. In this case I believe procedurally we are certainly correct in concurring with the Amendments that I've indicated. We are not debating Amendment #6 and we're not debating 4. We're

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

debating 1, 2 and 3 and is basically embodied in Amendment #3. I've indicated what they do, it eliminates terms of offices so that they serve at the pleasure of the board and brings the park district within the Investment of Public Funds Act. It allows commissioners to receive reimbursement for expenses only. It clarifies that the park district can self insure. And removes the requirement as we talked...debated with Representative McCracken with regard to the depositing of funds. I would move for the adoption of my Motion which is to concur with Senate Amendment #1, 2 and 3."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendments 1, 2 and 3 to House Bill 3085?' Ladies and Gentlemen, please note that the board only says Amendment #3. The Motion is for 1, 2 and 3. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 82 voting 'aye', 35 voting 'no', none voting 'present' and the House does concur in Senate Amendments 1, 2 and 3 to House Bill 3085, Representative Cullerton is now recognized for an additional Motion."

Cullerton: "Yes, I would move to concur with Senate Amendment #4 to House Bill 3085. Senate Amendment #4 deals with the issue of the Personnel Code. Park districts right now is under the Civil Service and Parks Act, which dates back to 1911. And the feeling of the park district is that it's difficult to reconcile this Act they're under with State and Federal Employment Discrimination Laws that's expensive to enforce it, some cases it's even ignored out of necessity. So the park district has drafted a Personnel Code that retains most of the features of the Civil Service and Parks Act, but allows certain improvements. The Civil

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Service and Parks Act only has 6 exempt positions from requiring a civil service exam. This is a very small number for the size of the park district. In fact the Shackman Decree which applies to the park district...the Shackman Decree itself exempts 90 positions. So one of the things that this Bill does is to expand the number of exempt positions. And of course the...they would still be subject to the Shackman exempt...Shackman Decree so there'll in no case be more than 90. The second change is to use the letter grade for the rule of three system for the civil service exams as opposed to the current practice of having everybody take a test and then having to take from the top of the list. This is the same test that the state uses by the way. And then finally this conversion of this work force of this new Civil Service Code should be done within five years. Now the reason why the park district says they need that amount of time is because they have to give civil service exams that these exams have to be developed and that the five year period is how long they expect it to take. Now of course if they finish before that, I'm sure they will do so. And so those are the main changes and I'd be happy to answer any questions and I appreciate your support."

Speaker Breslin: "Excuse me, Representative Cullerton. For a moment the Speaker would like to interrupt to make a special introduction."

Speaker Madigan: "Ladies and Gentlemen, we do have a special guest. So if the Members would please take their chairs and if the staff would retire to the rear of the chamber. Mr. Huff, if you would please be seated. Mr. Madison, you can exercise your rights as a former Member. Ladies and Gentlemen it is our pleasure today to be joined by the Senior Representative of the Provincial Government of the

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Province of Quebec, Canada. Mr. Berard has been brought here by Lieutenant Governor George Ryan. As you know the Office of the Lieutenant Governor is actively engaged in Economic Development for the state, also engaged in developing and maintaining economic relations with other countries of the world. Because of that work Mr. Ryan has been priveleged to meet Mr. Berard. He asked me if I would present Mr. Berard to you today. As I said, he is the Senior Representative of the Provincial Government of the Province of Quebec, Canada. So at this time it is my pleasure to present to you Mr. Jean Berard."

Jean Berard: "Mr. Speaker, and Members of this Assembly, I'm honored. A very old tradition links the heart of America and Quebec. The rivers of your country have been archways by which our ancestors have travelled to bring back to us portraits of beauty and richness. Names of such as Joliet, Marquette...excuse my French pronounciation of certain words you know very well certainly, LaSalle and Joliet are well associated with the Land of Lincoln. The tales and adventures that these people relate back to Quebec no doubt contributed to the immigration of the Quebecors who founded Bourbonnais, did I get across Bourbonnais...and sowed the first wheat in Illinois at Kaskaskia. One of the first River Transportation Company in the Midwest was set up at Peoria...born in Saint Antwon's Judicial year near Montreal who was to become the First Lieutenant Governor of the State of Illinois. Lieutenant Governor Ryan has renewed this historic link between his office and Quebec. His official and promotional visits to Quebec have catalyzed a cooperation that in the context of the free trade agreement between our two countries will, I hope, lead to the opening in Montreal of an office of the State of Illinois. Quebec will look forward to the oppportunity to return the gracious

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

hospitality that has been extended to us in Illinois for the last 19 years. I shall be leaving Illinois in the coming weeks knowing that my successor Mr. 'Jeluzelle' will benefit from the continued support and cooperations of the friends I will leave with regret. Again I wish to thank you for the honor of this opportunity of addressing you. I think you will have a new good will ambassador in Quebec, ..."

Speaker Madigan: "On June 23rd of this year we adopted House Resolution 1625, which acknowledges the contributions of our guest to the ongoing relationship between Illinois and the Province of Quebec. Acknowledges the fact that he will be leaving his position very shortly, wishes him the best in all of his future endeavors. I have the Resolution with me and Jean in addition to the Resolution, my personal best wishes to your future. Thank you."

Jean Berard: "Thank you."

Speaker Breslin: "The current Order of Business is...yes, Representative Hallock."

Hallock: "Yes, Jean on behalf of the House Republicans I'd like to welcome you here to Illinois. Over our luncheon we had a chance to talk a bit about our two countries. All of us here in the House, of course, feel that Canada not only is a gracious country and a beautiful country, but also about the best country our country could have for a neighbor. So we truly welcome you here to Illinois and hope you'll come back and visit us as often if you do leave. And look forward to having your input here in the future for years to come. Thank you very much."

Speaker Breslin: "The Motion pending is a Motion to concur in Senate Amendment #4 to House Bill 3085. Representative Cullerton has already made the Motion. Is there any discussion on that Motion? The Gentleman from Cook,

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Representative...the Gentleman from DuPage, Representative McCracken."

McCracken: "Is there a Personnel Code contained within the Chicago Park District Act? I mean at this time is the park district subject to any personnel codes?"

Cullerton: "No they're subject to the Civil Service and Parks Act which was created in 1911."

McCracken: "Okay, now does that Act govern any other units of Local Government other than the Chicago Park District?"

Cullerton: "I have to double check that. I...I believe that it only applies to Chicago."

McCracken: "Well why don't we just repeal that then? Does that...does this Amendment repeal that and then set forth some new authorization?"

Cullerton: "No because I think what it says is, if you look on the Amendment, it adds additional language. Okay. It's not inconsistent with the existing Act. So rather than draft a whole new code what we've done is we've...the Amendment basically are the things that changed the existing code."

McCracken: "I'm looking at the Amendment. Does the Amendment in Section 11 (b) page 1 of Amendment #4, does that exempt...I'm sure I'm misreading this, but does that exempt the park district from this Act? Create it, the new...the new Act? I guess my point is it says this Act shall not apply to the park..."

Cullerton: "It exempts them from the existing Civil Service Act if they do certain things, being the things that are then listed in the rest of the Amendments."

McCracken: "Okay then you don't know if the Civil Service Act applies to any other body of government?"

Cullerton: "We can look that up, the question is whether or not it applies in municipalities over 500,000 or whether that

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

language..."

McCracken: "Well nothing applies to municipalities over 500,000. You know, I'll tell you what's good for the goose is good for the gander. If the rest of the state is covered by this Act what is the point? The point is you've got a new administration that wants to grab a hold of the power and anything to the contrary is baloney. If the Tribune says it's to the contrary, they're wrong. It's a power grab and they're not making any bones about it. It's not reform. You know, you can vote it because you've got the numbers, but we're not stupid."

Cullerton: "Well I would suggest that perhaps you are because I am trying to debate the merits of this change and I'm doing it in a straightforward manner. You know, I could have nonconcurred in this Amendment and popped a Conference Committee out tomorrow night at 10:00 and I chose not to do that. I want to debate it. I have..."

McCracken: "Well is it going to a Conference Committee or not? Can you tell us whether it's going to a Conference Committee?"

Cullerton: "I'm amazed that you don't understand the rules."

McCracken: "You don't know?"

Cullerton: "I have no control over whether or not this Bill goes to a Conference Committee and neither do you or anybody else in this chamber. The Bill goes back to the Senate. You know how crazy the Senators are. Who's your Senator?"

McCracken: "Well I'm not...I'm not going to play along. We all know the facts of life down here."

Cullerton: "Well, you don't have to know the facts of life. This is a substantial Amendment which was passed in the Senate, it's nine pages long, has new language. I invite anyone to read it and to ask questions about it. I've outlined it..."

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Speaker Breslin: "Representative Cullerton."

Cullerton: "I've given the explanation and I'm just trying to do this in an open manner."

Speaker Breslin: "The Gentleman has made his closing statement. The next person to...that's recognized is the Gentleman from Cook, Representative Preston."

Preston: "Thank you, Madam Speaker. Would the Gentleman yield for a question?"

Speaker Breslin: "He will."

Preston: "Representative Cullerton I'm confused by our Amendment analysis on this. The analysis says that this Amendment #4 deletes everything after the enacting clause..."

Cullerton: "Yes, that's an error. That analysis is an error. The Amendment #4 did not delete everything of the enacting clause."

Preston: "So that Amendments 1, 2 and 3 that we adopted will not be changed by this Amendment 4?"

Cullerton: "That is correct."

Preston: "And Amendment 4 broadens the number of positions beyond what now exists that are exempt under the Shackman decision?"

Cullerton: "No, it exempts the number of positions that are exempt from the people who are required to take a Civil Service Code beyond the current law, which are only 6 positions."

Preston: "And how many more than 6 does this expand that to?"

Cullerton: "It doesn't name a number. It says that the Offices of Senior Executive positions, confidential positions or special program positions which cannot be subject to career civil service to the program requirements are exempted. That similar language is found in the City of Chicago and the State of Illinois Personnel Codes. The Shackman case however, would still...they still are signatory to the



STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Shackman Consent Decree, and I indicated just for reference, the Shackman case limits the number of exempt positions to 90 in the Chicago Park District. There are over 4,000 employees I would point out in the park district."

Preston: "Alright, who would it be who makes that determination barring a lawsuit where the court ultimately makes a determination?"

Cullerton: "The Board of Commissioners by Resolution specifically exempts offices or positions from the jurisdiction of the Personnel Board. The Shackman case and the Shackman Consent Decree is enforced as you know through the court system. So if you argue that someone was exempt who exceeded the number that the Shackman Decree allows, I imagine you could go to court."

Preston: "You could file a lawsuit?"

Cullerton: "Right."

Preston: "Alright. I see, thank you."

Speaker Breslin: "The Gentleman from Cook, Representative Shaw."

Shaw: "Thank you, Madam Chairman, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Breslin: "He will."

Shaw: "Representative Cullerton I didn't quite understand what you were...your previous answer to the previous speaker when you talk about are we extending the amount of positions that are exempt?"

Cullerton: "Yes the current law...the current law exempts only 6 positions, what this Personnel Code would do would be to add language that says the personnel board with the exception of the code shall imply in positions are all a part of the Personnel Code and subject to the Personnel Code with the exception of such offices or high ranking senior executive positions, confidential positions or

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

special program positions which cannot be subject to career service due to program requirements. And the Board of Commissioners shall by Resolution specifically exempt such offices. So this language is patterned after the State of Illinois and the City of Chicago for example in how they determine who shall not be required to take a civil service exam. So it's an expansion from the current law."

Shaw: "Madam Speaker, could we get a little order here where we can hear?"

Cullerton: "Alright, I'm sorry do you have a question?"

Shaw: "Yes, I was..."

Cullerton: "You asked me does this expand the number of exempt positions?"

Shaw: "Right."

Cullerton: "Yes, the current law says 6, this sets up a statute which allows for certain exemptions to take place and I parenthetically added that the Shackman Decree also applies to the park district and they have limited the number to 90."

Shaw: "How many positions is there?"

Cullerton: "There's no cap in this Bill. There's no limit. There's no minimum number. It just...it's up to the Board of Commissioners by Resolution to exempt positions due to the type of work that those positions...those employees provide. And then there's the cap...if you want to call it that, is imposed as a result of the Shackman Decree."

Shaw: "Well, that's what I want to get at. Under the Shackman Decree were these positions ever under the...come within the guidelines of the Shackman Decree?"

Cullerton: "Yes."

Shaw: "And now what we're going to do is...is pass some legislation here saying that these given the Board of Commissioners the right to do what? Exempt them?"

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Cullerton: "To not have to take a civil service test."

Shaw: "Whether that they should not have to take a civil service test?"

Cullerton: "Right in other words, the Shackman Decree for example, has studied the over 4,000 employees of the park district, and they've determined that 90 of them are high ranking senior executive positions or people in confidential positions or special program positions. And as a result they do not have to go through the process of taking the civil service exam. And the Shackman Decree has allowed for 90 out of over 4,000. What this is doing is authorizing the Board of Commissioners of this new Personnel Code to allow them to provide those exemptions."

Shaw: "Well, to the...to the Bill. It seems as though to me that what we are doing here, the park district has been operating for years without these positions. I don't see as long as we are in the business of reforming, I don't see why these...these positions cannot be put under the code as other positions have been put on. It seems as though to me that we are attempting to set up some type of patronage army here and I don't believe that that's fair to the people of Chicago. I believe that the...I believe that those...I believe that these positions should be open for competitive examination where that everyone will have an opportunity to apply for those positions, not just a few hand picked people, going to be picked by the..."

Speaker Breslin: "Your five minutes are up Representative Shaw, bring your remarks to a close. Representative Shaw bring your remarks to a close."

Shaw: "I think that this...I think that this Amendment should be defeated."

Speaker Breslin: "The Lady from Champaign, Representative Satterthwaite."

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Satterthwaite: "Will the Sponsor yield for a question please?"

Speaker Breslin: "He will."

Satterthwaite: "Representative, would you explain to me why it is more desirable to grade by letter grades than by numerical grades which apparently this Amendment would provide?"

Cullerton: "So I understand...so we understand what we're talking about, the current practice requirement is that you develop a test and you give a letter grade. So someone...I'm sorry a numerical grade. So someone might get a 95 and someone else might get a 94. It's probably impossible to develop a test that will be so accurate that you can determine just from that test whether or not the person who got the 95 is more qualified than the person who got the 94. However, if we allow for a letter grade, as we do in the state, so that both the 95 and the 94 each get an A then you give the flexibility to the people who are doing the hiring to determine who shall be hired from among the A's. If someone got a B they will not be allowed to hire that person unless there was...until all the A's have been hired."

Satterthwaite: "But it also means that you do lump people into larger groups and so the person who got a hundred would also be lumped with somebody who might have gotten an 85 or wherever the cut off for that A is. And while there may not be a very big distinction between 94 and 95 there might be a substantial distinction between 100 and 85 and I...it seems to me that what you are doing is providing an option that allows for the possibility at least of hiring a less well qualified person by going to a letter grade rather than maintaining a numerical grade."

Cullerton: "Well if I could comment. The goal here is not to hire less well qualified people. The employer's interested in hiring more qualified people and the current law

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

restricts them to take that person who happened to get one point higher than another person. And this system as you know is in place in the state...I wouldn't be surprised if it wasn't for the position in the University of Illinois."

Satterthwaite: "The University of Illinois uses numerical grades as I understand it."

Cullerton: "Oh it does, okay."

Satterthwaite: "But I don't know that we should..."

Cullerton: "But of course the students don't have numerical grades. I bet you they get A's and B's."

Satterthwaite: "I don't know that we should use the state system as a particularly desirable model for what we're doing. I do have great concern about the fact that by going to a letter grade you in fact are much less definitive on the demonstrated ability of that person by the test. If there is any validity to the test at all, then obscuring the fact that some people have a high A versus some people who have a low A, it seems to me that that is a step backwards. I understand that it gives you more flexibility in your hiring, but it doesn't necessarily correlate to getting the best person for that position. And I would urge Members to look carefully at that in making their decision."

Speaker Breslin: "The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Madam Speaker. Would the Sponsor yield?"

Speaker Breslin: "He will."

Kubik: "Representative Cullerton, we...you've had a dialogue on regarding the exemption to the Shack...to the Personnel Code. What I'd like to do is ask you a couple of questions about that. You say currently under Shackman there are 90 positions that are exempt from civil service?"

Cullerton: "That's not quite accurate, let me explain. There's now a Personnel code that covers the Chicago Park District and incidently all municipalities in excess of 150,000

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

people are covered. That's the statute, that's the current law. And so therefore Peoria, Rockford, and their park districts are included in the current law. So that's just to clarify something that a previous questioner had raised. This Act only exempts 6 people in the entire 4,000 person Chicago Park District."

Kubik: "The current Act?"

Cullerton: "The current Act. They wish to repeal that...or not repeal that Act, but they wish to change that Section of the Act and say that a Board of Commissioners, a three member Board of Commissioners...I'm sorry, 5 member...I'm sorry...so the park district board can, by using certain criteria, senior executive positions, confidential positions, or special program positions they can exempt certain people from having to take the civil service exam. And of course you know the theory behind that. The theory behind that is the same thing that's found in Shackman. Now the relationship between this Bill and Shackman is only is not direct. I only use that as an example. The Shackman Decree is a consent decree. It applies to the park district. It's an agreement that was entered into between the park district and a court and some plaintiffs in a lawsuit. They have gone through the positions of the park district and they have determined, the court has determined, that there's 90 positions where you don't have to or should not have to administer a civil service exam before you decide who you want to hire. So that's why I brought this in. Someone asked me, 'Do you have a specific number of exempt positions?' No, we don't. We have criteria to be determined as to who shall be exempt or not. In neither case will they...they're not asking to get out from under the Shackman decision decree and so as a result, the Shackman case would apply. And those 90 positions

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

would still be the maximum number that you could exempt."

Kubik: "Under...under the current situation...current law those invisible 90 positions as you talk about in Shackman, what is the current practice? In other words, if they want to fill one of those positions, that person has to take a civil service exam?"

Cullerton: "What the park district has been forced to do is to appoint those people on a temporary basis when in fact that's not what they wish to do. They wish to appoint them on a full time basis."

Kubik: "Where do...Representative, where do you get the terms senior executive position, confidential positions, or special program positions? Do these particular terms have any significance?"

Cullerton: "I'll tell you something...yes they do. They came right from and they weren't originally...they weren't even originally proposed as I recall. And I think maybe even the Friends of the Parks suggested we better spell out who shall be exempt and so we took this directly from the City of Chicago Personnel Code, this language."

Kubik: "Why from the City of Chicago?"

Cullerton: "Just to use an example of a large employer and how they handle it. I'm sure that the State of Illinois has similar type language. The Governor gets to pick Jim Riley. Jim Riley doesn't have to take a Civil Service Exam and Jim Riley...if Jim Riley took that exam and got a 92 and Ryder took it and got a 91 and the Governor would prefer Ryder to...to Riley under this..."

Speaker Breslin: "Bring your remarks to a close Gentlemen. Your five minutes are up. Finish your answer Representative Cullerton."

Cullerton: "Well I just tried to use that as an example of illustrating the point of how this...these changes would

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

work. And so with regard to the exempt positions we put in criteria, that the board should look to to determine who shall be exempt, just like the Shackman Court uses criteria and that's the best answer I can give to your question."

Speaker Breslin: "Representative Kubik to close."

Kubik: "Madam Speaker, could I ask just one more question, I promise it will be a brief one."

Speaker Breslin: "One more question."

Kubik: "John, when you spoke of the ninety positions, say we enact this, the Park District for some reason or another hired ninety three or ninety five people under these positions. What a curse."

Cullerton: "They would not be in violation of this law, but they would be in violation of the Shackman Decree. And so someone could go to court who wanted to argue that there was a position that was made exempt and it should have been subject to this testing, they could go to court and appeal to the court that this should not be an exempt position."

Speaker Breslin: "Any further discussion? Hearing none, Representative Cullerton to close."

Cullerton: "Yes, thank you, Madam Speaker and Ladies and Gentlemen of the House. In response to some of the people who have indicated they are perhaps might be opposed to this. There are two changes that are significant. One is to provide for the exempting of certain positions from having the requirement of taking a Civil Service Exam. I think everyone recognizes that in an agency as large as 4,000 employees, that there are certain people who you wish to pick as your top aides who shall not have to be subject to a Civil Service Exam. Even the Shackman Court has said the same thing and found 90 such positions in the Park District. All this Bill would do is to eliminate that unreasonable requirement for those people. And secondly,



STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

while you might have a philosophical difference of opinion, it allows for a letter grade rather than a numerical grade in deciding how people are to be rated. I think that I can make a strong argument that a written test, which results in a numerical grade is perhaps a little too subjective for...and restrictive on the person who is doing the hiring and what a letter grade does is to provide for more flexibility while still affording protection. For that reason, I think that this is an excellent Amendment. I would hope that they could do it sooner than five years. Some people wanted to do it in two years. There's no real sanction if they don't do it in five years so I'm sure that once these tests are developed, they will get on with avoiding the situation which we now have where there is numerous temporaries who are appointed to the Park District. And that's really the reason why the Tribune and the Sun Times has endorsed this proposal and I would hope that you would endorse it as well, and I ask for an 'aye' vote."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3085?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Cullerton, one minute to explain your vote."

Cullerton: "No. I don't wish to explain the vote."

Speaker Breslin: "Okay. Have all voted who wish? The Clerk will take the record. Representative Cullerton, for what reason do you seek recognition?"

Cullerton: "I move to nonconcur in Senate Amendment #4."

Speaker Breslin: "First of all, on this.."

Cullerton: "After you take the record."

Speaker Breslin: "On this question, Representative Mulcahey.

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Representative Mulcahey votes 'no'. There are 56 voting 'aye', 49 voting 'no', 13 voting 'present' and the Motion fails. Representative Cullerton now moves that the House nonconcur in Senate Amendment #4 to House Bill 3085. Do you wish to present it and have a debate on that question? No. You wish to debate the question? Okay, Representative Cullerton, you should tell the Assembly why you wish to nonconcur and then Representative McCracken wishes to be recognized."

Cullerton: "Well I wish to nonconcur because the Motion to concur failed...for more votes."

Speaker Breslin: "The Gentleman from DuPage, Representative McCracken. Representative McCracken on a question."

McCracken: "Thank you, to be perfectly honest, I'm not sure what the parliamentary result would be, but I would submit to everybody that if you want to stop this, the best way to stop it for the moment is to vote 'no', on the nonconcur Motion. All those who voted 'present' should vote, well...you should vote 'no' this time, and then we'll vote 'no' and we'll stop it. And, you know, maybe quote 'reform' will actually come to the Park District so let's vote 'no' again."

Speakler Breslin: "Representative Cullerton to close."

Cullerton: "Yes, Madam Speaker, I think that I explained Amendment #3 adequately which was adopted. I think I had explained the original Bill which was the intent of which was to eliminate the terms of the members of the Park District which was supported by the Park District, Friends of the Park, the newspapers in Chicago and what I'm suggesting now is that on this Amendment, that we nonconcur since the House has voted on it already and failed to concur in it. I'm..I will explain to the previous Speaker what the procedure is. We must send this Bill back to the

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Senate if it's to go to a Conference Committee so that we can work out the differences between the House and the Senate. We do not agree with the Senate on all the Amendments as indicated by the previous vote, and as a result, we shall now, we must now nonconcur to this Amendment and I think it's pretty clear that I should have that right on this Bill."

Speaker Breslin: "The question is, 'Shall the House nonconcur in Senate Amendment #4 to House Bill 3085?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 61 voting 'aye', 47 voting 'no', 7 voting 'present' and the House nonconcur in Senate Amendment #4. Representative Cullerton is recognized for a last Motion."

Cullerton: "Thank you, Madam Speaker. I wish to nonconcur with House Amendment #6. Senate Amendment #6. Senate Amendment #6 had the effect of eliminating the terms of the current Park Board, that's not my intention to do that, and as a result I am moving to nonconcur with Senate Amendment #6."

Speaker Breslin: "The Gentleman has moved to nonconcur in Senate Amendment #6 to House Bill 3085. And on that question, is there any discussion? Hearing none the question is, 'Shall...', Representative Cullerton, for what reason do you seek recognition?"

Cullerton: "Did any one ask for a Roll Call Vote on this? Is there an effort to ...is it still true, that if you want to kill this Bill you can vote 'no' on this Motion to nonconcur?"

Speaker Breslin: "Well no one has requested a Roll Call vote..."

Cullerton: "I think I'll ask for one."

Speaker Breslin: "And no one has spoken in opposition."

Cullerton: "I'll ask for a Motion. I will seek a Roll Call..."

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Speaker Breslin: "But since you have requested it, you'll get it.

The question is, 'Shall the House nonconcur in Senate Amendment #6 to House Bill 3085?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. Representative McCracken, for what reason do you seek recognition?"

McCracken: "Just to explain, this demonstrates the quirks in our Parliamentary System. I would love to do what the proponent does not wish to be done with this Amendment. However, in the short term, I think the newspapers would paint us with the wrong type of brush, so if anyone is still listening, we should probably vote 'yes', because this is a bad Amendment."

Speaker Breslin: "On this question there are 89 voting 'aye', Representative McCracken."

Representative McCracken: "'Aye'."

Speaker Madigan: "Representative McCracken changes his vote from 'no' to 'aye'. Representative Klemm, changes his vote from 'no' to 'aye'. Representative Ropp changes his vote from 'no' to 'aye'. Representative Sieben changes his vote from 'no' to 'aye'. Representative Didrickson changes his (sic-her) vote from 'no' to 'aye'. Representative Piel changes his vote from 'no' to 'aye'. Representative Homer votes 'aye'. Representative Deuchler changes her vote from 'no' to 'aye'. Representative Wait changes his vote from 'no' to 'aye'. Representative Ackerman changes his vote from 'no' to 'aye'. Representative Frederick changes her vote from 'no' to 'aye'. Representative Hasara changes her vote from 'no' to 'aye'. Representative Pedersen changes her vote...his vote from 'no' to 'aye'. Representative Pullen changes her vote from 'no' to 'aye'. Representative Hensel changes his vote from 'no' to 'aye'. Representative

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Weaver changes his vote from 'no' to 'aye'. Representative Hallock changes his vote from 'no' to 'aye'. Representative Barger changes his vote from 'no' to 'aye'. Representative Petka changes his vote from 'no' to 'aye'. Representative Black changes his vote from 'present' to 'aye'. Representative Doederlein changes her vote from 'no' to 'aye'. On this question, I am not going to change a vote of any Member who is not here present, Gentlemen. On this question there are 110 voting 'yes', 6 voting 'no', 2 voting 'present' and the Motion carries. Is Representative Keane, are you ready to go Sir? Representative Capparelli, Representative Capparelli are you ready to go to nonconcurrency on Senate Bill 959? Ladies and Gentlemen, Representative Ropp in the Chair for a special announcement and presentation. Give the Gentleman your attention."

Speaker Ropp: "Thank you, Madam Speaker. Relative to some kind of sporting activity since it appears the challenge may not have been taken relative to the soft ball game. We want to keep on, we had a tournament involving tennis, as you may well recall, the 1988 Legislative Tennis Tournament which is sponsored so graciously by the Southwestern Illinois Industrial Association which Bob Walters is their chief executive and also by Cook Witter, Bob Cook and Randy Witter. Those winners we are proud to say have come from the House this year. The Universal Champion is Maggie Parcells for about three out of four years. Come on up here Maggie, and Jessie White. Jessie, come on up here and accept your trophy. Not only did they defeat Bob Cook and 'Marv Van Meter' they also killed Senator Frank Watson and his esteemed female partner. Come on Jessie. On behalf of the participants, we certainly want to thank the Sponsors and to the Sponsors we want to congratulate them."

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

White: "Representative Ropp, and Ladies and Gentlemen of the House, I play tennis maybe once a year. And when I have a partner so wonderful, so charming and so gracious and so agile as Representative Parcels, she makes it easy to win. Thank you."

Parcels: "I'd like to say that Jessie White is not only a terrific tumbling coach but he's a terrific tennis player. Nobody ever moved quicker at the net and it was a delight to have him as my partner. Thank you, Jessie."

Speaker Breslin: "Representative Stange. Representative Stange, we are going to the order of Speaker's Table under Consideration Postponed. Its on page 5 on your Calendar. HJRA-192, Representative Stange."

Stange: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Joint Resolution 192 is the Resolution regarding the Illinois Bell fire in Hinsdale, May 8th of 1988. We discussed this in debate yesterday on the House floor. Its very, very important to not only to our district, my district the 44th District in the Hinsdale, DuPage County area but it probably affects half the State of Illinois. We won't take up too much time, but I am looking for your vote and ask for your help. Thank you."

Speaker Breslin: "The Gentleman moved to adopt House Joint Resolution 192. And on that question, the Gentleman from...the Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. We defeated this Resolution yesterday and we were right yesterday. We should repeat that performance today. What this Resolution attempts to do is to appoint a Committee of Legislators to investigate the fire in the Illinois Bell Facility in Hinsdale. There is already an extensive investigation of that fire that has been undertaken by several very professional groups headed by

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

the Illinois State Fire Marshall. Last week there was a one hour presentation for all Legislators who live in that area of the State, all of whom were invited to that meeting. Present were people from the State Fire Marshall's Office, several people who are engineers with the ICC and other highly professional people who have a background in the investigation of very complex fires such as this one which involved items such as arcing and quite a few different kinds of chemicals. There were only three Legislators who cared enough about this subject to even show up at the meeting. Representative Barnes, Representative Jack Kubik and I were there. The people who spoke to us, to the three of us at that meeting are very professional people. They are conducting this investigation and they are qualified to do so. I would suggest we put our faith in the people who are qualified to do so and I would suggest to you, that much as I respect all 177 Members of the Illinois General Assembly, there is not one of those people who is qualified to investigate a fire. This Amendment is ridiculous. It is absurd. It is political staging and we ought not to put up with it. I am reminded of the definition of a Committee. One of the definitions I happen to rather favor is a definition that a Committee is 'a group of the unfit appointed by the unwilling to do the unnecessary.' We ought not to do it. Vote 'no'."

Speaker Breslin: "The Gentlemen from Cook, Representative Stange."

Stange: "Thank you, Madam Speaker. I appreciate the lovely comments from my fellow Legislator. What she is basically saying is totally, totally incorrect. There's many reasons why I'd have an investigation on this fire. There's many, many questions that are still..."

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Speaker Breslin: "Excuse me, excuse me. Did I recognize you to close sir?"

Stange: "No."

Speaker Breslin: "Were you recognized to answer a question to Representative Cowlishaw?"

Stange: "No."

Speaker Breslin: "Okay, I think an error was made in the flipping of the switch. I recognized Representative Parke to speak next. Representative Parke."

Parke: "Thank you, Madam Speaker. Most of us sophomore Legislators do look the same so I can understand the problem. No, I'm not going to touch that. I'm not going to touch that. I guess there was a hearing as was eluded that for the Legislators that were directly affected by this fire. I don't remember being invited to that. I may have been but I don't remember having the opportunity to attend. But I will tell you that part of my district was affected by this fire, and part of my district was not directly affected. But one must remember that when they started to correct the problem, that they had to change trunklines. Those trunkline changes did affect later on, all of my legislative districts. And if we were to have this instance happen again in the future, it may be down in Southern Illinois or Central Illinois where this could happen. Therefore, it will then affect you. Why should we wait for this to reoccur some other place? Why not take the time to look at ways, legislatively, and that's why legislators shouldn't be on it, to research it, to understand that testimony, just like any other Committee assignment? And for someone to stand up and say that legislators are not capable of making decisions is fooling themselves, or doesn't understand what we're talking about here. We have an opportunity as Legislators to be involved



STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

in the actual hearings of what is going on to make sure that if there are flaws to the current system that has been put in place by Bell Telephone that we are directly aware of those flaws and can implement legislation to correct that. Now, I will tell you that I am sure that Bell Telephone wants to work with everybody to make sure it doesn't happen. I know that they feel they have nothing to hide. And this is all we're asking. Legislatively, let us have the opportunity to conduct hearings on this so that tomorrow it does not happen in your district, that we correct it so that next time it does not affect life threatening situations which fortunately, we did not lose any lives. But I may remind you that we lost millions of dollars in business activities. We had terrible inconvenience to citizens all over that area. I don't want that to happen to you tomorrow. I don't want it to happen to your citizens tomorrow. I'm asking that we look at this so that the future of Illinois citizens and the future of Illinois business is protected, this Resolution is sound, is necessary and I ask that you vote for it."

Speaker Breslin: "The Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Madam Speaker. Would the Sponsor yield please?"

Speaker Breslin: "He will."

Ropp: "I have two questions. One, Representative, what relation to transportation and the Committee that this Bill was assigned to does this Resolution, this even have with transportation? Why was it assigned to that Committee?"

Stange: "The Democratic House, Mike Madigan's Office decided to have it held in Transportation."

Ropp: "Okay, the next question. When we had a salmonella outbreak here in the State of Illinois, and certain

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

departments in the state were already investigating that particular incidence, we did in fact establish a Legislative Committee to review that, the fact is, I think we conducted seven or eight different hearings. Is there any difference in your proposal than with the one that we dealt with with salmonella?"

Stange: "No, we're going to be basically having one meeting to be held in the district where the fire occurred either Hinsdale or Oak Brook."

Ropp: "Thank you."

Speaker Breslin: "The Lady from Cook, Representative Barnes."

Barnes: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I am a co-sponsor on House Joint Resolution 192 and the bulk of Hinsdale is in my district. I attended all the meetings that they have held on this particular incident. On the one that Mary Lou Cowlshaw mentioned, I went to that meeting and I asked all the pertinent questions that I think everyone of you would have asked of them if it occurred in your district. They assured me that they have had one meeting, June 11th and it was held in Hinsdale. All proper investigators, fire investigators, Representatives from the Telephone Company, Vice Presidents of this and that and the other thing..."

Speaker Breslin: "Representative Barnes."

Barnes: "Six people that were very responsible in this particular area that signed an agreement that all would have representation at these different investigations. In Beverly, they have established a site, the telephone company has, and they have three bins and they have all the different parts. Each person is inspecting the different parts and their tossing it into the next bin. On the sites they are bringing down the ceiling which weighs tons, and they're investigating that. I asked them what they

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

intended to do with the rest of the state. They are going to have whatever it takes in each community to prevent a thing like this happening in your community. Now you know some of you have volunteer Fire Departments, some have established Fire Departments. So they are going to tailor that to whatever your community needs and I did..you know when Gordon Ropp got up, he talked about the salmonella investigation, I was on that Committee and was very responsive and was there all the time. I sent all the different agreements to the Doings Newspaper which is the Hinsdale Newspaper and they are thoroughly satisfied that we are doing everything that we conscientiously can do. I think with all of the constraints that we have with our money and with the different things that we want to address our time and money to, I would have to admit even though I am a co-sponsor that I think this is a waste of time. I feel I went to the meeting and I have been thoroughly satisfied that they are moving in the direction that all of you would like them to move in if this fire had occurred in your district and I urge a 'no' vote."

Speaker Breslin: "The Gentleman from Livingston, Representative Ewing."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Motion and would echo a great deal of what the past Speaker has just said. I think it means a great deal when one of the Sponsors of a Resolution or any Bill can get up and say, 'The time has come or has passed when this particular piece of legislation or this Resolution is needed.' We are foolish to put more money into an investigation that has been thoroughly completed. The only thing that the passage of this Resolution will do will be a media event. There's been enough media on this particular tradgedy. The Illinois Bell Telephone Company

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

is one of our most responsible corporate citizens. They don't want another fire. There's no need for us to invest taxpayer's money in trying to prevent something that they're going to do everything in their power to prevent, and I would echo the request for a 'no' vote on this Amendment..I'm sorry, on this Resolution."

Speaker Breslin: "Representative Stange to close."

Stange: "Thank you, Madam Speaker."

Speaker Breslin: "Excuse me, Representative Williamson, for what reason do you seek recognition?"

Williamson: "To speak on this, I had my light on."

Speaker Breslin: "Proceed. Proceed."

Williamson: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Breslin: "He will."

Williamson: "Representative Stange, when the hearing was held down here in Springfield, did you attend that meeting?"

Stange: "The first two meetings, yes I attended. I had other previous commitments on the last meeting."

Williamson: "Okay, to the Resolution. I urge a 'no' vote on this Resolution. We have to go back home and argue about what we're doing with taxpayers dollars and where the money is coming from for education and mental health, and then we're going to come up with using money out the taxpayers pocket to put together another committee to investigate something that has already been investigated. We're duplicating the works of the Commerce Commission and the State Fire Marshall. We're also setting a precedent in investigating fires in Illinois. I don't think it's any of our business in the General Assembly, I think the State Fire Marshalls can do their job and I urge a 'no' vote."

Speaker Breslin: "Representative Stange to close."

Stange: "Thank you, Madam Speaker. The salmonella investigation, that basically was involved with one business, this

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Illinois Bell Fire, there were literally thousands of businesses that were affected by this fire. I think this 1988 Legislative Session here is probably the biggest cover up that we've seen today. One of the Sponsors of this Resolution said vote 'no' on this Bill..on this Resolution. That's because of the leadership that we have on the Republican side telling the leadership to tell the other Republican Members to vote 'no' on this Bill. There are a lot of questions unanswered regarding the Illinois Fire. How the fire was started. Why after six to eight weeks after the fire we still have no clue what caused the fire. The day of the fire they had an alarm that went off in Springfield, two hundred miles away at approximately 2:00 o'clock in the afternoon. Illinois Bell, at that time, ignored the alarm system, and said, Illinois Bell said 'DuPage County has a storm so therefore we're not going to acknowledge or send anybody to investigate at that time'. Two hours later, the second alarm came to Springfield, not to the Hinsdale Fire Department, but to Springfield, two hundred miles away. At that point, a Supervisor from Illinois Bell traveled to Hinsdale, saw there was a fire, could not of course call the Fire Department, since the phone inoperable, that person went outside to stop a passing car to have that person to go to the Hinsdale Fire Department. Why no alarm system to the Hinsdale Fire Department is beyond me. Why this investigation is important now, is maybe the Interstate Commerce or the Illinois Commerce Commission should not look only into Illinois Bell, but Northern Illinois Gas Company, Common Wealth Edison, to see what emergency systems are in place if something like this happened to another utility company. Also to check to see why no sprinkler systems were in effect. Why no hailing system wasn't placed in effect? Or

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

even more important, why no security person, on how important, why no...Mr. Daniels, could I have the floor please? Why no security person was in place at the time. This is a multi-million dollar facility. Illinois Bell is so important to not only DuPage and Cook County but for the entire State of Illinois. Two hundred million dollars, in effect have been lost because of this fire. These companies will never see this money again, for the loss that this fire caused them."

Speaker Breslin: "The question is, 'Shall House Joint Resolution 192 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative McNamara, one minute to explain your vote."

McNamara: "Thank you, Madam Speaker, Members of the House. This Resolution and the descriptions that were said before, many of the description are totally erroneous. It is the Illinois General Assembly's responsibility to see for the protection of the citizenry of the State of Illinois. That's what this Resolution purports to do. The idea that we should be given the information when something that has such a great effect on so many millions, thousands, and thousands of people, even to our districts, so many dollars in this state. It is very, very important. I think that anyone that is voting 'no' is voting against the citizens of the State of Illinois and should be voting 'yes' because we need to protect our citizens from these catastrophies. I urge an 'aye' vote."

Speaker Breslin: "Have all voted who wish? The Gentleman from Kubik....the Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I wasn't going to originally speak on this Bill, but the Sponsor eluded to the fact that the reason we're voting 'no' is because leadership has told us. I can say

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

that I've sat through all of these meetings, and Ladies and Gentlemen, this investigation is proceeding on a very good basis. But you have to understand that as they're going through this investigation, they are literally looking at hundreds and thousands of wires and testing each one of those wires. That takes time, and that takes a lot of effort, and it's going to be a while before they get all of these determinations made. So they are proceeding on a very good basis, I think we ought to allow them to do their job and if we have any doubts about the fact that they are doing our job, then we can come back with a Committee Report. But let's let government do their job first and I would urge an 'aye'...a 'no' vote on this Resolution."

Speaker Breslin: "Representative Klemm, one minute to explain your vote."

Klemm: "Well thank you, Madam Speaker. As some of you probably remember that last...I own a manufacturing company, and last year, I had a fire at my factory. The State Fire Marshall determined it was probably industrial sabotage at the time trying to put me out of business. Fortunately I'm still going and I did what was required to put my business back in operation. And I'm thinking about what Illinois Bell Telephone is probably doing. I'm sure their putting themselves back into business. I know I was required to do a number of different electronic sensors and everything else to protect myself and other operations. I'm sure Illinois Bell will be doing the same. So it seems to me that good management and good business would dictate that Illinois Bell will make the proper corrections, look at other operations and I don't think we need to spend the state dollars, and because of that I voted 'no'."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

there are 42 voting 'aye', 64 voting 'no', 8 voting 'present', and the Resolution is defeated. Representative Shaw, for what reason do you seek recognition?"

Shaw: "Yes, Madam Speaker, the .. I wanted to announce that on the July 8, I believe it is that Dale Shrimpford who's been a part of the House Staff and has been a very valuable asset to me, is leaving us..."

Speaker Breslin: "Is Dale on the Floor Representative Shaw?"

Shaw: "He was..he was here just a minute..just a second ago."

Speaker Breslin: "Okay, why don't we wait until we get him back, okay."

Shaw: "Okay, alright."

Speaker Breslin: "Great. Representative Giorgi in the Chair."

Speaker Giglio: "The Dean of the House left and Giglio is in the Chair. Representative Homer. The Gentleman from Fulton, Representative Homer."

Homer: "Thank you, thank you Mr. Speaker. During the lull here, Mr. Speaker, I thought if anybody had a craving for some fruit, perhaps a banana or pear or apple, orange that my wife just brought me a basket and I have to take home what isn't eaten and I don't want to do that so, you're all invited to come over and partake. My wife and sister-in-law Barbara. Thanks."

Speaker Giglio: "Representative Granberg."

Granberg: "Mr. Speaker, could the record reflect I intended to vote 'yes' on Amendment #1, Senate Amendment #1 to House Bill 3125 yesterday. I was inadvertently not voted."

Speaker Giglio: "Let the record so indicate. Representative Piel, for what purpose do you rise sir?"

Piel: "Thank you, Mr. Speaker, it's just come to my attention that the Senate just adjourned until 9:00 o'clock tomorrow morning, and I think as seeing lots of times they take the lead, I think it would be a very good lead for us to



STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

follow. Why don't we just adjourn, come back tomorrow morning and we can finish up the work of the state once everybody have all these meetings done."

Speaker Giglio: "Well that's a great idea Representative Piel, but I'll have to confer with the conferees to see what we're going to do. Representative Piel, because if you would like that in the form of a Motion I'd be more than happy to move that we adjourn until 9:00 o'clock tomorrow morning."

Piel: "Not yet."

Speaker Giglio: "Representative Huff."

Huff: "Yes, Mr. Speaker, I would support such a Motion, I want the conferees to note back there in the back room that they are talking about putting the Bears Stadium in my District. I want them to know that I'm waiting for them and I intend to give them Hell and brimstone, believe me. So when they come out of there, I'm waiting for them. Tell them to hurry up."

Speaker Giglio: "Representative Steczo in the Chamber? Steczo? Representative Steczo."

Steczko: "Thank you, Mr. Speaker. I ask leave to suspend the Appropriate Rules so that I may make a Motion to reconsider the vote by which the House concurred in Senate Amendment #1 to House bill 3024."

Speaker Giglio: "You heard the Gentleman's Motion, and on that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Yes, thank you, Mr. Speaker. Representative Steczo and I have talked. His intention is to put into a Conference Committee a Bill which inadvertantly was concurred to yesterday. I am told that it will be for the purpose of...repealing a sunset provision, not controversial, it will move only by agreement and we're

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

happy to cooperate on that basis."

Speaker Giglio: "You heard the Gentleman's Motion. Does the Gentleman have leave by the Attendance Roll Call? Hearing none, leave is granted. Representative Steczko."

Steczko: "Expressed to the Chair, Mr. Speaker, now shall I reconsider the vote? Thank you, Mr. Speaker, I now move to nonconcur with Senate Amendments to House Bill 3024."

Speaker Giglio: "You heard the Gentleman's Motion, Senate Amendment #1, the Gentleman moves to nonconcur. You heard the Gentleman's Motion, any discussion? Hearing none, all those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the House nonconcur with Senate Amendment #1 to House Bill 3024. Representative Matijevich, for what purpose do you rise, Sir?"

Matijevich: "Yes. Mr. Speaker, Ladies and Gentlemen of the House. I would ask leave of the House in use of the Attendance Roll Call for that purpose, to suspend the rule where a Committee cannot meet while the House is in Session and to waive the posting notice on Senate Bill 1257 and Senate Joint Resolution 139 so that those two matters can be heard immediately in the Speaker's Conference Room in the Rules Committee, and this has been cleared on both sides of the aisle."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Motion carries. All the Members of the Rules Committee will please meet immediately in the Room adjoining the Speaker's Office, the Conference Room adjoining the Speaker's Office. Representative Panayotovich, do you seek recognition, Sir? Representative Kulas, for what purpose do you rise, Sir?"

Kulas: "Yes, Mr. Speaker. Since this is the mushroom season,

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

some of the mushrooms are getting restless and they'd like to know what the intent of the Chair is, why we are sitting around twiddling our thumbs and not doing anything. Are we going to adjourn or what?

Speaker Giglio: "Eventually, Representative Kulas, we will adjourn. However, for those Representatives and people that are guests, what happens at the time of the prior dates of adjournment, the process of printing the Conference Committee Reports, the conferees meeting and the signing of the Committee Reports all takes time. Hopefully some of these reports will be signed this evening and while those of us are enjoying the rest of the evening, the Clerk's office and the people in the printing department will be working preparing the Conference Committee Reports so we will be able to come back tomorrow and do what we've been elected to do, serve the people. Representative Kulas."

Kulas: "Thank you, Mr. Speaker. Now that you've enlightened the Body, as far as the paperwork, I think we'd better serve the public if we just adjourned and went home."

Speaker Giglio: "Committee Reports."

Clerk O'Brien: "Committee on Rules is met in pursuant to Rule 29 (c)-3, the following Bills and Resolutions have been ruled exempt on June 29, 1988. Senate Bill 1257 and Senate Joint Resolution 139, signed John Matijevich, Chairman."

Speaker Giglio: "Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, I would ask leave of the House to take Senate Bill 1257 from the table, return it to the order of the Second Reading, the Second Legislative day. This Bill has been read a second time, it has been exempted from the Rules Committee. It is a collective bargaining Vehicle Bill which we would like to keep active until the end of the 85th General

STATE OF ILLINOIS  
85th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

June 29, 1988

Assembly. This has been cleared on both sides of the aisle and I would ask leave of the Attendance Roll Call for that purpose."

Speaker Giglio: "You heard the Gentleman's Motion. Does the Gentleman have leave? Any discussion? Hearing none, Attendance..leave by the Attendance Roll Call. Representative Matijevich now moves that the House stand adjourned until tomorrow morning at the hour of 9:00 o'clock. 9:00 o'clock tomorrow morning, June 30th, allowing the Clerk for perfunctory time. The House now stands in Perfunctory Session. The House stands adjourned until 9:00 a.m. tomorrow morning. All those in favor say 'aye', 'no'. The 'ayes' have it and the House now stands adjourned."

Clerk O'Brien: "There being no further business, the House now stands adjourned."

STATE OF ILLINOIS  
85TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
DAILY TRANSCRIPTION OF DEBATE INDEX

JUNE 29, 1988

<i>HB 3085 - out of the record</i>	pg 27	HB-3085 CONCURRENCE	PAGE	17/
<i>HB 3085 - Concurrence</i>	pg 27	<del>HB-3085 NON-CONCURRENCE</del>	PAGE	<del>17/</del>
<i>HB 3024 - Motion</i>	pg 51	HB-3085 NON-CONCURRENCE	PAGE	43/
<i>HB 3024 - Non-concurrence</i>	pg 51	HB-3705 NON-CONCURRENCE	PAGE	3
<i>HB 1257 - Motion</i>	pg 53	HB-4037 CONCURRENCE Conference	PAGE	4/
		HB-4097 CONCURRENCE	PAGE	4/
		HJR-0192 RESOLUTION OFFERED	PAGE	46/
		<i>Failed</i>		

SUBJECT MATTER

HOUSE TO ORDER - REPRESENTATIVE BRESLIN	PAGE	1/		
PRAYER - PASTOR MARK BLEDSOE	PAGE	1/		
PLEDGE OF ALLEGIANCE	PAGE	1/		
ROLL CALL FOR ATTENDANCE	PAGE	1/		
INTRO REPRESENTATIVE FRANK MESCHERSCHMIDT-FLORIDA	PAGE	2-		
INTRODUCTION JEAN BERARD-QUEBEC, CANADA	PAGE	27-		
REPRESENTATIVE GIGLIO IN THE CHAIR	PAGE	56-		
COMMITTEE REPORTS	PAGE	59-		
ADJOURNMENT	PAGE	60-		
PERFUNCTORY SESSION ADJOURNMENT	PAGE	60-		
<i>Speaker Madigan in Chair</i>	<i>pg 28</i>			
<i>Representative Breslin in Chair</i>	<i>pg 45</i>			
<i>Representative Rapp in Chair</i>	<i>pg 45</i>			
<i>Special Introduction</i>				
<i>Representative Breslin in Chair</i>	<i>pg 46</i>			