

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

79th Legislative Day

November 16, 1995

Speaker Daniels: "The House will come to order, the Members will be in their chairs. Those not entitled to the floor will please retire to the Gallery. The Chaplain for the day is Pastor John Duke of the Zion Lutheran Church in Pleasant Plains, Illinois. Pastor Duke is the guest of Representative Raymond Poe. Pastor Duke. Guest in the Galleries may wish to rise for the invocation."

Pastor Duke: "Let us pray. Almighty and most merciful God, we thank You for the day that You have given us. We thank You that You have preserved us, both in body and soul. And we pray dear Lord for Your leadership and Your guidance this day and that You would graciously be with each and every Member of this Body. We pray all this, dear Lord, because of Your graciousness and Your love towards us always. Amen."

Speaker Daniels: "Thank you, Pastor Duke. We will be led in the Pledge of Allegiance today by Representative Rosemary Mulligan.

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

Speaker Daniels: "Roll Call for attendance. Representative Curry is recognized to report any excused absences on the Democratic side of the aisle. Representative Curry."

Curry: "Thank you, Speaker, please let the record reflect that Representatives Giles, Kotlarz, and Martinez are excused today."

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

Cross: "Thank you, Mr. Speaker. We're all here today."

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Speaker Daniels: "The Journal will so reflect. Mr. Clerk, take the record. There are 115 answering the Roll and the quorum is present. The House will come to order. Mr. Clerk, Committee Reports."

Clerk McLennand: "Committee Report from Representative Tom Johnson, Chairman for Committee on Judiciary for Criminal Law to which the following Joint Action Motions were referred; Action taken on November 16th, 1995, reported the same back 'do approve' for consideration; Conference Committee Report #2 to Senate Bill 721."

Speaker Daniels: "Supplemental Calendar announcement."

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

Speaker Daniels: "The House will come to order. Page two of the Calendar, under Conference Committee Reports, House Bill 1868, Representative Cross."

Cross: "Thank you, Mr. Speaker. This is a relatively simple Conference Committee Report does several things; 1) It amends the Illinois Insurance Code to allow optically imaged records to be used by insurance companies that are doing business. It simply...this provision coincides with changes we made previous to the Code of Civil Procedure in the Uniform Business Record Act to allow for the use of optically imaged records. The second part of this Conference Committee Report, beginning on page three, amends the Illinois Public Aid Code to require that when the Department of Public Aid intends to proceed...or to attempt to go after assets of a deceased medicaid recipient, that the Department of Public Aid has a responsibility to file a lien or record a lien in the county where the property or assets are located. And finally, if you look on page five of the Conference Committee Report under business records, we now include

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optical imaging as being allowed and that's the extent of this Conference Committee Report. I would appreciate a favorable vote. And I don't know of any opponents."

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

Deering: "Thank you, Mr. Speaker, will the sponsor yield?"

Speaker Daniels: "He indicates he will."

Deering: "Representative, on page four of the Conference Committee Report which you just explained about, the Department of Public Aid going after the assets of the deceased recipient, does this make a major change in the ability of public aid from current statute? Is this making it easier for public aid to come after assets in a trust fund or something from the surviving member of the family?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, this doesn't do any substantive...there aren't any substantive changes about the role or responsibilities of the Department of Public Aid. We did that last session. All this does is it requires public aid to say we have the opportunity or we are going to...it mandates that they record a lien against the property of the medicaid recipient who's died. Right now, they have that right to go after that property but there's no recorded lien so, no one knows if there's an obligation on the part of the medicaid recipient, if in fact they had any property or assets at all. So this just puts everyone on notice that there's potentially a lien out there."

Speaker Daniels: "Representative Deering."

Deering: "Thank you, Representative, I have no further questions."

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

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Schakowsky: "Thank you, Representative, will the sponsor yield?"

Speaker Daniels: "He indicates he will."

Schakowsky: "(sic. House Bill) 1868, the underlying Bill had to do with reimbursing federally qualified health centers, is that still part of this legislation?"

Speaker Daniels: "Representative Cross."

Cross: "No."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Just for my edification, in terms of repaying a state recovery, does that apply to all medicaid recipients or these nursing home recipients, who are we talking about?"

Speaker Daniels: "Representative Cross."

Cross: "Under the section we're talking about, Representative, it would apply the requirement of the Department of Public Aid recording a lien or actually filing and going through the process of recording a lien, would apply to potentially any medicaid recipient who had assets and then died."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "So, are we saying that if a person has been on public aid, we're talking about medicaid that...and then later on in their life is working that they owe that back to medicaid?"

Speaker Daniels: "Representative Cross."

Cross: "The point of this Conference Committee Report, Representative, the only point they were talking about with respect to the Department of Public Aid and medicaid recipients is, if they owe anything and that's not the point of this Bill, that the Department of Public Aid, if they intend to...if they think there's some property out there, they have to put everyone on notice that they believe they have a lien on that recipient's estate. And

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all this does is mandate that they record that lien.

That's the only point of this Conference Committee Report."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Thank you for your clear answers, I appreciate it."

Speaker Daniels: "Representative Cross moves that the House now 'do adopt' Conference Committee Report to House Bill 1868. All those in favor will signify by voting 'aye'; oppose by voting 'no'. The voting is open. This is final action, requires 71 votes to pass. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 109 'ayes', none voting 'no', four voting 'present'. This, Bill having received an extraordinary Majority, is hereby declared passed. And the House does adopt Conference Committee Report #1, to House Bill 1868. Introduction to Resolutions."

Clerk McLennand: "House Joint Resolution #77, offered by Representative Churchill, Rules."

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

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

Clerk McLennand: "Committee Report from Representative Churchill, Chairman for Committee on Rules to which the following Joint Action Motion's were referred; Action taken on November 16th, 1995. Reported the same back 'do approve for consideration'. Senate Joint Resolution #60, House Resolution #60, House Joint Resolution #77. Conference Committee Report #1 to Senate Bill #388. Placed on the order of Second Reading. Senate Bill 1193 is placed on the order of concurrence. Senate Amendments #1, 2, and 3 to House Bill 1124."

Speaker Daniels: "Supplemental Calendar Announcement."

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Clerk McLennand: "Supplemental Calendar #2 is being distributed."

Speaker Daniels: "Mr. Clerk, read the Adjournment Resolution."

Clerk McLennand: "House Joint Resolution # 77, offered by Representative Churchill. Resolved by the House of Representatives as the 89th General Assembly in the State of Illinois with Senate concurring herein. When the House of Representatives adjourns on Thursday November 16th, 1995, it stands adjourned until Monday December 11th, 1995 at 10:00 a.m. in Perfunctory Session. And when it adjourns that day, it stands adjourned until Tuesday January 9th, 1996 at 12:00 noon. When the Senate adjourns on Thursday November 16th, 1995, it stands adjourned until Wednesday January 10th, 1996 at 12:00 noon."

Speaker Daniels: "Representative Black now moves for the adoption of the Adjournment Resolution. All in favor say 'aye', opposed 'no'. The 'ayes' have it. The Resolution is adopted. On Supplemental Calendar #2, Senate Bills Second Reading. Senate Bill 1193, read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1193, a Bill for an Act to amend the River Conservative District Act', Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Floor Amendments. Floor Amendment #2 has been filed and referred to Rules. A Fiscal Note has been requested on the Bill as amended. A Fiscal Note has not been filed."

Speaker Daniels: "Hold the Bill on Second Reading."

Speaker Daniels: "On the order of concurrence, page two of the Calendar, House Bill 1461. Read the Bill Mr. Clerk. House Bill 1461, Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. First of all, I would advise the Members that the description on this Bill is totally different from the contents of the Bill. So, don't let the description bother

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you. I would move that we concur in Senate Amendment #1 and 2. Let me go through those amendments quickly. Senate Amendment #1 includes what is commonly known as the Sears TIFF language. Under the current law, two types of TIFF districts are excluded from the tax cap. This would exclude the Sears Hoffman Estates Campus from the tax cap. This would mean that when the TIFF has been completed, all the property would go in to the base of the local community. The second portion of the Bill, deals with the Uniform Penalty and Interest Act. It increases the period from 21 to 30 days, which is available after notice of map error or demand notice before penalties will be assessed for individual in corporate return. This single Uniform Penalty and Interest Act provision was left out of House Bill 1893, which was signed by the Governor in the spring. This was a drafting error. This is a clarification of a previous Bill. The third portion of Senate Amendment #1 and 2 is the Metro East Mass Transit District sales tax. As a result of this proposal that we would pass, a person purchasing a new automobile or boat in the metropolitan...I'm sorry, the Metro East Mass Transit district, will pay a \$20 fee in lieu of a half cent sales tax. This would resend the Metro East Mass Transit District's authority to ever impose that half a percent additional sales tax on automobiles or boats after December 31, 1995. Now, as a practical matter, what this does is it reduces the tax on automobiles and boats in the Metro East Mass Transit district area. The fear is that by imposing the full tax, they would drive automobile dealers and boat dealers out of the area. So, this is a tax reduction which has been agreed to by the automobile dealers and the Metro East Mass Transit district area. Now, I would point out to

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you that many of the Legislators from that area support this proposal. So, this has strong support from that area. Mr. Speaker, that is generally what is in the true Senate Amendment. I would be happy to respond to any questions and would urge your support in concurring with Senate Amendments 1 and 2."

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

Hartke: "Thank you very much. Will the sponsor yield?"

Speaker Daniels: "He indicates he will."

Hartke: "Representative Kubik, I'm a little unclear on the changes in the TIFF requirements. This only applies to the one TIFF district? Okay, that clears that up. Number two, with the Mass Transit reduction, will that mean a loss of revenues for the State of Illinois?"

Speaker Daniels: "Representative Kubik."

Kubik: "No, this is a local sales tax that has been imposed by the Metro East Mass Transit district. And what has happened, Representative Hartke, is currently they impose a quarter cent sales tax. A quarter of 1%. It has been increased to three quarters of 1%. But, since this is a substantial amount of money for you know, a 20,000 or 30,000 car, we have in lieu of that additional half a percent, put a \$20 fee so that it is a more reasonable tax and makes the automobile dealers more competitive with nearby counties."

Speaker Daniels: "Representative Hartke."

Hartke: "Yes, so this is to help the metro east area car dealers and so forth rather than driving them to...across the bridge to Missouri and so forth. It makes them more competitive in their process, in affect making sales null and void. They can go right across the bridge and buy the



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same automobile a lot cheaper because of the tax. They will then stay in Illinois and help Illinois economy by buying cars in Illinois. I stand in support of the legislation."

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

Holbrook: "Thank you, Mr. Speaker. Mr. Speaker, this measure has bipartisan support in our area. This is the light rail tax that we put on ourselves down there by referendum and what has occurred is, just on the outside borders of our district where the light rail is not affected, the tax does not apply, competitors are popping up and their draining away business claiming that they can save them a \$100 on a car just by staying out of the transit district boundaries and buying a car from them. And we've had dealerships open up right on the county line where this is going on. Their salesmen have been instructed to suck these people in immediately and tell them that they can save money. These are Illinois residents on Illinois side of the river. We feel long term, this would be for a... benefit for our area by maintaining the sales. We can see our dealerships literally withering on the vine if we don't make a move on this and as far as I know, there's no opposition in our area at this time for this and I would urge everyone in the House here to support it. Thank you."

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

Hoffman: "Thank you, Mr. Speaker. Just for everybody on this side of the aisle and for clarification purposes on the other side of the aisle, this is actually a tax decrease. What we're doing is we're voluntarily on big ticket items such as automobiles, boats and things like that, we're

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voluntarily decreasing a sales tax that the voters put into place in St. Clair county in order to extend the metro 'link' system. So, when you're voting for this, you're actually voting for a tax decrease that we in our area think will allow the merchants to be more competitive with St. Louis and the surrounding areas. So, I urge an 'aye' vote."

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

Stephens: "Just to reiterate for Members on our side of the aisle, this is a tax reduction if any of our staff has instructed you otherwise. It is not a tax increase. It is a reduction about \$150 per sale. So, if you favor that, you should vote yes."

Speaker Daniels: "Representative Cross."

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

Speaker Daniels: "The question is, 'Shall the main question be put'. All in favor say 'aye', oppose 'no'. The 'ayes' have it. Representative Kubik to close."

Kubik: "Thank you, Mr. Speaker. I think this issue has been well debated. I do want the Members to know that this is a fee. We are authorizing a fee. But, as the other Members have indicated, this fee is a tax reduction. So, I want everybody to make sure they understand that although we are imposing a fee, this is a tax reduction. So, I...with that explanation, I would appreciate your support in concurring with Senate Amendment 1 and 2 to House Bill 1461."

Speaker Daniels: "The question is, 'Shall the House concur in Senate Amendment 1 and 2 to House Bill 1461. All in those in favor, signify by voting 'aye', oppose by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? Take the record, Mr. Clerk. On this question there 103 'ayes', 10 voting 'no', 1 voting 'present'. The House does concur with Senate Amendments #1 and 2 to House Bill 1461. This Bill having received an extraordinary Majority, is hereby declared passed. Ladies and Gentlemen of the House, we're going to act on a Death Resolution honoring Mike Bruton. We're then going to go to caucus. Each side of the aisle is ask for caucus. We're then going to come back in and finish our business. Mr. Clerk, House Resolution 60. This is a Death Resolution, Ladies and Gentlemen of the House, with unanimous leave of the House will be heard."

Clerk McLennand: "Resolution #60. WHEREAS, The House has learned with sorrow of the death of Michael Bruton, president of the Chicago Federation of Labor, on November 12, 1995; and

WHEREAS, Mr. Bruton dedicated his life to the cause of labor and to helping to protect the rights of working men and women; and

WHEREAS, A lifelong resident of the city of Chicago, Mr. Bruton graduated from De LaSalle High School, attended Washburne Trade School, from which he received his journey man credential in 1958, and attended Kennedy Electronics School and the University of Illinois' Labor Program (1972-1976); and

WHEREAS, Michael Bruton had served as president of the Chicago Federation of Labor since 1994, and before that, as secretary-treasurer; he had been appointed assistant to the president of the Chicago of Federation Labor in 1986; and

WHEREAS, Mr. Bruton had been elected vice-president of Local 134 of the International Brotherhood of Electrical Workers (IBEW) in 1980 and had served until his election as CFL

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secretary-treasurer in 1987; and

WHEREAS, Michael Bruton was elected in 1974 to the Executive Board of IBEW Local 134 and served as secretary of the Board until his appointment as a business representative in 1980; and

WHEREAS, Mr. Bruton was a member of the State Board of Education and served as secretary of the board and vice chairman of the Equal Employment Opportunity Committee, and he was appointed by Mayor Daley to the Board of Directors of the Metropolitan Pier and Exposition Authority; and

WHEREAS, He served on the board of the United Way/Crusade of Mercy, Catholic Charities, the Board of Governors of the Metropolitan Planning Council, and the Chicago Convention and Tourism Bureau, and he was a labor representative on the Chicago Private Industry Council; and

WHEREAS, Michael Bruton leaves to cherish his memory: his wife, Marilyn; nine children; and twelve grandchildren; and

WHEREAS, Michael Bruton was dedicated to the cause of labor and to the welfare of his community, and he will be missed by all who knew him; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we express our deep sorrow at the death of Michael Bruton, offer our sincere sympathy to his family, and join his friends in honoring his memory; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Michael Bruton.

Speaker Daniels: "Representative Black."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I think the fact that Mr. Bruton

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was elevated to presidency of the Chicago Federation of Labor shows the respect and admiration and the trust that many people in the labor movement held him. If you'll look and if you listened carefully to his outstanding resume of service, not only to the labor movement but to the City of Chicago and indeed the State of Illinois as he served on numerous boards, commissions and councils. Giving freely of his time to make not only the City of Chicago but, the State of Illinois, a better place in which to live. And as testimony to the service that people not only in labor but management and others throughout the State of Illinois give so willingly to make this state what it is and what we all want it to be. He will be sorely missed not only by those he served so well in the labor movement but, by all people of good will who tried their best on a day to day basis to make the State of Illinois the best possible place for us to live and for us to raise our families. Our deepest sympathies will be extended to his wife and his children and, Mr. Speaker, I would ask with leave of the Body that all Members be added as cosponsors to this Resolution."

Speaker Daniels: "With leave of the House all Members will added as cosponsors to this Resolution. Representative Black now moves that the House adopt House Resolution #60. All in favor signify by saying 'aye', oppose 'no'. The 'ayes' have it. Resolution is adopted. We will now adjourn to caucus for one hour and return to the Chambers at 12:00. The House stands at ease until 12:00.

Speaker Daniels: "Supplemental Calendar Announcement."

Clerk McLennand: "Supplemental Calendar #3 is being distributed."

Speaker Daniels: "Senate Bill 721, Conference Committee Report. Representative Klingler."

Klingler: "Thank you, Mr. Speaker. Conference Committee Report

SB 721 CER

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721, was heard in the Criminal Law Committee this morning, and passed out of that Committee unanimously. This Bill contains 11 different provisions. The first provision was a Child Sex Offender Community Notification Law which this House acted on earlier. It does have some changes from the Bill as passed from the House. The Conference Committee deleted the provision of allowing juveniles... adjudicated delinquents from sexual assault from the Notification List. The next provision is Predatory Criminal Sexual Assault of a Child. This is an initiative of Governor Edgar, and focuses on adults who commit great bodily harm to a victim under 13 years of age while committing the act of a sexual penetration, and the enhanced penalty for this crime is 50 to 60 years. The third provision, provides automatic transfer of juveniles who commit the offense of aggravated car hijacking when committed with a firearm, to criminal court. In some respect, this is a technical change because the offense of armed robbery for that same age group is already automatically transferred to criminal court. The fourth, is the Leaking Underground Storage Tank Fund Amendment which deals with issues concerning public safety. The sixth is enhanced penalties for cannabis and this had been an effort of our Representative Mautino and Winters concerning enhanced penalties for the manufacture of 2000 to 5000 grams of cannabis, and Representative Durkin would be handling specific questions on that regard. The next Section concerns psychotropic drugs and fitness to stand trial and limits the statute to psychotropic drugs, and takes out the words 'and other medication'. Again, Representative Durkin would be handling any specific questions on that language. The next provision, is prisoner reimbursement for incarceration, which allows the

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Department of Corrections to collect part of the expense for incarceration from the inmate. Representative Dan Rutherford will be handling questions concerning that. The next provision, is a hearsay exception for child abuse cases. It permits hearsay statements in abuse cases to be introduced in court if delivered pursuant to the Child Advocacy Board protocol. The ninth provision is an eavesdropping Amendment. This provision exempts telemarketing practices relating to quality control from the eavesdropping statute, and Representative Durkin will be handling this Amendment as well as the hearsay exception. The tenth concern...a change of the requirement of parole hearings from one year to three years, in the case when a parole has been denied, and the next parole hearing would be after three years, and this is to prevent the families from having to continue to come in year after year. It applies to the 600 inmates still in jail that were sentenced prior to 1977. And then the final provision, is an extension of a time to report of the Truth-in-Sentencing Commission, and these last two provisions concerning the parole hearing and the Truth-in-Sentencing Commission, would be handled by Representative Johnson."

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

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

Speaker Daniels: "She indicates she will."

Granberg: "Representative Klingler, I was the original Sponsor of the program to fund the underground tank fund. I'm very concerned with people in your district and my district who are on the verge of bankruptcy. The provisions of that Bill is now on this Senate Bill. It is patently

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unconstitutional, it violates the subject matter provision of our Constitution. I would ask you Ma'am, to take this Bill out of the record, put the LUST Program on a Bill that would be declared constitutional so we can resolve the issue for all our independent gas stations in Springfield, and downstate, and across the state because you are jeopardizing this fund, and I would ask you to take this Bill out of the record so we can resolve this problem and have the political courage to deal with it straight up. Will you do that?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, I think perhaps all of us would prefer to address every Bill individually, but as you know in Conference Committees that the subject matter Bills are grouped together, and this is the way that we have received this Committee from the Senate."

Speaker Daniels: "Representative Granberg."

Granberg: "To the Bill. Apparently, that is a 'no' answer, so you are going to jeopardize the LUST Program. This program will not go into effect. It will be declared unconstitutional. You are trying to put this program, a gas tax that could not pass, on the backs of sexually abused children. Leave it alone. Separate these issues. Let's take care of our people, let's do it the right way. To the Bill, Mr. Speaker. As I indicated, I am the original Sponsor of the LUST Program with my good friend, Representative Ryder. I've never seen in the history of this House, an abomination as this for political motives. We are jeopardizing every single gas station owner in this state, because of this. You know it's unconstitutional, I know it's unconstitutional, we're playing politics with sexually abused kids. We're trying to put a gas tax



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dealing with sexually abused kids. This is their legislation, and you're jeopardizing both. Mr. Speaker, this is the House of the people, this is the House of the greatest political leaders of the country. They would be ashamed of this matter. In the history of this House, we use to have a time when people would have the courage of their convictions to stand up and vote for single issues and go back to their districts and defend them. There was a time in this House when Members had the courage to vote on these issues. There was a time in this House when the Members had the political courage to insist to their Leadership that these things be separated. Apparently that time has come and gone. I am not going to vote for this. I'm not, because it is an abomination because the people in the gallery deserve to have their Bill heard separately. You are jeopardizing their financial future by putting that provision on this Bill. They know it, you know it, we all know it, and it's indeed unfortunate that you're playing games with these gas station owners. They deserve to have an answer on their legislation. They are on the brink of financial ruin in your district, and in mine. For you to do this, for you to play with their financial future, is really a sad situation, Representative Klingler. I know you probably don't have any choice in this because the Leadership is telling you, but we should have the respect for these members who own these gas stations, for these people who deserve to have these issues raised. There are people on our side of the aisle that want to vote for this Bill, for the gas station owners so they can resolve these serious issues and they're not going to be allowed to do that. They're not going to be allowed to do it, because this is patently unconstitutional, and for the people in

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the gallery, my friends who are the owners of these stations, I am not going to vote for this. I have stood up repeatedly for them and I will in the future, but this is a sorry state of affairs in this government. This is how political the process has become and it's not fair to them. It's not fair to sexually abused kids and for everyone to be used in a political motivated Bill, is indeed unfortunate for the Members of this House. Look at that Gentleman on your side of the aisle, the greatest political leader in the country, he would not allow this. This has never happened before in the history of this chamber that I'm familiar with, and when this Bill is declared unconstitutional you will understand that, and to my friends in the gallery, you'll understand it as well. It's really a shame their being used in this political game and I intend not to support the Bill."

Speaker Daniels: "Thank you. Now for Representative Black."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. Oh my how the feet squeal when the shoe is on the other foot. How little you seem to remember of the ten years of your absolute control in this House, how you ran roughshod, not only over our rights, but the Constitution. I never heard you mention it in ten years. Oh, but now we're going to hide behind the Constitution. Oh my friends in the gallery who are suffering financial ruin from leaking underground storage tanks. I didn't vote for the Bill last May because my Leader said it was the biggest gas tax in the history of the State of Illinois, but I'd vote for it today but they put it on a sex offender Bill. Oh my God. Oh my God, what am I going to do. I can remember when we use to follow the Constitution in this chamber, I think it was back when Abraham Lincoln served.

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I recall about a year and a half ago, and for all of you on the other side, who want to wander and pontificate, you better check the transcripts, and you better check the records on what you voted on. Have you forgotten, a little over 18 months ago, a repartee between the then Majority Leader and me trying to defend the rights of the Republican side, and it went something like this: 'Mr. Speaker, I question the germaneness of the Amendment to the Bill. Representative Black, the underlying Bill does nothing. The Amendment does something, blah, blah, blah, blah, blah. Constitutionality isn't decided in this chamber, by this chamber. If you want to take this Bill to court, take it to court. Some of us are going to vote the way we voted last May. And what you chose to play politics with in demagoguing issue on the Leaking Underground Storage Tank Bill, the people who have invested their lifesavings, are indeed facing financial ruin, one of them a close personal friend of 30 some years standing with me. You chose to demagogue that issue. When all those people did was to follow a federal law and he did what a good citizen was suppose to do and cleaned up this station, and we owe him \$130,000 and that's his retirement money. But oh no, we couldn't pass it last May, we had to play politics with that. So he's had to borrow money at the bank. The whole Underground Storage Tank Law passed by a Democrat controlled Congress is ridiculous. We pay \$100,000 to take contaminated dirt out of the ground and haul it to a landfill and bury it. Boy, that makes a lot of sense. But how quickly you forget. Single subject Bills. Single subject Bills. Supposedly which you now hold in the most high regard. In the 88th General Assembly, let me show you what some of the single subject Bills you asked us to

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vote on. There was House Bill 282, sponsored by Representative Hoffman, an Act in relation to the functions of state government, that had an Income Tax Act in it. It had a Mass Transit Act in it, had a Revenue Act in it, and some Workers Comp cleanup language in it. Now one of my favorites was House Bill 1974, sponsored by then Representative Lopez. This was an Act, an Act in relation to the regulation of certain matters, a Charitable Gains Act, I thought he was running for Congress, I'm sorry, I can't keep it straight over there, you're all running for Congress. Charitable Gains Act, Clinical Social Work Act, the Criminal Code, the Emergency Medical Technician Act, the Fiscal Note Act, the Juvenile Court Act, the Municipal Code, the Medical Practice Act, the Sanitary Food Preparation Act, the Unified Code of Corrections, the Crime Victims Compensation Act, and let us not forget for good measure, let's throw in the Code of Civil Procedure. That was all an Act in relation to certain matters and amending certain matters. Single subject matter. Then we had Senate Bill 498 that came over here, picked up in the House by Representative Gash. The Metropolitan Transit Authority Act, the National Guard, the property tax, the Servicemen's Employment Tenure, and the Unemployment Insurance. That's all single subject. You know, I could go on, I got about four or five pages of these. Some of those...some of these Bills at the time we protested, we asked what we were entitled to do. We asked for the Chair to be overruled, we lost that. That was routine, we expected that, but many of us voted for the Bills anyway. Once you had established what you were going to do, most of us voted on our conscience as to what was in this massive Bill. Whether it was single subject or not. We didn't hide behind some

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phoney constitutional argument, we put our votes where our convictions were. If you want to hide behind some phoney constitutional argument, you do so. But there are people in this state who are going to hold you accountable, but how you choose to hide...you hid last May and now you want to hide here this month, well, it isn't going to work. And let's not forget my all time favorite, when all else fails, what we had from your side of the aisle who followed the Constitution so beautifully if we couldn't get a Single Subject Act in any other fashion or function, we would call it an Act in relation to the function of state government. And good Lord, you put everything in there from highway construction to nursing homes. Now, let's stop all the shenanigans, let's stop the charade, if you want to file a lawsuit, you have legal council, file it. I think this is imminent constitutional. After all, we're just following the practice of the last ten years that you did so well. So, make your speeches, take out your news releases, but the bottom line is, when you go home and your friends are bankrupt because you wanted to play politics with a Leaking Underground Storage Tank Fund, call it whatever you want, those people are following a law, and to put them in financial risk is wrong, and if you don't have the courage to right that wrong, maybe you shouldn't be here. Mr. Speaker, and Ladies and Gentlemen of the House..."

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

Flowers: "Mr. Speaker, and Ladies and Gentlemen of the House. I rise in objection to this Bill. You are truly making a mockery out of the process of the children of the State of Illinois. How dare you play a game. How dare you talk about the Constitution, you are making a mockery out of the Constitution of the United States, making a mockery out of

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the Constitution of the State of Illinois. To the Sponsor of this Bill, I would like to ask you a question please. Representative Klingler, if..."

Speaker Daniels: "Would the Lady yield? The Lady indicates she will."

Flowers: "You want to notify...you want the community to have the right to know that a sex offender has moved into the community. Am I right?"

Speaker Daniels: "Representative Klingler."

Klingler: "That's correct."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Klingler, what about a child murderer? If someone murders a child, do we have to let the community know that he moved into the district, into the community? Is that in your Bill?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative Flowers, this Bill addresses the issue of the child sex offenders that are on the existing child sex offender registry. We are working...."

Flowers: "I'm talking about the children of the State of Illinois. If they are murdered, Representative, will the community know that a murderer is in the community?"

Klingler: "Representative, may I finish my statement...my answer?"

Flowers: "Would you answer my question? Would you please answer my question?"

Speaker Daniels: "Representative Klingler continue."

Klingler: "Representative, this Bill deals with the existing child sex offender registry which was begun by this state and I believe by your party in 1987. At the present time, it's a criminal penalty to disclose any information on that. We are working with the existing registry to work

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out procedures that schools and day care facilities and Children and Family Services would have that information as well as the ord...an ordinary citizen. Representative, I'm continuing my answer, Representative..."

Speaker Daniels: "Representative Klingler, continue. Representative Klingler."

Klingler: "Representative, if I may finish my response. First of all..."

Speaker Daniels: "Representative Flowers, she is answering your question. Representative Klingler, are you done with your answer? Have you completed your answer Representative Klingler?"

Klingler: "No I haven't."

Speaker Daniels: "Complete your answer please."

Klingler: "Representative, first of all, the murderer of a child under 12 has a life imprisonment sentence. Secondly, I would certainly be glad to work..."

Speaker Daniels: "Representative Flowers, Representative Flowers, Representative Flowers, you may ask a question, she will answer, and when she is done, you may ask another when she is completed with her question. Representative Flowers."

Flowers: "Speaker, Speaker, I asked the Lady, I asked the Lady a question, I asked her if a murderer moved into the community, will he have to give the same notification, that's number one, yes or no, that's all I asked her. Number two, I asked her if a kidnapper moved into the community Mr. Speaker, would we still have to notify the community, after all, this Bill is for the children. We're talking about safety here, so I want to know what is the difference between a murderer, a kidnapper and a rapist, and does one alter the other? So, that's number one and as far as 13 year olds Mr. Speaker, I would like to ask the

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Lady, why not ten? What's the magic number about 13? Why not ten, why not nine, why not eight, why not seven? We can start from zero, from zero to 13, what is the magic number about 13? And I would also like to know, if an adult is charged with the same crime, does he not get his day in court, and are we locking this 13 year old up for life, and if not, what are you going to tell the people of the State of Illinois, Representative Klingler, when you have a more sophisticated murderer that you just now let out, when you have a more sophisticated robber that you've just let out, what are you then going to tell them Representative Klingler?"

Speaker Daniels: "Okay, Representative Flowers, your time is almost expired. Representative Pugh, do you want to yield your time? Representative Morrow, do you want to yield your time? Anyone want to yield their time to Representative Flowers? Representative Saltsman will yield his time to you. Representative Klingler, you may answer the question."

Klingler: "Thank you, Mr. Speaker. Representative Flowers, I certainly appreciated your support on House Bill 2517, which was for the notification of the child sex offenders. In the future, I'm hoping that we can go further. At the present time, the only registration system in the State of Illinois is the child sex offender registry, because past General Assemblies felt this was such an important area. Perhaps in the future once we get the procedures worked out, we can work on registries of other criminals. Let's work with the registration system that's intact in Illinois right now, make that available to those who deal with children and I'd be glad to work with you in the future."

Speaker Daniels: "Representative Flowers."



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Flowers: "Mr. Speaker, Ladies and Gentlemen of the House."

Speaker Daniels: "Ladies and Gentlemen, Ladies and Gentlemen.  
Representative Flowers."

Flowers: "Again, this Bill is making a mockery out of the process. I think it's unfortunate that we sat down here all this year and we've not done one darn thing on behalf of the children. We've not given them a roller skating rink, we passed a law banning the 13 year olds, they can't even work in a roller skating rink, but we can lock them up. We can put them in jail and as far as the prisons are concerned, we're not building brand new schools in this state, Ladies and Gentlemen, what we're building is brand new prisons. We're going to lock them up younger and keep them longer and we want to pass out pamphlets in each one of our districts talking about how tough you are on crime because you locked up a bunch of babies. And yet, you allow DCFS to take our children and pass them all around the state like they are nothing, they are for sale to the highest bidder for contract, from pillar to post, but that's what we're doing here for children. And to the working people of this state, let me tell you what we are about to do for you. We are going to say, if you have to make a personal telephone call to your doctor in regards to your health, I as your boss, I can eavesdrop on your conversation and I thought you had AIDS because of the way you look, but now I know you have AIDS, so now I can find out a way to fire you. It's called eavesdropping Ladies and Gentlemen, and that's what we're going to do here. That's exactly what we're going to do. And as far as the right of the community to know that a rapist, a child rapist, not an adult rapist, there's a difference here. I don't know what's going to happen to your property tax, how

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you're going to try and sell your house Representative Klingler? Are you going to let your future buyer know that the rapist lived next door? Then are you going to be able to sell your house? What about your property tax? What about your community? Ladies and Gentlemen, we should not do this to the people of the State of Illinois. We should defeat this Bill and you, Mr. Speaker, should go back to the back room and do the right thing by the people of the State of Illinois. You're right Representative Klingler, I did support that Bill. It was a better Bill, a much better Bill, but here, you are combining LUST. I'm not interested in the leaking storage tank because that's for big businesses, I talking about children. I'm talking about people here. I'm sure businesses can take care of itself, one way or the other, but we're mixing LUST and sex here. Sounds real glamorous to the newspaper, but we're talking about our children Representative, and I don't think we should be playing this type of game. I would urge a defeat of Senate Bill 721. Thank you."

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

Pugh: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

Speaker Daniels: "She indicates she will."

Pugh: "Representative Klingler, are you aware that your piece of legislation is contrary to the Constitution of the State of Illinois?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, we worked very closely with the Illinois Attorney General with other legal officers on this, all these packets of legislation with legal advisors for the Governor's Office, and we are very confident about

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every one of these provisions."

Speaker Daniels: "Representative Pugh."

Pugh: "Let me state from the Constitution, Article 4, Section 8 of the Constitution of the State of Illinois, and it states that, Bills except for appropriation and for the codification revision or rearrangement of laws, shall be confined to one subject. I submit to you that this piece of legislation is in violation of the single subject rule. The complication of some of the most heinous and asinine pieces of legislation has been attached to this one piece of legislation which I might have voted for because I have an uncle who was interested in me voting for the LUST Bill, but because we have decided, or you have decided to make it mandatory for 13 year old children to be tried as adults without the discretion of a judge because you have decided to sacrifice the rights of common workers because you have decided that you are interested in helping to promote a tax increase, I just like many of my colleagues are going to vote adverse to your position on this piece of legislation. And for those Legislators, for those Legislators who are using this particular office merely for the sake of graduated to another office, and are willing to exploit the bodies of abused and deceased children to, sacrifice the rights of common workers and to increase taxes in this state for their own personal gain, I ask them to rethink their position. And Representative, are you aware that the 14th Amendment to the Constitution also is being violated with your legislation? That's a question Representative Klingler."

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, there is no such violation."

Speaker Daniels: "Representative Pugh."

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Pugh: "Are you aware of what the 14th Amendment to the Constitution involves? Do you know what the 14th Amendment to the Constitution is?"

Speaker Daniels: "Representative Klingler."

Klingler: "Certainly I do."

Speaker Daniels: "Representative Pugh."

Pugh: "Could you state the 14th Amendment to the Constitution?"

Speaker Daniels: "Representative Pugh, do you have question?"

Pugh: "That was the question. Will she state the 14th Amendment to the Constitution?"

Speaker Daniels: "Representative Pugh."

Pugh: "Let me say Sir to you, you have in your capacity, chosen to negate our rights as Representatives. You have in your capacity as Chair on several occasions cutoff our Members when they were speaking while your Members would be allowed to close their arguments. You have on several occasions cut off the microphones of Members of my..."

Speaker Daniels: "You're running out of time, Sir."

Pugh: ".....so you're saying now you're going to cut my microphone off too?"

Speaker Daniels: "When the time is expired."

Pugh: "Sir, I'm saying that you are wrong in your capacity as Chairman to restrict the rights of duly elected officials to air the differences that they have in this chamber."

Speaker Daniels: "As far as the rules..."

Pugh: "It's your capacity to be just and to be fair and to Chair, only to Chair, and not to rule Sir."

Speaker Daniels: "I just want to know if you care to address the Bill, Sir?"

Pugh: "I asked a question of the Representative. Could you state the contents of the 14th Amendment to the Constitution?"

Speaker Daniels: "Representative Pugh, that is not a proper

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question. You have another question?"

Pugh: "I...What was the answer to the question, Sir?"

Speaker Daniels: "That is not an appropriate question. If you wish to address the Bill, you may do so, Sir."

Pugh: "I'd like to, Sir."

Speaker Daniels: "Okay. Is there anybody who'd like to yield some time to Representative Pugh? Anybody that cares to yield some time? Representative Younge will yield her time to Representative Pugh."

Speaker Daniels: "Representative Pugh, frame your questions properly."

Pugh: "Representative Klingler, could you state the contents of the Fourteenth Amendment to the Constitution?"

Speaker Daniels: "Representative Pugh, you need to state your questions properly."

Pugh: "...to Representative Klingler, Sir."

Speaker Daniels: "Representative Klingler, if you care to answer that, you may do so."

Klingler: "Representative, the Fourteenth Amendment speaks to equal protection under the law."

Speaker Daniels: "Representative Pugh."

Pugh: "It says specifically that no deprivation of liberty shall be granted without due process. This Bill will violate the Fourteenth Amendment to the Constitution; and therefore, it's against the Constitution. Now, we're talking about challenges that will end up in the Supreme Court. We're talking about spending taxpayers' dollars, along with the cost that is going to...the additional cost that the legislation itself will have on our constituency. We're talking about additional court challenges. Why are we in the business, Representative Klingler, are we in the businesses...in the business of creating court cases to be

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taken to the Judiciary? Is that our purpose here? Are we in the business of creating good legislation and creating a good government?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, we are in the business of protecting children, of protecting our communities, protecting our public health, and each one of these provisions in this Conference Committee Report does exactly that."

Speaker Daniels: "Representative Pugh."

Pugh: "Representative, I submit to you that this piece of legislation is drastically flawed in its perception. The intent, and I understand the intent of the legislation, I understand that we all need to justify our existence. But when we talk about justifying our existence based on sacrificing the rights of the masses, then we have to rethink our positions or even our consciences. At what point, at what point are we going to try to do the right thing? At what point are we going to do not what's right for our reelection, not what's right for the local newspapers, not what's right for our Leadership, who may or may not know what they are doing? When are we going to base our decisions on what we think as Representatives, what we told our constituency that we would do once we came to Springfield? When are we going to base our decisions on the rightness of the matter?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative Pugh, this Bill in each one of its aspects is the right thing to do. It's right to not have an extensive notification and registration system that's kept confidential. That simply doesn't make any sense. We should let schools and child care facilities know about that. We should give access to people to find out. It's

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right to increase penalties to people who sexually assault and penetrate a child under 13 years of old and cause great bodily harm. It's right the 13 year olds that commit armed hijacking of a car with a firearm are transferred to Juv...to Criminal Court. And I would point out if they have an armed robbery of a '7-Eleven', that's an automatic transfer also to court. What we have done is the right thing. And I would also like to point out to Members of this House, that this Bill was acted on by the Illinois Senate and the vote was 49 to nothing. I'd also point out that the Bill of which you've been questioning about was passed out of this House earlier 116 to nothing. This Bill should be a nonpartisan or a bipartisan issue. This Bill is for protection of children, for protection of public health. Every one of us should be behind every provision in this Bill. This is a good Bill. The provision on the underground storage tanks, I would like to point out when that was in the Illinois Senate in the Spring Session, passed out 57 to 1. That is not a political issue, is no reason why everybody in this chamber should not support these criminal Bills and the tank provision."

Speaker Daniels: "Representative Pugh. Representative Morrow."

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

Speaker Daniels: "She indicates she will."

Morrow: "Representative Klingler, I'm glad you mentioned House Bill 2517 that passed out of this chamber 116 to nothing. And I'd like to know why a fine piece of legislation like that was not sent to the Governor's desk? I mean if that Bill was passed out two weeks ago, the Governor should have signed it by now. But why wasn't it signed?"

Speaker Daniels: "Representative Klingler."

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Klingler: "Well, Representative, if we had a unicameral body in the State of Illinois, I think that would have happened by now, but there is a Body called the Senate across the way. And we have a three day Session, and there are rules regarding how long Bills have to stay in the Senate before they can be acted on. So for procedural reasons, this Bill needed to be part of a Conference Committee Report. And I'm glad to also sponsor the other Bills as part of the Governor's crime initiatives that are included with this."

Speaker Daniels: "Representative Morrow."

Morrow: "So you feel that you should hold up the welfare of our children because of the actions of the Senate? Don't you think the House of Representatives is on an equal playing field as the Senate? Don't you think that we are just as responsible Legislators as our Senators are? I mean, if we had courage, if we had any courage, we would vote on these issues separately. We have a Bill that was...that flew out of here 116 to nothing. We have a Bill that should be in law right now protecting our children from the sexual offenders who might have committed an offense in the last two weeks since we passed House Bill 2517, that if they found convicted now, would not be included under Senate Bill 721, so we were not concerned by your actions about someone who might have been mistreated in the last two weeks. Do you think sex offenders took a vacation over the last two weeks? Do you think that is happened?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, the Illinois House is acting as soon as it receives the Bill back from the Illinois Senate. And as soon as it passes out of this House, it will be on the Governor's desk."

Speaker Daniels: "Representative Morrow."



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Morrow: "Well, thank you, Mr. Speaker. I guess I may as well address the Bill. You know, I was one of the ones...I've been around here a lot longer than many of you, even though I'm probably a lot younger than many of you. One of my colleagues on the other side of the aisle, who I have probably the utmost respect out of any Member on that side, made a point about the abuses that occurred when we were in the Majority. Well, I'm here to tell you, I'm here to tell you, many of the Members on that side of the aisle, that I, and many times I alone, in Democratic Caucus and some of the Members on this side of the aisle can vouch for me, that in Democratic Caucus I fought the then Speaker, now Minority Leader, to protect some of your rights as elected officials. But, as my Grandfather said, 'Do two wrongs make a right?' I hear the excuse, 'Oh, you screwed us, so now we got to screw you.' Does that make it right? No. No. Especially when we were sent here to represent 97,000 men, women and children who aren't at many times able to protect themselves. I voted for House Bill 2517, but now I'm being told that we have to protect the businessman. Well, where were you when the businessmen of my district were being closed down? Where were you when the people of my community were being laid off? Where were you when my community was put in financial ruin? Now, I'm being asked to protect you. And, yes, if these issues were separate, maybe I would protect your financial community. But as I told one of my Members many times ago, if we're...if I'm going to be a slave, let us all be slaves. Vote against Senate Bill 721. To hell with these businessmen. Many of these businessmen sitting out here are owners of car washes. When I introduced a Bill two years ago to protect people that were getting murdered in their car washes, was

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they willing to help protect their customers? No. I have had eight people in my district murdered at self-service car washes. When I tried to regulate their operating hours, no. Well, to your car wash people, I don't care if a car is washed in the State of Illinois ever again. I'm sick of this...and many of you would not be back because you follow the dictates of Leadership as many Democrat... Many of you are here now because two years ago, Democratic freshmen did not show any independence to the Minority Leader. Many of you would not be back because you have not shown independence to your Leader. They can only do so much for you at home, but you know your district better than anyone else. And, for some of my people over here saying, 'Oh, we're going to be put on record as being against children...'"

Speaker Daniels: "Representative Morrow, your time is expiring, Sir."

Morrow: "I'm finishing my statement."

Speaker Daniels: "Please do."

Morrow: "Many of you have said, 'Oh, there's going to be a flyer sent in my district.' Well, we're already on record as the Democratic Party of being against sex offenders, because we are recorded as being voting 'yes' on House Bill 2517. So you cannot attack us. You won't be able to send a press release that say Democrats are against children. We are for children. But to hell with businessmen."

Speaker Daniels: "Representative Morrow, thank you. Representative Lindner."

Lindner: "Thank you, Mr. Speaker. I rise in support of Senate Bill 721. We need to really think seriously about the sexual offender notification laws. I would specifically like to answer Representative Flowers' question. There are

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several reasons for putting people in prison: some rehabilitation, some retribution. It certainly some criminals: kidnapping, burglary - There can be rehabilitation in those areas. But there is a lot of documentation that sex offenders cannot be rehabilitated. I have done some research on this. In Illinois prisons, there are only three programs that are full on sexual offender treatment programs. They are totally voluntary. People can drop out at any time. There are not many people in those programs now. I have spoken with psychologists who have been in programs in states where they have mandatory rehabilitation programs, and they have told me that this does not work, that sexual offenders cannot be rehabilitated; therefore, we need this strong notification Bill. Certainly though, LUST Fund Bill is something that is important to small business, which I think we all support on both sides of the aisle and we need to do this for them. Also, for those of you near Kane County and around, this also contains what was in House Bill 1069, requested by the Child Advocacy Center in Kane County, the hearsay exception. So we are doing something for children in this Bill and in business. For the other side to stand up and say anything about putting all these Bills together is ludicrous. Last year, at least with the Republicans in the Majority, we didn't see, I don't think, 32 Amendments on Bills like we did the years before. And I think everyone should support this Bill. Thank you."

Speaker Daniels: "Representative Deering."

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

Speaker Daniels: "She indicates she will."

Deering: "Representative, you mentioned earlier that this sex offender language is the same that passed a couple of weeks

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ago. I pose a question to you. I believe in that Bill, the State Police were to notify the local areas when a sex offender was living in that area. In this Bill, I understand the burden will be placed on municipal police or the local sheriff. Two part question: Number one, why did we make that change? And number two, what about those small communities that don't have a municipal police force or that the sheriff does not have an ability to come into those areas too often at times."

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, the Illinois State Police will be working very closely with all local law enforcement officials, not only in providing information from the sex offender registry, but also providing lists of those child care facilities that are licensed in the state and list of the schools, both public and private. So they'll be working very closely. Also during the next six months, before the effective date of this, the Director of the Illinois State Police indicates that they are going to be focusing their attention on the procedures to carry this out."

Speaker Daniels: "Representative Deering."

Deering: "Okay, what does that do though to the... Let's go to the next question. I notice here the Notification Act only applies to child sex offenders whose victims are under 18 years of old. Once an individual reaches age 18, are they no longer open for sexual attacks?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, this Bill covers all the offenses that are included in the child sex offense registry, which refers to those under the age of 18."

Speaker Daniels: "Representative Deering."

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Deering: "Why, in this Bill, does all the Acts take effect upon becoming law except the notification law? Why does it not take effect until June 1 of '96?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, the Illinois State Police indicated that time is necessary to work out the exact procedures and methods in working with them in updating their computer lists, not only to expanding the...those who would be covered because those who are found not guilty because of insanity will also now be included in addition to those convictions, but also working on assembling the lists of those to whom mandatory notification is required."

Speaker Daniels: "Representative Deering."

Deering: "To the LUST Fund. What is the outstanding debt, or what is the outstanding backlog of Bills that we owe gas station owners today?"

Speaker Daniels: "Representative Persico, do you want to address the answer to the LUST Fund?"

Persico: "Thank you, Mr. Speaker. I believe, Representative, it's around \$47,000,000."

Speaker Daniels: "Representative Deering."

Deering: "Okay, Representative, \$47,000,000. Now, when we pass this...when we pass this eight-tenths of a gallon fee or tax, whatever it is, will this cover future cleanups and also cover the backlog of bills that we have today?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, this fee on the wholesale of gasoline will raise about \$46,000,000 a year, and I think the original intent is to cover the backlog of these...you know, what we owe right now."

Speaker Daniels: "Representative Deering."

Deering: "Okay. The Feds are pretty concerned about the solvency

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of this fund. So you say it will cover the backlog, but what about future cleanups? Is this not a position that where the Feds could come in even if this Bill becomes law and says that our fund is insolvent and then still, after the industry is going to be paying the fee, would they still not be faced, possibly, with buying insurance?"

Speaker Daniels: "Representation Persico."

Persico: "Representative, hopefully, and this Bill sunsets in the year 2003, so this would be raising about \$46,000,000 a year for the next eight years or so."

Speaker Daniels: "Representative Deering."

Deering: "Well, Representative, I understand that's part of the reason why we got this problem, the Feds are concerned with the solvency of the fund. This fund will raise \$46, \$47,000,000 a year to cover the backlog, but it's going to be insolvent for future cleanups. Will the Feds not and have they not already suggested to the Fire Marshal's Office that if we don't have a revenue stream in place to cover these cleanups, individual operators will still have to buy insurance?"

Speaker Daniels: "Representative Persico, do you want to complete your answer to that, Sir?"

Persico: "Representative, there are two aspects to this LUST Fund legislation. One, it was clarifying language that the Federal Government wanted in order to keep this program going. Secondly, they needed a revenue stream. What we have done, if this Bill passes, is to set up this revenue stream. Hopefully, if we need to come back at a future time to see if there's more needed, we'll address that at that time, but right now we are setting up that revenue stream for the next eight years of around \$46,000,000 a year."

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Speaker Daniels: "One more question, Representative Deering."

Deering: "Just a comment, Mr. Speaker. Thank you for your answers, Representative, but I just want the Members to be aware that should this pass, that this may not be the solution to our underground storage tank problem, which I know that we do have and that we must clean up. So we may be revisiting this in the very near future."

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

Durkin: "Mr. Speaker, I rise in support of this Bill. This Bill is just not about child sex offender notification, this is not about LUST Fund. We've got some great stuff in this Bill. We're increasing the...we're enhancing the penalties for cannabis. We are finally making a stand against these large scale cannabis smugglers that have been...they've been penetrating the borders of our state for a number of years. They're putting some teeth into this statute. We're also expanding...I take that back, we're helping out the children, also, by expanding the hearsay exception for a child in sexual abuse cases. This is something which has been long, long over abused and children have been, a number of years, have been tortured in courtrooms in the chilling affects of the courtroom procedures. We're also expanding...we're focusing in on the fitness statute about the psychotropic drug exception. Something which I have seen over the past two years, catastrophic effects in the Supreme Court are reversing terrible, terrible murder cases and reversing capitol cases, especially in Cook County. One especially, David 'Geavs', who decided to kill his two twin ten year olds about three years ago by whipping them up against the wall like rag dolls. He is now...he was sentenced to death. That case has been reversed because of

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a loophole in the fitness statute. That's what we're addressing in this Bill. I suggest everybody support this Bill. This is about protecting children, it's about protecting business in the State of Illinois."

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

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

Speaker Daniels: "She indicates she will."

Brunsvold: "Representative, you presented this Bill in committee this morning?"

Speaker Daniels: "Representative Klingler."

Klingler: "Yes, Representative."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "The testimony on the Bill, I assume, was in different parts because the Bill has different parts. The sex offender notification segment. Was there any testimony on that section of the Bill?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, there was a Representative from the Public Defender's Office of Cook County."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "Was there any opposition? Was there anyone that testified against those provisions?"

Speaker Daniels: "Representative Klingler."

Klingler: "Yes, the public defender raised certain concerns."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "Was there a lady named Dora Larson that testified against that Bill?"

Speaker Daniels: "Representative Klingler."

Klingler: "Yes, she testified and was urging that we pass this Bill for the protection of children."

Speaker Daniels: "Representative Brunsvold."



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Brunsvold: "Dora Larson...Dora Larson is a lady from, not my district, just outside of my district, whose daughter was murdered about 15 years ago by a sex offender - I guess, underage individual. Since that time, she has been working nonstop on trying to solve the problem; one of notification, one of trying to make courts more friendly to children. And she has done a yeoman's job in that and I respect her thoughts and her wishes because she is so much an expert in that area. She testified that there were no problems with this Bill? Is that what you said?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, she testified regarding strong support for the sex offender notification provision."

Speaker Daniels: "Representative Brunsvold."

Brunsvold: "She has talked to me the last two days about this issue, and one, she has great concerns about a number of provisions dealing with this Bill. She does not want to rush to judgment dealing with this issue. She is very, very upset about this Bill being used as a vehicle for passage of other issues. In fact, her statement to me was, 'they are using my children'. I support her position on this, Representative. I don't feel that this very very important part of this Bill should be used to pass another portion of the Bill, and I'm asking you right now, if you will take this Bill out of the record and take this child offense language away. You have the power as the Sponsor of this Bill to do that. And this is very offensive to her and it's very offensive to me that you would use this to pass another piece of legislation. And I'm not against that, by the way, folks, Ladies and Gentlemen of the House. I'm not against that. I mean, we do that all the time in...and a lot of times in a bipartisan issue...bipartisan

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way. But I think someplace down the line, folks, we have to draw a line saying, well, maybe we're going a little too far with this combination of issues. Do we use the child offense is...Sexual Offense Notification Bill that is not ready, to pass another Bill that's very important to some people? I'm not so sure I want to do that. I think maybe we ought to consider what...where we're going to draw the line in the sand, folks, about what issues we use to pass other issues. And I say I'm not against that. When you get the issues that are involved and are together, fine. We've done that and Mr. Black has gotten up and spoken very well on that, and yes, we worked together on some of those issues. But I'm not happy. I don't think Dora Larson is happy with this procedure and 'they are using my children', really struck me as a phrase that really set the tone for this part of the Bill and I oppose that. And I think I'm drawing the line saying, here, I don't want to do that with these children and this issue because, one, it's not ready. There's some things that need to be done and we're rushing to get this thing done."

Speaker Daniels: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. I stand in strong support of this legislation. Senate Bill 721, I actually have read the Conference Committee Report in detail and there are some provisions in this that I think are important to highlight. One of them has to deal with the reimbursement for the cost of incarceration in our penitentiaries. As many of you know, I represent two maximum security penitentiaries in my district. The exorbitant cost in managing those facilities and the limited resources we have available, particularly, particularly, since we have not passed the bonding authority in this chamber, is a

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tremendous burden upon our correctional officers. Part of this legislation would allow for the Attorney General to proceed to collect assets from inmates that have resources available. There are some very strict provisions in it for safeguarding, such as any type of value in the personal residence, exemptions in homestead, motor vehicle and so forth. It also would allow the director to reduce the amount because of any taxes to be paid, child support and so forth. But this is a very important provision within the...within this Bill. One point I would highlight is the fact that the estimated revenues on this type of an effort can range anywhere up to a half a million dollars, as we've seen evidence in the State of Michigan. These funds would be used by the Department of Corrections for the resources needed. I would also highlight that just moments ago the Illinois Senate, as has been highlighted in this chamber and I wanted to emphasize one more time, that the Illinois Senate has passed the identical Conference Committee in Senate Bill 721 with 49 'yes' votes and 0 'no' votes. Ladies and Gentleman, there are a number of tremendous provisions in this piece of legislation. I commend Representative Klingler and Chairman Johnson for their efforts on it and particularly to the Attorney General for bringing this one provision on...on...regards to the corrections reimbursements. I stand in favor of this legislation."

Speaker Daniels: "Does the Lady from Cook, Representative Fantin, wish to discuss this Bill?"

Fantin: "Yes, thank you, Mr. Speaker. Will the Lady yield for questions?"

Speaker Daniels: "She indicates she will."

Fantin: "Thank you. Representative, I question one of the things

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in here on the corporate eavesdropping. What is the purpose of putting this piece of legislation in this, where we can have a corporation eavesdrop on their employees?"

Speaker Daniels: "Representative Durkin, you..."

Durkin: "...The purpose of this legislation is to ensure some type of quality control measure with respect to telemarketers who work on behalf of Fortune 500 companies who often are contracted out, who make the follow-up calls on services or goods which have been provided to them. They call and what they do, is, they'll ask them about the quality of the product, if the service has been reasonable. What this ensures through these companies is that the telemarketers are operating in an efficient and a very...in a proper manner. This is a limited, a very limited exception to the eavesdropping section in which the taped conversations will be used for strictly in-house training purposes. This is something which is not going to be divulged to any other third parties or will be divulged to any law enforcement officials. It's a very very limited exception under the eavesdropping rule, which I believe is good for the consumer."

Speaker Daniels: "Representative Fantin."

Fantin: "I do not see anything in this Bill that the Sponsor says anything about telemarketing. There is no...no such wording in here as I can see. This opens it up to corporations? Anyone that agrees, that they can have eavesdropping? Isn't this going to be something like spying, like 'Big Brother'?"

Speaker Daniels: "Representative Durkin."

Durkin: "Absolutely not. 'Big Brother' is the state action, this is not a state action. This is private industry and which under the Illinois statute, right now, you need...because

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the People versus Beardsley, you need both party's consent to participate in it overheard. This is going to be the situation where the individual, the person who works as a telemarketer for what group, will...does make a consent to this overheard. It's an internal...there's some restrictions on it internally which will keep it from being divulged out to the general public. This is not 'Big Brother', this is not state action, this is not the state police, this is not the local law enforcement, this is not the district attorney listening in to your phone calls."

Speaker Daniels: "Representative Fantin."

Fantin: "...'Big Brother' in law, then. This here...If a person agrees, you agree that your conversation can be taped, does the person on the other end of the conversation have any idea or is he told ahead of time that this conversation is being taped?"

Speaker Daniels: "Representative Durkin."

Durkin: "That will be up to the individual corporations if they are going to say that some of these tapes will be prerecorded. The law before People versus Beardsley, only required a one party consent. The other party may or may not have that knowledge, but the purpose of this legislation, which passed 49 to nothing out of the Senate, is to promote business and to promote...to make sure that these people who are the legitimate businesses who are involved in the telemarketing services, that the individuals that are placing the calls and handling the calls are operating in a professional and efficient manner."

Speaker Daniels: "Representative Fantin."

Fantin: "Was this Bill presented on it's own merit? Was it voted on independently in either House?"

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Speaker Daniels: "Representative Durkin."

Durkin: "My understanding, the Senate, this was part of the same comprehension Bill the Senate came over to us. This is legislation which 44 states already have."

Speaker Daniels: "Representative Fantin."

Fantin: "I understand this was put in Conference Committee a couple of years ago. It was never voted on. Are you aware of that?"

Speaker Daniels: "Representative Durkin."

Durkin: "No."

Speaker Daniels: "Representative Fantin."

Fantin: "To the Bill. I am very upset to see such a combination as this Bill is. I'm sad to see that they're going to have, I consider this a spying method, I'm sorry. That we are combining this and that you, Representative, would allow a Bill of our children to be put in such a combination. I don't see how anybody can put all this together and expect us to vote for this. I can not vote for spying, having someone being able to listen on conversations in any corporation trying to get rid of an employee because they don't like them, for whatever reason. You put this with our children. You put this with the LUST Fund. I'm sorry, I think this a grave mistake...."

Speaker Daniels: "You want to complete your remarks, Representative Fantin?"

Fantin: "I'm sorry, I can not vote for this. I don't believe this belongs with any Bill concerning our children. Thank you."

Speaker Daniels: "Further discussion? Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I've heard just about enough hypocrisy on the Floor

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of this House today, by a lot of Members. And I mean hypocrisy! You state that you're concerned about children. You're concerned about the safety of our children. Here's the Bill, vote for it. Two weeks ago, Representative Granberg, called a press conference. With 18 of his fellow Members. Maybe he... maybe he doesn't remember that press conference. In which 18 of his Members said, 'We have to have 'LUST' coverage to pull out these leaking storage tanks. It's a public safety issue. It concerns the safety of our drinking water, our environment. We've got to have this Bill passed.' Eighteen of your fellow Members said, 'Yes, we're going to vote for it. We got to have it passed. It is a public safety issue'. I've heard press conferences from your side of the aisle before, where you said, 'Look, of even more important public safety issue is the protection of our children, the protection of our neighborhoods, our communities. So that when our children are out to play, we know they're not in a neighborhood, where sex offenders, pedophiles, who are always repeat offenders exist.' Public safety. And now, because we link two issues of public safety, one protecting the environment. One protecting our children. We're talking about a public safety issue. And when I hear all the hypocrisy, about linking, we have two solid winners! Protection of children and the protection of the environment. We're talking about public safety and health. Hypocrisy! Pure hypocrisy! I want to see all 18 Members, who said that they need 'LUST' passed right now. Vote for it! Don't use the phoney excuse that because these two are linked we can't vote for it. I have never heard of any such hypocrisy like that in my life! That is the most

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ridiculous thing I've ever heard of. When you go back to your home districts, and you go to the guy at the corner gas station, who can't retire, who can't sell it, because it's contaminated by a leaking underground storage tank that may have happened 50 years ago, when he didn't even own it. Yet, we are not concerned about the quality of our drinking water, which may be contaminated by leaking underground storage tanks. This is pure hypocrisy! Steve Davis, Representative Steve Davis, Representative Deering, Representative Mautino, Representative Smith, Representative Schakowsky, Representative Phelps, he's concerned about 'LUST'. They were at the press conference. You demanded that there be a vote on it. Here is the vote. You've demanded protection for your neighborhoods and children, here is the vote. Let's end the rhetoric. Let's vote this Bill out. You're winner, a winner twice."

Speaker Daniels: "Representative Mautino, do you care to address the Bill?"

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

Speaker Daniels: "She indicates she will."

Mautino: "Okay. I have some questions and you and I talked in committee on the Bill, originally. In it's original form and also on the Floor here. We had some concerns, legitimate concerns from this side of the aisle, which we'd asked you to address in the Senate. What I'd like to find out, first of all, when the Senate sent this back, did they put in any provisions which will make failure to register a felony? It's currently a misdemeanor, basically give them a fine, send them back out on the streets. Has that been put into this Bill?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, the goal is to get people to register.



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As you know, it is a misdemeanor the first time. They are then registered. If it happens again, it is a felony."

Speaker Daniels: "Representative Mautino."

Mautino: "That was the original problem we addressed. We're sending them back out again, once we have required them to register. According to the Leads Provision, which Representative Hoffman and myself wrote in 1992, we require them to register, those 1500 names there, if they don't register, the problem is, we haven't raised it to a felony. So we give them another shot at the kids. That is a significant problem. The second question on this is, why have we changed it to municipalities? And I've met with the Municipal League. Put the onness the registration on them as opposed to the State Police, which have normal contacts into the municipal agencies."

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, the local law enforcement agency is obviously the... the law agency or public safety agency that deals most closely with the communities. These local agencies will be working with the State Police, getting information from them and being certain that those are transmitted to the appropriate schools and child care facilities."

Speaker Daniels: "Representative Mautino. Representative Leitch, are you going to help Representative Mautino? Representative Mautino."

Mautino: "As far... okay... as far as the Bill, itself, we had questions as to... that were raised as the court...into the question of liability on the parts of municipal government. What I would like to do, is in January, and I'm glad to see this does not become effective until July. We voted previously on a flawed Bill. We sent it to the

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Senate. They sent us back a convoluted process, which is expensive to the local governments. So, in January, we hope to address some of these and also make it a felony for someone not to register. So that when these predators move into our neighborhoods, if they fail to register, we put them back. So we've got some serious flaws which do need to be addressed, in that portion of the legislation. And I hope that you will support a move in January by the Municipal League to address the unfunded mandate portion of the Bill. Thank you."

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

Murphy, M.: "Thank you, Mr. Speaker. In regard to the First Amendment about about the leaking underground storage tanks, we keep hearing this is about business. The other side tries to say this is a tax. What this is, is an obligation that the State of Illinois set out a long time ago in partnership with small business owners in our community. And here's the Bill, Ladies and Gentlemen, for Cook County. The Bill for Cook County owners amounts to \$21 million that the state is due and owing. And now this Leaking Underground Storage Tank Fund, isn't controlled by the State of Illinois. Those wonderful Feds have come in and taken over. And they are in no position to repay this money. In fact, they are poised to take over and close down, hard working people, who have worked so hard for their small business. Thinking that, when the State of Illinois owed them money, somehow, they would get paid. And for those of you who that are from the City of Chicago, the Chicago Federation of Labor is in favor of this. The CTA, which so many of your constituents take, there are 150 underground tanks that the CTA has, at a

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potential cost of \$15 million, just for the CTA. There are thousands more tanks in the City of Chicago and surrounding suburbs. This is not just about the environment. This not about business. It's about paying our debt to people that have paid theirs. Less you think it doesn't have any support, we have a list of 45 newspapers, from throughout the state. Community newspapers, big city newspapers, Cranes, Chicago Tribune, Sun Times, South Town, Mount Vernon Register, the News Gazette in Champaign, Waukegan, La Salle, Crystal Lake, but these people are all wrong, aren't they? We shouldn't pay our bills. Better we should pretend it's a tax, not an industry, desired, prorated payment, to cleanup our environment that was mandated by the Federal EPA. Let's do the job of the people. Let's live up to our responsibility. And let's not pass on more cost to the City of Chicago, to the suburbs and to our people that we owe this money to. Stop the rhetoric, vote 'yes'."

Speaker Daniels: "The Gentleman from Rock Island wishes to discuss this Bill? Representative Boland, you wish to discuss the Bill?"

Boland: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Boland: "Just a couple of questions here. One has already been answered about that this is only a misdemeanor for not registering. The other one, I have a question about, is... now we just got done voting for this two weeks ago and this does not seem to be an improved Bill over that. I mean, there's added provisions, as far as the LUST Fund and other things, but the child sex offender part doesn't seem to be improved. Let me ask you this question, what about adult sex offenders? What about the guy who goes out and

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rapes a woman 21 years old? Or 22? Are they covered under this? Are they covered under previous law? What's the situation?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, beginning in January, the sex offender registration system will be expanded under legislation, which we passed last Session, to include all sex offenders. I think when we work... we're working now with the present child sex offender registry and to make that information subject to notification. And perhaps at some point, in a future Session, we can look at the sex offender registration system for those who are not juveniles and look to see if we can add that. At the present time, that registration system is not in place. Because it does not begin until January, '96."

Speaker Daniels: "Representative Boland."

Boland: "Yes, why since we're bringing back this Bill, why wasn't that part put in right now? We could have solved that problem right here and now?"

Speaker Daniels: "Representative Klingler."

Klingler: "Well, Representative, that registration system won't take effect until January, '96. This Bill focuses on child sex offenders and this was the intent of the Legislature a number of years ago, when it passed the Child Sex Offender Registration List. And we're working on improving that system."

Speaker Daniels: "Representative Boland."

Boland: "Yes, going back to that again. Why... why couldn't we have put in this Bill here, the fact that those adult sex offenders, we in the community will not know who they are. I mean, the local police will but your neighbors and so forth, might not, verses in this, they will be able to that

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information. Seems that... like that would have been a good way to improve this Bill."

Speaker Daniels: "Representative Klingler."

Klingler: "Well, Representative, we certainly know of adult sex offenders who abuse and assault young children and that is the purpose of this Act."

Speaker Daniels: "Representative Boland."

Boland: "Yes, let me go on to one other part here, that one of your colleagues made. Want to answer about the payment for being in prison? Somebody?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, that prison reimbursement for incarceration allows the Department of Corrections to collect certain parts of that expense. If you have specific questions, Representative Rutherford has worked on that provision."

Speaker Daniels: "Representative Boland."

Boland: "Yeah. The question was, Representative Rutherford, at present, are they not allowed at present to collect money from prisoners who have been in prison? You know, sort of like collecting back rent?"

Speaker Daniels: "Representative Klingler."

Klingler: "I'm sorry, Representative, could you repeat your question."

Speaker Daniels: "Representative Boland."

Boland: "Representative Rutherford, I think was ready to answer it."

Speaker Daniels: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. Representative Boland, presently there is administrative ability to attempt to receive some of the assets. What we will do is clarify it statutorily, number 1. And number 2, if this Bill becomes

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law, we will also be able to freeze the assets of the incarcerated individuals to go ahead and try to retrieve those at that point."

Speaker Daniels: "Representative Boland, your time is almost expired, Sir. Representative Boland."

Boland: "Okay, let me finish up then. Well, what I find a little bit a problem with this, there are some good parts in this. We voted basically for it two weeks ago. Unfortunately, there's been the LUST Fund added to it, of course, which is not really going to deal with the problem. The gas station people are still going to have to probably have private insurance. Also, I think we have to be honest in this that, I think we all know this Bill is going to be tested in court. It's probably going to be thrown..."

Speaker Daniels: "Further Discussion? The Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I'd just like to spend a few minutes talking about this Bill. And I've listened very closely to the debate on the House Floor. And it seems to be that common sense is going out the window. First of all, we keep arguing the fact that we shouldn't vote for the Bill, because it's unconstitutional. Although, even though we vote for it, it still could be tested in court. So that's where the constitutionality ought to be tested. Not here on the House Floor. So that leaves us down to the common sense issues that are in the Bill. We've got a sex offender Bill, that's so important to the children of this country, that I don't see how anybody can consider not voting for it. And then you're talking about 'big business'? The LUST Fund helping 'big business'? I'll tell you what, Mr. and Mrs. Dave Hanson, from Prophetstown,

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Illinois, that's been 30 years in the Shell Oil business and put their life savings in it, to protect it for their son who is going to take it over, aren't 'big business'. That's a 'mom and pop' business that has been part of the life blood of a small town, that's going to die. Because they can't afford to stay in business. Now, if that's the way we want to handle this Bill, I just want to go on record as saying, 'Dave, I'm going to vote for it, and I'm going to vote for you. And I'm going to vote for the small gas stations.' And we better keep them alive and keep part of this state alive. If you want to vote against 'small business'. If you want to vote against those people that have struggled to raise their kids in a good environment, then let common sense go out the window. And not vote for this Bill. If you've got a problem with constitutionality, fine. Sue somebody. But for crying out loud, use your head! Vote for the Bill and get this problem solved. Thank you."

Speaker Daniels: "Further Discussion? The Gentleman from Cook Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A number of references have been made earlier in the debate to the fact that we considered the child sex offender portion of this Bill, previously. Two weeks ago when we considered that portion of the Bill, I took an excused absence for the birth of our first child and I would like the record to reflect, Mr. Speaker, that had I been in attendance, I would have indeed voted for House Bill 2517. Because as one of my colleagues has pointed out earlier and independent study has born that out, I too, do not believe that sex offenders can be rehabilitated through our penal system. There are two other comments that I

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would like to make in relation to this Bill, Mr. Speaker. Mr. Durkin's responses in the area of the eavesdropping provision, I think were woefully inadequate. I have a great deal of regard for Mr. Durkin. I have a great deal of regard for his professional acumen, but to make the argument that this eavesdropping provision is necessary as quote, 'a means of ensuring quality efficiency and making sure that telemarketers can do their jobs efficiently'. Well, I don't know that we should be confusing Bill Gates with Benito Mussolini. Benito Mussolini made the trains run on time. He couldn't be any more efficient, but there are certain chilling aspects to this Bill which I am hopeful that when it does end up on the Governor's desk, and I don't delude myself to think that it is not going to. When it does end up on the Governor's desk, that he and his staff will responsibly make the necessary remedial measures to correct this serious flaw in the Bill. There is one final point, Mr. Speaker and Ladies and Gentlemen, that I wish to make. I am not going to bemoan the fact that there are a variety of different tenuously related issues associated with this Bill, but there is however, since we have placed a great deal of emphasis in our hearts, in our words on what is best for the interest of the children in the State of Illinois, there is one glaring omission to this Bill. I know that many of us have felt very strongly that we should be considering one more time during this Veto Session, those provisions of legislation which were incorporated within Senate Bill 377. I do not anticipate, and I would like to be thought of as wrong, I don't anticipate that we are going to be considering Senate Bill 377. I don't anticipate that we are going to be dealing with children today in any other means other than when they



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have been brutally victimized. When it comes to ensuring that we have quality, high standard day care for the children in our state, we are not going to address that anymore today. Ms. Clayton is conspicuously silent, unfortunately, and the reason why we are not going to address this provision of the Bill is because there are interests which have come to bear, upon this process, I have received the same letters as everyone else from Mr. Roser of the Family Taxpayers' Network from the Christian Coalition, warning me that the voters of the north shore were going to know how I stood on Senate Bill 377 from..."

Speaker Johnson, Tim: Representative Schoenberg, you may address this Bill. Keep your comments to this Bill."

Schoenberg: "Thank you, Mr. Speaker. If we can talk about all these related issues as pertaining to public safety, I think that I will wrap up my remarks as far as what is relevant to the best interests of children. We are not going to address that issue today. We are going to continue to, unfortunately, act in a reactive mode. Thank you very much for your consideration."

Speaker Daniels: "The Gentleman from Champaign, Representative Tim Johnson."

Johnson, Tim: "Mr. Speaker, I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Representative Klingler to close."

Klingler: "Thank you, Mr. Speaker. Thank you, Mr. Speaker. When we go out into our districts, when we listen to people talk, when we go to meetings, what we hear people say is 'Why can't people in an elective office come to do our job and do the right thing? Why do politics and partisan issues have to be put into issues of child safety and

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protection of our environment?' This is...none of these issues in this Bill is a political issue. The Senate found it wasn't a political issue. It passed the Leaking Underground Storage Tank Fund 57-1. Unfortunately, politics was interjected by the other side of the aisle last spring. The Senate passed this package of good child protection Bills 49 - 0. Nothing is to be gained by the partisanship that has been displayed on this floor today. Every Bill in this Senate Committee Report should be passed for the protection of our children. I strongly urge an 'aye' vote because it is the right thing to do."

Speaker Daniels: "Questions have been raised regarding the Constitutional...constitutionality of this Conference Committee Report. In response the Chair wishes to note the subject matters that may be included in a single Bill, may be as broad as the Legislature chooses, as long as they are logically and naturally connected. Conference Committee Report #2 to Senate Bill 721 relates to the single subject of public safety. Accordingly, it fulfills all constitutional requirements and may properly be considered by this House. The question is, 'Shall the Conference Committee Report #2 be adopted to Senate Bill 721?' All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This will require 71 votes. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 88 'aye', 11 'nay', 15 voting 'present'. This Bill, having received an extraordinary Majority, the House does adopt Conference Committee Report #2 to Senate Bill 721, this Bill is declared passed. Supplemental Calendar #2, Senate Joint Resolution 60. Representative Cowlshaw."

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Cowlshaw: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, Senate Joint Resolution #60 is the initiative of the Illinois State Senate in regard to the mandate waiver provisions for our public school districts throughout the state. You will recall that in this chamber earlier this week, we took up these mandate waiver requests one at a time. The Senate chose to do it with one vote through this Joint Resolution. Let me explain that the Senate does not intend to vote on the resolutions we sent to the Senate. Therefore, if there are any of these mandate waiver requests that you would like to see denied, this is your only chance. This Resolution passed the Senate yesterday by a margin of 54 'yes', 2 'no', and 1 voting 'present'. You are already familiar with what these make waiver requests are so let me just mention the ones that are included and then I will try to help you out a little by explaining which ones we denied in our individual resolutions that are not included in here. This does include a denial of lifting the ban on corporal punishment. It includes a denial of any relaxation of the requirement for sprinkler systems. It continues the recent change in the Chicago school district fiscal year with the understanding, as I said in the debate earlier this week when we were doing these one at a time, with the understanding that, that issue will be taken up along with the other four issues that have already been agreed to be looked at and considered by these two chambers in the early part of January. We already have made that agreement with Paul Valas, the CEO of the Reform Board in Chicago. Next, we have the reduction in teacher instruction time being denied. We have the Robein election variation being denied. We have the exceptions from the school

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accreditation process being denied. The ones that we chose to deny that are not included in this resolution are the reduction in force notices request from the Elgin school district, the one item that we had in relation to school nurses, the question about the transfer of life safety funds into other funds within a school district, and the question regarding the Ludlow district having to do with the assignment of teachers. Mr. Speaker, I believe that a half a loaf is better than none and frankly, Sir, I believed all along that the most critically important issues we had here were the corporal punishment and sprinkler system issues. Those are both contained in this resolution. We all understand what this does. I think we ought to vote for this Resolution in order to deny these departures from what I believe are important standards for our schools. I will be glad to answer any questions."

Speaker Daniels: "Representative Novak."

Novak: "Yes, Mr. Speaker, I yield my time to Verna Clayton."

Speaker Daniels: "Representative Johnson."

Johnson, Tim: "I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put.' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. The question is, 'Shall Senate Joint Resolution 60 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action on this Resolution, requires 60 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 90 'aye', 19 'no', 4 voting 'present'. And this Resolution, having received the necessary Majority, Senate Joint Resolution 60 is hereby declared passed. Representative Brunsvold."

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Brunsvold: "Well, thank you, Mr. Speaker. I would after that last Bill which we voted on twice or three times now, my district of Moline has a very large Belgium community that fly pigeons and I'm here to stand to offer the fleet of pigeons to you so we can fly them out of your office over to Pate's office so he can find out what the heck we're doing over here and he can fly them back."

Speaker Daniels: "Further discussion? Further discussion? Okay, we're gonna now go over to the Order of Concurrence, House Bill 1124, Representative Saviano."

Saviano: "Again, as usual, thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1124, to refresh your memory, back in the spring session, we passed this Bill out of the House 101 to 14. The purpose of the Bill was to put some consumer protection into the practice of tow truck operators, along with some of the concerns the industry had. When we sent it over to the Senate, Senator Faywell, the Chairman of the Transportation Committee, put it into a subcommittee for summer hearings. We had various hearings throughout the summer to address a litany of concerns that the Illinois State Police, the Sheriff's Association, the Chiefs of Police, the County Engineers the Municipal League, a litany of people had concerns. We addressed every one of their concerns over the summer as late as actually yesterday morning before the Senate heard this Bill in Committee. At that time, Senate Amendment #1 was filed and attached to the Bill, which is an agreed amendment by all parties. Senate Amendment #2 was also attached. This addressed some concerns that the Secretary of State had as a result of some Legislation that we passed in the spring session which they needed to address some clean up language to. It's strictly clean up. There's

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three, there's four aspects of Senate Amendment #2. The first one addresses the, our environmental plates here in the State of Illinois being displayed on RV vehicles, recreational vehicles. We were faced with a snafu where recreational vehicles, if an environmental plate was put on the vehicle, it would be subject in some cases to the IDOT inspection. Well, this clean up language exempts recreational vehicles from any safety test by IDOT, which was the current law previous to that. The second part of Amendment #2 simply clarifies that the additional license or fee only applies to motor vehicle dealers and does not apply to non-motor vehicles, such as people selling trailers, not the cabs itself. The third aspect of Senate Amendment #2 is a clean up on the dates when regional superintendents of schools file their ethics statement. That was a minor clean up language. The fourth aspect of Amendment #2 is something that Senator Mateland was concerned with. He had a community school district in his district which wanted to order school buses with white roofs. This allows them to go ahead and do that. Senate Amendment #3 was a simply a clean up which cleaned up Senate Amendment #1 because it deleted language stating when a towing service can begin to process an unclaimed vehicle as an abandoned. The Secretary of State already does that through the rules policy and that language was unnecessary. I would make a motion that we would concur with Senate Amendments #1,2, and 3. This matter passed the Senate 33 to nothing, 53 to nothing."

Speaker Daniels: "Any discussion on this Bill? Representative Ronen, the Lady from Cook."

Ronen: "Mr. Speaker, I rise on a point of personal privilege as a Co-Sponsor of Senate Bill 377."

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Speaker Daniels: "Ma'am, on this Bill, you are recognized on this Bill. Further discussion on this Legislation? Representative Lang, you wish to discuss this Bill?"

Lang: "Mr. Speaker, I hereby move to change the order of business to ..."

Speaker Daniels: "Representative Dart, you wish to discuss this Bill? No further discussion, the Gentleman, Representative Saviano, moves to adopt House Bill 1124, moves to concur in Senate Amendments 1, 2, and 3. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? This is final action. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. There are 105 'ayes', 1 voting 'no', 6 voting 'present'. The House does adopt Senate Amendments 1, 2, and 3 to House Bill 1124 and concurs in the Senate Amendments. This Bill, having received an extraordinary Majority, is hereby declared passed. Clerk, what's the status of 1193?"

Clerk McLennand: "Senate Bill 1193 has been read a second time previously. Fiscal note has been requested and filed."

Clerk McLennand: "Fiscal note has been filed. This Bill will be moved to Third Reading. Senate Bill 388, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. I present for your consideration Conference Committee #1 on Senate Bill 388. This Conference Committee report is the result of about three years of negotiation on the Inspector General Bill for Department of Mental Health and Developmental Disabilities. This portion, the portions of Senate Bill 388 that passed through the House last spring, virtually unanimously, that were noncontroversial and relating to the Inspector General are contained in Senate Bill 388. Any

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references to the Teen Suicide Program or anything else was contained in an Amendment to that Bill that is no longer a part of this Conference Committee Report. As it stands, the Conference Committee Report has the language regarding the Inspector General as passed by this House with changes as follows: the Inspector General will be sunsetted January 1, year 2000, there is language clarifying the authority of the Inspector General in investigating reports of abuse and neglect in facilities or programs that are licensed and certified or funded by DMHDD and not licensed or certified by any other agency of the state, there will be no involvement of the IG in routine programmatic licensure and certification functions, there will be a biannual audit, there are provisions in this Conference Committee Report that strengthen the protection of, that protect confidentiality of reports until there is a finding that there is an abuse or neglect problem. That is protection from false allegations. Two new provisions requested by the Illinois State Medical Society, there is a Mental Health and Developmental Medical Review Board. That Board will be reduced from 15 members to 5. The reason being, it has been impossible to find 15 members of various specialties to fill that Board. It will be reduced to 5 members, including specialists in psychiatry and primary care. And one other provision and that is clarification of language for the administration of psychotropic medication to clarify that when it is administered by a nurse, that nurse is under the supervision of a physician. This Bill has been a long time coming. As of this moment, I am aware of no opposition to this Bill and I urge a 'yes' vote. Thank you."

Speaker Daniels: "Is there any discussion on this Bill?"



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Representative Schakowsky."

Schakowsky: "Mr. Speaker, I actually am rising on a point of personal privilege because ..."

Speaker Daniels: "On this Bill, Ma'am. On this Bill, Representative Schakowsky."

Schakowsky: "I was called a hypocrite in debate. I would really appreciate the opportunity to remark on that. If the Bill that we had earlier, was earlier passed had dealt only with the issue, Representative Wennlund, of child sexual offenders and the LUST fund, then it might be viewed as hypocritical if those who said they were both for, who were for both those things had voted 'no' or 'present', but when this Bill was used as an opportunity for some of the special interest groups to come in and add their own piece which attacked working men and women, then that is a different matter. Then some of us had to take another look at a Bill that had new pieces in it that went after hard working, honest men and women, who now can be eavesdropped by their bosses. Where did that piece come from? Was this, maybe this was an effort to get some of us who would have voted for both pieces of that Bill to cast a 'no' vote so that you could for political reasons go after us. So I resent the notion that those of us who felt unable to vote for this Bill, despite being for both the pieces on child sex offenders and the piece on the LUST fund. To call us hypocrites is nothing but political opportunism, which in this Body is running rampant."

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

Stephens: "I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed 'no'."

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The 'ayes' have it. Representative Hughes now moves for the adoption of Conference Committee Report to Senate Bill 388. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? This is final action, requires 71 votes to adopt first Conference Committee Report. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 108 'ayes', none voting 'no', 6 voting 'present'. The House does adopt first Conference Committee Report to Senate Bill 388. And this Bill, having received a extraordinary Majority, is hereby declared passed. Representative Churchill now moves that the House stand adjourned until Tuesday, January 9th, 1996 at the hour of 12:00 noon with Perfunctory Session on December 11th. All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. In allowing for Perfunctory time for the Clerk, the House now stands adjourned until Tuesday, January 9, 1996 at the hour of 12 noon with Perfunctory Session on December 11, 1995."

Clerk McLennand: "Perfunctory Session will be in order. Introduction of Resolutions. House Resolution 62, offered by Representative Winters. Introduction and First Reading of House Bills. House Bill 2575, offered by Representative Meyer, a Bill for an Act in relation to street gangs. House Bill 2576, offered by Representative Andrea Moore, a Bill for an Act to amend the Election Code. Introduction, First Reading of these House Bills. Being no further business, the House Perfunctory Session stands adjourned and the House Perfunctory will reconvene on December 11th at 10:00 a.m."

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