

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

Speaker Brunsvold: "The House will come to order. We will be led in prayer today by our Doorkeeper, Reverend LeeArthur Crawford, with the Victory Temple Church of God in Christ. The guests in the Gallery may wish to rise for the invocation."

Lee Crawford: "Let us bow our hearts as well our minds. Precious Lord, we come humbly before You with open minds, open hearts, with a desire to serve You as Your servant David did when he spoke these simple words according to Your Psalms for the Lord is his shepherd. He shall not want. He maketh me to lie down in green pastures. He leadeth me beside the still waters. So, we ask You to be our shepherd and lead us in mind. Lead us in body. Lead us in spirit. This we ask and pray in Your Son's name. Amen."

Speaker Brunsvold: "We will be led in the Pledge today by Representative Poe."

Poe - 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 Brunsvold: "Roll Call for Attendance. Republican attendance, Mr. Poe."

Poe: "Yes, Sir, all the Republicans are here and anxious to do work of the state on a Saturday morning in Springfield, Illinois."

Speaker Brunsvold: "Wonderful. For the Democrats, the Gentleman from Cook, Mr. Dart."

Dart: "Thank you, Mr. Speaker. We have one excused absence. Representative Capparelli."

Speaker Brunsvold: "Take the record. One hundred seventeen answering the Roll Call. We have a quorum. Members should be reviewing the Calendar for Nonconcurrency and

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

Concurrence Motions. They should be filed with the Clerk.

So, I would ask that the Members go through the Calendar and look for your Bills and file Motions for Concurrence or Nonconcurrence. The Gentleman from Cook, Mr. Parke, for what reason do you rise?"

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to wish everybody a good morning and just tell them that we're all ready to go to work."

Speaker Brunsvold: "Members should be prepared to go to Concurrence Motions on page 4. On the Calendar appears House Bill 70, Mr. Fritchey, on a Concurrence Motion. The Gentleman should explain the Senate Amendment and ask for the Motion and this would be final action. The Gentleman from Cook, Mr. Fritchey."

Fritchey: "Thank you, Mr. Speaker, Members of the committee (sic-House). House Bill 70 originally was the Bill that would add ketamine hydrochloride to the scheduled substance list as a schedule 2 controlled substance. Senate Amendment #2 does two things with respect to ketamine. It changes it from a Schedule-2 drug to a Schedule-3 drug. this was at the request of the pharmacists. The criminal penalties stay essentially the same. The primary difference is a reduction in paperwork on behalf of the pharmacists who use the drug. Additionally, Senate Bill (sic-Amendment) #2 adds gamahydroxybutyric acid to the list of schedule-1 controlled substances. The drug is more commonly known as GHB. It's another drug that has become somewhat of a problem for law enforcement agencies as it has become used for recreational purposes both in the city and throughout suburban communities around the state. The Amendment was put on after discussions and meetings between myself and Senator Dillard. These are both good

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

Amendments, good additions to the Bill. I think they make a good Bill that much better and I'd ask for its Concurrence."

Speaker Brunsvold: "Mr. Clerk, take this Bill out of the record. House Bill 18. Mr. Novak, on a Nonconcurrence Motion."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to Nonconcur in Senate Amendment #1."

Speaker Brunsvold: "The Gentleman moves to Nonconcur in Senate Amendment #1. Is there any discussion? All in favor say 'aye'; all opposed say 'no'. The 'ayes' have it and the House Nonconcur in Senate Amendment #1. House Bill 127, Representative Santiago."

Santiago: "Thank you, Mr. Speaker and Members of the General Assembly. I move to Nonconcur in Senate Amendment #1 to House Bill 127."

Speaker Brunsvold: "Is there any discussion? The Gentleman has moved to Nonconcur in Senate Amendment #1. All in favor say 'aye'; all opposed say 'nay'. The 'ayes' have it and the Gentleman does not Concur in Senate Amendment #1. House Bill 155, Mr. Roskam."

Roskam: "Thank you, Mr. Speaker. I move to Concur with Senate Amendment #1. It's a technical Amendment. This is the Sting Operation Bill. I know of no opponents."

Speaker Brunsvold: "Mr. Roskam, could you please explain the Senate Amendment?"

Roskam: "This is the Bill that was brought forward by the City of Naperville. It was brought forward by the City of Naperville where they are trying to remedy a situation where there are retail liquor establishments that are using as a defense a sting operation. In other words, they're saying, 'Well, we didn't really sell this alcohol to minors, we were doing an internal sting operation.' What

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

this would do is say, 'Look, if you're going to do a sting operation, you've got to put law enforcement on notice. This has a time period involved, 14 to 60 days. I know of no opponents and I urge its passage.'

Speaker Brunsvold: "The Gentleman has urged for Concurrence in Senate Amendments. On that, the Gentleman from Cook, Mr. Lang."

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

Speaker Brunsvold: "Yes."

Lang: "Thank you. Representative, I just want to make sure that the Amendment that was adopted removed all the opposition by the Restaurant Association and the Retail Liquor Association?"

Roskam: "That's correct. In fact, Representative, when we passed that out, originally they didn't have any opposition and I'm sure they are comfortable with this language now. Thank you."

Lang: "Thank you."

Speaker Brunsvold: "Any further discussion? The Gentleman has moved to Concur in Senate Amendment #1. This is final action. This is final action. All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. There are 117 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And this question having a Constitutional Majority, is hereby declared passed and the House does Concur in Senate Amendment #1 to House Bill 155. House Bill 202, Mr. Ryder. Out of the record. House Bill 322, Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. On a beautiful morning in Springfield, I'd like to Concur with the Senate Amendment #1 on House Bill 322. What the Amendment does is just adds

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

an immediate effective date. That's the extent of the Amendment. Thank you."

Speaker Brunsvold: "And on the question, is there any discussion? Seeing none, the Gentleman has moved for Concurrence of Senate Amendment #1. All in favor vote 'aye'; all opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on the Concurrence Motion, there are 115 voting 'yes'; 1 voting 'no'; and 0 voting 'present'. And this Bill having received a Constitutional Majority, is hereby declared passed. House Bill 202, the Gentleman from Jersey, Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill when it left the House created an optional plan to privatize the improvement of architectural drawings with the Department of Public Health. The Amendment in the Senate did two things. It changed the fee structure for this optional private review of health facilities' plans and it placed a time limit on the plans in which they would be approved automatically in the event that no response or answer was given within, I believe it's 65 days. I'd be happy to answer any questions."

Speaker Brunsvold: "And on the Motion to Concur, the Gentleman from Cook, Mr. Pugh."

Pugh: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Brunsvold: "The Sponsor yields."

Pugh: "Representative, I know we talked about this Bill in committee and I just had a question relative to the estimation. How would you arrive ...how will the dollar estimated be determined?"

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

Ryder: "Representative, can I ask you to clarify the question in this fashion? When you say the dollar estimation, do you mean the cost of the project or do you mean the fee for approval of the project?"

Pugh: "Fee for approval of the project."

Ryder: "Okay, these numbers came from the department indicating what they thought was appropriate for that. These numbers, as you know, are the optional amount that in the event someone wishes these plans to be approved, and they are in an expedited situation, they want to hurry. They have a choice. They can submit the fees to the Department of Public Health, allow the Department of Public Health to review and approve the plans at whatever the current fee is for that which is very, very small. Or if they have to move quickly, they can pay the extra by going to a private source for review on behalf of the department."

Pugh: "What happens when the actual dollar value is greater or less than the estimated dollar value?"

Ryder: "I'm sorry, I don't understand the question, Sir."

Pugh: "The ... what happens if the actual dollar value is greater or less than the estimated dollar value?"

Ryder: "We're only dealing with estimated values here because we have to approve the plans before we submit them for bid and before the construction can begin. I suppose it is possible that if you had an estimated cost that the actual construction cost would be exceeded. We simply felt that there was a direct comparison between the scope of the project and the estimated cost."

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

Speaker Brunsvold: "Thank you. Is there any further discussion? Any further discussion? Seeing none, the Chair recognizes Representative Ryder to close."

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

Ryder: "We favorably supported this Bill when it came out of the House. I believe the Senate Amendment has improved it substantially and I would encourage you to continue your support of this concept with a 'yes' vote. Thank you."

Speaker Brunsvold: "The question is, 'Shall the House Concur in Senate Amendment #1 to House Bill 202?' This is final action. All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question there are 104 voting 'yes'; 12 voting 'no'; 0 voting 'present'. The House does Concur in Senate Amendment #1 to House Bill 202. House Bill 229, Representative Currie."

Currie: "Thank you, Speaker. I move not to Concur in Senate Amendment #1 to House Bill 229. Nonconcur."

Speaker Brunsvold: "And on the Motion, the Gentleman from ... does not wish to speak. The question is, 'Shall House Nonconcur in Senate Amendment #1 to House Bill 222(sic-229). All in favor say 'aye'; opposed 'nay'. The 'ayes have it and the House does not Concur in Senate Amendment 1 to House Bill 229. House Bill 367, Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. I move to Concur with Senate Amendment #1 to House Bill 367. This Amendment is really simple. It's done on behalf of the County Fair Associations and I think to explain what goes on right now under maintenance funds, they are able to recover up to \$20 thousand that can be used for the local county fairs. All this would do is authorize a 50% match for those additional dollars so that they can end up recapturing as much as \$10 thousand additional dollars to help with the maintenance of the County Fair Organization. I'll be glad to entertain

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

any questions."

Speaker Brunsvold: "The Gentleman has moved for Concurrence on Senate Amendment #1 and on that question the Gentleman from Williamson, Representative Woolard."

Woolard: "Would the Gentleman yield?"

Speaker Brunsvold: "The Gentleman yields."

Woolard: "Representative Tenhouse, just a question. Do you think that maybe in the future, maybe even in the very near future, that we may be able to accommodate if we're going to continue to allow, and I agree that we need to provide funds, but if we're going to continue to allow the state to participate with these groups, that we have some kind of a better accountability as far as the taxpayers are concerned with many of these institutions?"

Tenhouse: "Most definitely, as you know we met yesterday with Jim Reynolds who directs this program with the Department of Agriculture and I think everyone's in agreement that the accountability is an important factor. I think it is also important to point out to everyone that prior to acceptance of any type of maintenance dollars, the county fairs have to file the paperwork with our good friends in Springfield and one of the things that happens, is of course, that approval has to be granted or they're not able to recapture these dollars. So, there's some accountability but certainly in terms, just in terms of the general financial condition of the county fairs, I think that's an area we have to address and I'd certainly concur with your comments, Representative Woolard."

Woolard: "I would hope that sometime in the very near future that you and I and others could find some type of a system that would provide that accountability to all of us. I stand in support of this Amendment and Concurrence and would



STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

encourage everyone to support same."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman from Adams, Representative Tenhouse to close."

Tenhouse: "I would ask for a favorable Roll Call. I think for those of us realize how important county fairs are to our areas upstate and downstate and I would ask for positive votes from the Members of the General Assembly."

Speaker Brunsvold: "The question is, 'Shall the House Concur in Senate Amendment #1 to House Bill 367. This is final action. All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question there are 117 voting 'yes'; 0 voting 'no'; and 0 voting 'present'. And the House does Concur in Senate Amendment #1 to House Bill 367. And the Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk."

Clerk Bolin: "The Rules Committee will meet at 9:45 a.m. in the Speaker's Conference Room. The Rules Committee will meet at 9:45 in the Speaker's Conference Room."

Speaker Brunsvold: "House Bill 604, Mr. Black."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I move we Concur in Senate Amendment #1. The underlying Bill is an initiative of the Community Action Agencies of Illinois. It's the Community Food Garden Act. The Senate Amendment simply says that the Illinois Community Nutrition Task Force shall use recipients under the Public Aid Code. When it left the House, it said Department of Public Aid recipients. I think that's probably a good clarification. I would ask for Concurrence."

Speaker Brunsvold: "On the Motion for Concurrence, is there any

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

discussion? Seeing none, the question is, 'Shall the House Concur... Is there any discussion? The Gentleman from Cook, Mr. Pugh.'

Pugh: "Yes, thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Brunsvold: "The Sponsor yields."

Pugh: "Representative Black, could you explain what this does to the Public Aid Code?"

Black: "It doesn't do anything to the Public Aid Code. It just simply says it's an initiative of the Illinois Community Action Associations of Illinois. It sets up a pilot program for community nutritional gardens and a person who is a recipient of Public Aid could satisfy the 20 hour work requirement under the Federal Welfare Reform Package by working in said garden and the produce of said garden could be given to food banks, things of that nature."

Pugh: "It's an excellent piece of legislation. Work well done, Representative. We commend you for your work towards this piece of legislation. Thank you very much."

Black: "Thank you."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman from Vermilion to close."

Black: "I ask for a favorable vote."

Speaker Brunsvold: "The question is, 'Shall the House Concur in Senate Amendment #1 to House Bill 604?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question there are 117 voting 'yes'; 0 voting 'no'; and 0 voting 'present'. The House does Concur in Senate Amendment #1 to House Bill 604. And this Bill having received a Constitutional Majority, is

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

hereby declared passed. House Bill 1177, Mr. Jones, Mr. John Jones."

Jones, J.: "Thank you, Mr. Speaker. House Bill 1177 we want to move to Concur with the Senate. The Senate had a question of a little bit of the language in there that the General Assembly was advocating putting elk in Southern Illinois and we didn't want that impression to go out and so I would just ask that we Concur with the Senate on this Bill."

Speaker Brunsvold: "The Gentleman has asked for Concurrence on Senate Amendment #1. Is there any discussion? Seeing none, the question is, 'Shall the House Concur in Senate Amendment #1 to House Bill 1177?' This is final action. All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record and on this question there are 116 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does Concur in Senate Amendment #1 to House Bill 1177. And this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Novak, House Bill 263."

Novak: "Yes, Mr. Speaker. I move to Nonconcur in Senate Amendment #1 to House Bill 263."

Speaker Brunsvold: "The Gentleman has moved to Nonconcur in Senate Amendment #1. All in favor say 'aye'; all opposed 'nay'. The 'ayes' have it and the House does not Concur in Senate Amendment #1. House Bill 1212, Mr. Noland. Mr. Noland."

Noland: "Mr. Speaker, I'd like to move to Nonconcur with Senate Amendment #1."

Speaker Brunsvold: "The Gentleman moves to Nonconcur in Senate Amendment #1. On that question the Gentleman from Kankakee, Mr. Novak."

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

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

Speaker Brunsvold: "The Sponsor yields."

Novak: "Representative Noland, is there anything about leaf burning in this Bill?"

Noland: "Mr. Novak, you've done all you can for the residents of Decatur yesterday so we're clear."

Novak: "All right, on the more serious side, Representative, what is your intentions of this Bill? You know the reason why I'm asking because I have a very important segment in your Bill."

Noland: "Yeah, I'm working closely with your staff and our staff and our hopes is to be able to do all we can with this Bill."

Novak: "Are there going to be more land transfers included...?"

Noland: "I believe that's the intent. The intent is to be able to accommodate everyone."

Novak: "Okay, thank you."

Speaker Brunsvold: "The Gentleman has moved not to Concur in Senate Amendment #1 to House Bill 1212. All those in favor say 'aye'; opposed 'nay'. The 'ayes' have and the House does not Concur in Senate Amendment #1 to House Bill 1212. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Currie, Chairman from the Committee on Rules to which the following Bills, Resolutions, and Amendments were referred. Action taken on May 17, 1997, reported the same back with the following recommendations: 'be adopted' Motions to Concur, Senate Amendment #1 to House Bill 50, Senate Amendment #1 to House Bill 263, Senate Amendment #1 to House Bill 513, Senate Amendment #1 to House Bill 652, Senate Amendment #1 to House Bill 680. Senate Amendment #1 to House Bill 981, Senate Amendment #1 to House Bill 1112, Senate Amendment #1

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

to House Bill 1118, Senate Amendments 1 and 2 to House Bill 1337, Senate Amendments 1 and 2 to House Bill 2132."

Speaker Brunsvold: "House Bill 652. Mr. Boland."

Boland: "Thank you, Mr. Speaker. I move to Concur with the Senate Amendment which is just a technical Amendment to make sure that everybody in this Bill, the present officeholders get to fill out their terms. It was an agreed Amendment and I ask for a 'yes' vote on Concurrence."

Speaker Brunsvold: "The Gentleman has moved for Concurrence and on that question, the Gentleman from DuPage, Mr. Roskam."

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

Speaker Brunsvold: "The Sponsor yields."

Roskam: "Representative, if this Amendment passes, it's my understanding that there will still be school board elections this November. Is that correct?"

Boland: "That's absolutely correct, in fact that was to make sure that happened"

Roskam: "Thank you."

Speaker Brunsvold: "Further discussion, the Gentleman from Kankakee, Mr. Novak."

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

Speaker Brunsvold: "The Sponsor yields."

Novak: "Representative Boland, is this the Consolidation of Elections Bill?"

Boland: "Yes, it is."

Novak: "...with the...and the school boards?"

Boland: "Right. It puts the school board people..."

Novak: "Right, okay. I just want to ask you one question 'cause one of my school superintendents called from Kankakee and they said that, you know, they liked the idea of consolidating but under, I think, the Bill that we sent out

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

of here last month, I believe..."

Boland: "This is that Bill."

Novak: "Okay. Her concern was this, is that if the Bill would have had became law, all of the school board members would have to be up for election at the same time. Does this correct that?"

Boland: "Yes, it does."

Novak: "See because they have staggered terms, I think most school boards have staggered terms and she indicated the way she read the Bill every single school board member would be up this fall."

Boland: "What this does is to make sure that everybody who has their terms coming up get to fulfill it out."

Novak: "Okay. Thank you."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman from Rock Island to close."

Boland: "I ask for your 'yes' vote."

Speaker Brunsvold: "The question is, 'Shall the House Concur in Senate Amendment #1 to House Bill 652?' This is final action. All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question there are 96 voting 'yes'; 21 voting 'no'; and 0 voting 'present'. And the House does Concur in Senate Amendment #1 to House Bill 652. And this Bill having received a Constitutional Majority, is hereby declared passed. House Bill 1219, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I move that we Concur with Senate Amendment #1. Senate Amendment #1 was brought to the Illinois State Police by the U.S. Department of Justice concerning a number of changes in the Sex Offender

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

Notification Act. These changes were made to be in compliance with the Federal Child Notification Act and I would urge your support."

Speaker Brunsvold: "The Lady has asked for Concurrence and on that question the Gentleman from Cook, Mr. Dart."

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

Speaker Brunsvold: "The Sponsor yields."

Dart: "Representative, what are the changes that were required to be made?"

Klingler: "Representative, the changes incur changing the title of the Act to the Sex Offender and Child Murderer Notification Law. It adds offenses to the Act. It adds the offenses of misdemeanor, indecent solicitation of a child; misdemeanor, exploitation of a child; misdemeanor, criminal sexual abuse and sexual relations within the families where the child is a victim. It also amends the Registration Act to shorten from 30 days to 10 days the period given to a sex offender who is coming under the requirements of the Act, to register. It also concerns offenders who have been committed to the Department of Mental Health for sexual acts and who have been adjudicated sexually dangerous."

Dart: "What were those... can you repeat those first two misdemeanor offenses you mentioned?"

Klingler: "Certainly, Representative. The offenses that were added, for persons who are now required to register are misdemeanor, indecent solicitation of a child and misdemeanor, sexual exploitation of a child. The third, misdemeanor, criminal sexual abuse and the fourth, sexual relations within families where the victim is a child. Representative, these changes, again, are mandated by the U.S. Department of Justice."

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

Dart: "Thank you, Representative, nothing further."

Speaker Brunsvold: "Any further discussion? Further discussion? Seeing none, the Lady from Sangamon to close."

Klingler: "I urge a vote of Concurrence with the Senate Amendment."

Speaker Brunsvold: "The question is, 'Shall House Concur in Senate Amendment #1 to House Bill 1219?' This is final action. All those in favor vote 'aye'; opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question there are 116 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does Concur in Senate Amendment #1 to House Bill 1219 and this Bill having received a Constitutional Majority, is hereby declared passed. House Bill 1279, Mr. Leitch, the Gentleman from Peoria."

Leitch: "Thank you, Mr. Speaker. I move to concur in Amendments #1 and #2. The purpose... these represent an agreement that's been worked out with DORS. This Bill pertains to the requirement of the administration to file for waivers in the area of traumatic brain injury and the department preferred to have some more time and so they... under this they would have until the end of the year to submit their own waiver and in the event that they didn't, they would be mandated per the terms of the underlying Bill. Amendment 2 is a technical Amendment that the... provides that the department shall submit a home and community based services waiver request rather than a home and community based TVI waiver."

Speaker Brunsvold: "The Gentleman has asked for Concurrence in Senate Amendments 1 and 2. Is there any discussion? Seeing none, the question is, 'Shall the House Concur in



STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

Senate Amendments 1 and 2 to House Bill 1279? This is final action. All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes'; 0 voting 'no'; and 0 voting 'present' and the House does Concur in Senate Amendments 1 and 2 to House Bill 1279. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1315, Representative Clayton."

Clayton: "Thank you, Speaker. I move to Concur with Senate Amendment #1 on House Bill 1315. This Amendment provides that the murder of a senior citizen will only trigger the death penalty if the murder resulted from an exceptionally brutal or heinous behavior indicative of wanton cruelty."

Speaker Brunsvold: "And on that question, the Gentleman from Cook, Representative Dart."

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

Speaker Brunsvold: "The Sponsor yields."

Dart: "Representative, I'm just trying to get this clear now. Your original Bill made it a death penalty eligible for an individual who killed a senior citizen. Is that correct?"

Clayton: "Senior citizen or a disabled person."

Dart: "Okay, and now you've changed that in what way?"

Clayton: "The Senate changed it so that it would trigger the death penalty only if the murder resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty."

Dart: "So then just your non-aggravated murder of a senior citizen or disabled person would not be death eligible then?"

Clayton: "Yes."

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

Dart: "But why is it that the Senate did that?"

Clayton: "They were concerned about the constitutionality of the Bill without this wording on it and they didn't want to risk the entire death penalty portion."

Dart: "... Don't we have a sections right now making it death eligible for the murder of children under a certain age?"

Clayton: "Yes, this Bill parallels the portion that you are talking about with children. Children under 12 when it's indicative of a wanton cruelty."

Dart: "So then this language would for death penalty cases where they are age-specific, so either young or old, that language would be identical then?"

Clayton: "Yes."

Dart: "Okay. Nothing further."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Pugh."

Pugh: "Thank you, Mr. Speaker. Will the Sponsor yield for questions?"

Speaker Brunsvold: "The Sponsor yields."

Pugh: "Representative, could you tell me the genesis of this particular piece of legislation? I think, originally, you spoke about the fact that you wanted to insure that individuals that committed murder against a senior citizen were attributed the death penalty. Am I correct?"

Clayton: "That's correct."

Pugh: "And now you're saying that the Senate amended the piece of legislation to take out the intent of the legislation. Is that correct?"

Clayton: "No. The Senate modified the Bill to make it constitutional."

Pugh: "In modifying the legislation, did the intent of the legislation in which you originated the legislation, has

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

that been removed?"

Clayton: "No my..."

Pugh: "Is the... does this allow for individuals who have committed a crime, a heinous crime against a senior citizen, is that currently part of the legislation?"

Clayton: "Yes, yes."

Pugh: "And what in this legislation...is this going to expand, does this expand the death penalty? Does this make the death penalty more broader? Does this make more people eligible for the death penalty?"

Clayton: "The original Bill did. The original Bill expanded it to those people who had murdered a senior citizen or disabled person. The Amendment clarifies the portion regarding senior citizens to insure that it was a murder that was indicative of wanton cruelty."

Pugh: "It says that the Amendment deletes from the House Bill all references to senior citizens and the definition of senior citizen which was a person at least 60 years of age. The Amendment adopts the same language for the aggravating factor for murder of individuals 60 years or over."

Clayton: "The Amendment is very short. I'd be happy to read you that portion. This is the wording that they have put in, 'The murdered individual was 60 years of age or older and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty.' Then it goes on, 'The murdered indiv'...discussing the disabled person, 'The murdered individual was a disabled person and the defendant knew or should have known that the murdered individual was disabled. For purposes of this paragraph, disabled person means a person who suffers from a permanent physical or mental impairment resulting from disease, an injury, a functional disorder or a congenital condition that renders

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

the person incapable of adequately providing for his or her own health or personal care.' That's the entirety of the Amendment."

Pugh: "Does... Are these provisions currently, if an individual currently commits this heinous act of murder against the senior citizens or against a individual 12 years of age or against anybody, can they currently receive the death penalty? Under current statues?"

Clayton: "Under current statues... statues, yes they can if the person is under the age of 12."

Pugh: "So, this particular piece of legislation is duplicative and really not necessary..."

Clayton: "No, no, no. This is for seniors..."

Pugh: "...if it is currently covered by, you just said it was currently covered by statute, by current statute."

Clayton: "No, you didn't listen to my entire sentence. I'm sorry perhaps it's too noisy in the Chamber. The present statute says that for people under 12. This change says for people over 60. And both of them, the present one under 12, currently says that it was a death result for persons under 12 that it was a death resulted from exceptionally brutal or heinous behavior. We have taken that same language or the Senate has taken that same language and put it on this Bill so that the same is necessary for a murder for a person over 60."

Pugh: "To the Bill, Mr. Speaker."

Speaker Brunsvold: "Proceed."

Pugh: "The application of the death penalty has historically been one of a discriminatory nature. When you look at the fact that the make-up of the African-American community is 12% of the population but the make-up of the people on death row makes up 60 to 70% of the population. When you take

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

into account the fact that all of the legislation that we have created in this Legislature according to a recent news article by the Cook County Board President, Mr. John Stroger, has only exacerbated the cost of securing prisons... of securing the safety of the nation. It is unconscionable to think that in this day and age when we as the humane nation of the world has worked so diligently to target other countries who have, like South Africa, who has to date abolished the death penalty when we have, in this country, purported to be the most humane country in the world but we're expanding the death penalty. I think it's atrocious to think that we as individuals could consciously support a piece of legislation that is not only going to contribute to the inhumane acts that this country has done but is going to cost additional dollars because no individual is going to stay in a Cook County jail when he is facing a death penalty. He is not going to take the cop out or take a lenient sentence when no lenient sentence is being offered to him. This is a bad piece of legislation, one that is going to eventually cost us more in the long run and I respectfully request a 'no' vote."

Speaker Brunsvold: "The Lady from Cook, Representative Monique Davis."

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

Speaker Brunsvold: "The Sponsor yields."

Davis, M.: "Representative, your Bill still would say that if a person killed a person over 60 they would receive the death penalty?"

Clayton: "They might receive the death penalty at the discretion of the trial court and it also what this Amendment says that it could trigger, it could, it doesn't have to but it could at the discretion of the court. It could trigger the

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

death penalty if the murder was exceptionally brutal."

Davis, M.: "So, do we describe what exceptionally brutal is? Are there factors or is there definition for what is exceptionally brutal or should we leave that up to the court?"

Clayton: "There's a long list of court decisions that helps a jury or court make that determination with what has already been determined..."

Davis, M.: "Did you know... Did you know the public defender was opposed to your legislation?"

Clayton: "No, I didn't."

Davis, M.: "Well, the public defender is listed as an opponent of your legislation. The public defender is listed as an opponent and I would guess that the reason they're an opponent would be that a mother who's going to work taking care of five children who's murdered. Her life is valuable. A father who's going to work to take care of wife and his children, his life is valuable. I think we're headed on the wrong road when we start to place greater value on people based upon their age. Legislation that says that if you kill a baby, you get this sentence. If you kill a person over 60, you get that sentence. If you spray children, murder is murder. And I believe that we must stop making a distinction between the value of lives of people. I also believe that for this Body who has not heard the facts of any case, the facts of any case has never become before us in a murder trial. I believe the judge who hears the facts should be the determiner of who gets the death penalty and who does not get the death penalty because our definition is extremely broad and that judge will sit there and attempt to fit a case into this very broad, ambiguous fact. I think it's a very bad piece

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

of legislation and I concur with Representative Coy Pugh that it is an inordinate amount of African-Americans who end up on death row. Not an inordinate amount who are arrested. Not an inordinate amount who commit murder, but an inordinate amount who receive the death penalty. It is factual. I believe that the judicial systems must be allowed to do its work. We live in a country where there's a separation of powers. We have the judiciary, we have the executive and we have the legislative. We're Members of the legislative Body. We're attempting, with your legislation, to step over into the judge's bench and decide what sentence this gentleman, whose facts you have not heard, should receive. It is arrogant, Representative. It is wrong, Representative, and it should get a 'no' vote."

Speaker Brunsvold: "The Lady from Cook, Representative Schakowsky."

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

Speaker Brunsvold: "The Sponsor yields."

Schakowsky: "Thank you. I'm against the death penalty so I don't always follow the nuances, I basically vote 'no'. But I was, I'm curious about what it takes to be eligible for the death penalty. Are you saying that if you're between 12 and 60 and your death results from exceptionally brutal or heinous behavior indicative of wanton cruelty that the death penalty may not be imposed?"

Clayton: "No, in the statute, presently, there are 12 listings of the different reasons that the death penalty can be considered by the judge. The reason for the legislation originally was because of the death, a murder, not a death, a murder that took place here in Springfield and by the time they found, and it was a senior citizen, by the time they had found the body it was so badly decomposed that

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

they were not able to determine how brutal the murder had been."

Schakowsky: "Okay, but I'm just trying to get at, again, being someone who opposes the death penalty, but I'm trying to understand the logic of supporters. It would seem to me that these words are pretty extreme, 'exceptionally brutal or heinous behavior, wanton cruelty'. I just am trying to understand why someone 45, 50, 55 why that's not as bad for such a person."

Clayton: "The original reason, and of course we're getting back to the underlying Bill and not necessarily the Amendment that is before us now but the underlying Bill was done because a senior citizen or disabled person in many cases are frail and unable to defend themselves and the concern was that many times these murders happen as part of a robbery and the person would be able to identify, they're unable to prevent the robbery but they are able to identify the person who did it and that many times is the reason for the murder."

Schakowsky: "So, isn't it true, Representative, though that this legislation resulted from a single incident, one in which there's actually not... it's not entirely certain that wanton cruelty would apply?"

Clayton: "That was a case that was used as an example when we originally presented the Bill."

Schakowsky: "My final question is, Representative, does it bother you at all the fact that here in Illinois, I think it's seven people now in recent years who have been on death row who have been very close to execution have been found to eventually and probably represent only a portion of those innocent people have been found to have been innocent and that the likelihood is that we have, in fact, executed



STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

people who are innocent. Does this bother you?"

Clayton: "That was not a consideration as we were working on this Bill. We were looking at wanting to be sure that someone who murdered a person, brutally, that a frail person, a senior citizen, a disabled person, that in fact they were appropriately punished for that crime. We're talking torture. We're talking dismemberment. We're talking about an extremely brutal situation."

Schakowsky: "Thank you, Representative."

Speaker Brunsvold: "The Gentleman from Champaign, Mr. Johnson."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. This issue for better or worse has obviously become by the debate on the Floor from my friends and colleagues, Representative Davis and Pugh and Schakowsky, has really become a debate on the central issue of the death penalty. I'm not sure that's directly applicable but since they've set the tone of debate, I think it's appropriate that those of us who believe that the death penalty, not only should exist but be enforced vigorously, ought to stand in its defense. And I stand not only in defense of this Bill and in support of this Motion to Concur, but in support of the death penalty as a general proposition. This, contrary to what some of the opponents have said, is not a per se factor. It's simply one of 14 or 13 factors that can be considered by the jury in a three-pronged test that has every measure built into it since we developed it 20 years ago for protection of the defendant. The jury has to determine that aggravating circumstances exist, that the underlying offense occurred and that as a final step the death penalty should be imposed. Whether or not we should have some of these aggravating factors and whether they're in the best interest of the state may be subject to debate

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

but what isn't subject to debate is the fact that the death penalty ought to exist in Illinois. It ought to exist, it ought to be carried out on a wider basis and that appeals ought not to take a zillion years while we have John Wayne Gacy and Richard Speck and multiple mass murderers, people who would leave little boys and little girls on Christmas Eve in the middle of their Christmas presents bludgeoned to death while the people of Illinois stand idly and mutely by and watch these appeals go on and on with all these esoteric, intellectual debates about the applicability and how fair the death penalty is or isn't. The fact is that an overwhelming number of people in Illinois, 95% of the people by some polls believe, and I think an overwhelming number of the people in this General assembly who represent their districts believe, that the death penalty does serve as a deterrent, that the death penalty is an appropriate measure of the criminal justice system and its sanctions in Illinois. That it not only ought to exist, that it ought to be strengthened. We always talk about the poor defendant and about the poor individual, who by the way under Illinois law and I believe this very strongly, ought to have every measure of protection all the presumption of innocence built in. But once he or she has gone through that process, once the conviction has occurred, let's look back to see what the offense was. Let's look back to see that 10 people that were left in their trail murdered and bludgeoned to death. Let's look to see the three or four children on Christmas Eve who were left, as I said, in the middle of their Christmas presents in the middle of blood having watched their mother be raped and sodomized by an individual who then comes and say that the death penalty's unfair. It isn't unfair. It's only unfair to the people

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

of Illinois that it's delayed as long as it has and as far as I'm concerned this Bill is probably appropriate. The Amendment is neither here nor there but the underlying issue Representative Clayton has addressed very, very well and she has said and others have said that there are aggravating circumstances that exist and they're on a small limited basis. Illinois doesn't have a broad based statute where the death penalty is appropriate ought to exist and this Chamber ought to vote as it did originally 107 to 6. It ought to vote 118 to 0 to approve this Motion to Concur. I stand in favor of Representative Clayton's Motion."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Durkin."

Durkin: "Mr. Speaker, I Move the Previous Question."

Speaker Brunsvold: "The Gentleman has Moved the Previous Question. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the question has been moved. Representative Clayton to close."

Clayton: "Thank you very much, Speaker. I just want to remind the Body that in fact this legislation leaves the discretion to the judge, to the court. It merely expands the opportunities and gives the court the discretion to do this. We're talking about an extremely brutal murder of a senior citizen or a disabled person. I think it's an appropriate legislation to the Amendment which is what we are actually looking at now, I Concur with the Amendment. It merely makes, it insures that this legislation is constitutional. I ask for a 'yes' vote."

Speaker Brunsvold: "The question is, 'Shall the House Concur in Senate Amendment #1 to House Bill 1315?' This is final action. All those in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question there are 101 voting 'yes'; 13 voting 'no'; 3 voting 'present' and the House does Concur in Senate Amendment #1 to House Bill 1315. And this Bill having received a Constitutional Majority, is hereby declared passed. Representative Howard, for what reason do you rise?"

Howard: "I just wanted to say that I would have voted 'no'. I mistakenly pushed the wrong button for that last vote."

Speaker Brunsvold: "It will be so recorded."

Howard: "Thank you."

Speaker Brunsvold: "Announcement, Mr. Clerk."

Clerk Bolin: "On Monday morning there will be a joint hearing of the Appropriations Human Services Committee. The Human Services Committee and the Children and Youth Committee on Welfare Reform at 10:00 a.m. Again, there will be a joint hearing Monday morning of the Appropriations Human Services Committee. The Human Services Committee and the Children and Youth Committee at 10:00 a.m. on Monday morning regarding Welfare Reform."

Speaker Brunsvold: "The Lady from Lake, Representative Wood, for what reason do you rise?"

Wood: "Thank you, Mr. Speaker. I would like to be reflected as a 'no' vote for House Bill 202. My switch did not function."

Speaker Brunsvold: "It will be so recorded. Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker. The Democrats request an immediate Caucus in Room 118."

Speaker Brunsvold: "Mr. Tenhouse."

Tenhouse: "And perhaps the Republicans will request a conference in Room 118."

Speaker Brunsvold: "The Chair has one Nonconcurrency to do. House Bill 944. Excuse me, Mr. Clerk, 994. Mr. Granberg."

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

63rd Legislative Day

May 17, 1997

Granberg: "Thank you, Mr. Speaker. I move to Nonconcur with the Senate on House Bill 994. We had an agreement in the House between the Sponsors of the Senate unilaterally changed our agreement pursuant to that agreement with Mr. Black and Mr. Novak. I would move that we not Concur with Senate Amendment #1."

Speaker Brunsvold: "The Gentleman has moved not to Concur with Senate Amendment #1. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and we do not, and the House does not Concur in Senate Amendment #1 to House Bill 994. The Democrats will Caucus in Room 114. The Republican will Caucus in Room 118 and the, Mr. Granberg moves that the House Stand adjourned until Monday, May the 19th at the hour of 1:00 p.m. All in favor say 'aye'; opposed 'no'. The 'ayes' have it and the House does stand adjourned. Allowing Perfunctory time for the Clerk until Monday, May 19th, the hour of 1:00 p.m. Representative Phelps, for what reason do you rise?"

Phelps: "Thank you, Mr. Speaker. Just want the record to reflect that I should have voted 'yes' on Concurrence to Senate Amendment 1 to House Bill 1219."

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

Clerk Rossi: "The House Perfunctory Session stands adjourned."