

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

28th Legislative Day

3/20/2007

Speaker Hannig: "The hour of 12:00 having arrived, the House will be in order. And the Members will please be in their seats. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers and rise for the invocation and the Pledge of Allegiance. We're going to have two prayers today. First we shall be led in prayer by the Reverend Martin Woulfe who is the pastor of Abraham Lincoln UU Congregation in Springfield and he is the guest of Representative Poe. And we'll also have a second prayer by Dr. Maurice Smith who's the pastor of the First Congregational Church in Highland and he's the guest of Representative Stephens."

Reverend Woulfe: "Let us pause and let us pray. Eternal heart, You are the source of life and of love. We ask that You inspire us to hold fast to all of good which we inherit even as we leave behind all the outworn and the false. We ask that You guide us to escape from bondage to the ideas of our own age and to the delusions of our own fancy. Help us to labor and hope for the dawning of a new day without hatred, violence and injustice. And remind us always that, 'Small as is our whole system compared with the infinitude of creation, brief as is our life compared with the cycles of time, we are so tethered to all by the beautiful dependencies of law, that not only the sparrow's fall is felt to the outermost bound but the vibrations set in motion by the words that we utter reach through all space and the tremor is felt through all time.' Amen."

Reverend Dr. Smith: "Let us once more come to Almighty God in prayer. Almighty God, whose glory is in all the world, we

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commend this State of Illinois to Your merciful care, that being guided by Your providence we may dwell secure in Your peace. Grant to the Governor and to these Members of the House of Representatives and to all others in authority wisdom and strength to know and to do Your will. Fill them with the love of truth and righteousness and make them ever mindful of their calling to serve the people of this great state under Your watchful eye. Amen."

Speaker Hannig: "Representative Riley, will you lead us in the Pledge."

Riley - 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 Hannig: "Thank you, gentlemen. Hope we can live up to your expectations. Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that there are no excused absences among House Democrats today."

Speaker Hannig: "And Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that all Republicans are present."

Speaker Hannig: "So, Mr. Clerk, take the record. There are 116 Members answering the Roll Call, a quorum is present. We're going to resume on Third Readings where we stopped on last Thursday. On page 22 of the Calendar, under the Order of House-Bills Third Reading, is House Bill 457. Representative Reboletti. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 457, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Reboletti."

Reboletti: "Mr. Speaker, thank you. Ladies and Gentlemen of the House, I rise in support of House Bill 457. This Bill adds the substance Salvia divinorum to a Schedule I substance. This substance is likened to peyote or mushrooms, psilocybin. It was brought to me by law enforcement from DuPage County where the chief deputy of DuPage County sheriff's son bought this at a gas station. He ingested the substance. He had a tremendous issue afterwards. He had severe depression. There is actually, out of the State of Delaware, they have something called Brett's Law where an individual, about 17 years old, committed suicide after taking this substance for about six months. He was a National Merit Student; he was somebody that had straight A's; was a very good family member but succumb (sic-succumbed) to this. And I'd ask for your support on this Bill. Thank you."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Beiser and Leitch, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 496."

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Clerk Bolin: "House Bill 496, a Bill for an Act concerning safety. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Madison, Representative Beiser."

Beiser: "Thank you, Mr. Speaker. House Bill 496 regards the exemption of reclaimed asphalt from the def... definition of 'waste' under the Environmental... Illinois Environmental Law. This is a... an environmentally friendly Bill. The aim is to keep this reclaimed asphalt out of landfills. There is no opposition. And I would ask for an 'aye' vote."

Speaker Hannig: "This is on Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 499."

Clerk Bolin: "House Bill 499, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Sacia."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 499 was brought to me by your former colleague Ron Lawfer. It was learned that he had passed legislation through this Body and it went on to become law to lower the number of signatures necessary to run for the library board and the local township libraries were inadvertently omitted or there was a change. The purpose of this Bill is to lower the number for local libraries, the



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wish? Mr. Clerk, take the record. On this question, there are 111 voting 'yes' and 5 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Kosel on 537. Do you wish us to read that Bill? Do you wish us to read that on Third Reading?"

Kosel: "Mr. Speaker, I believe that Bill was tabled."

Speaker Hannig: "All right. Well, we'll take it out of the record and find out, Representative. Representative Rose on 539? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 539, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Rose."

Rose: "Thank you, Mr. Speaker. Ladies and Gentlemen, this Bill simply codifies current practice by the Secretary of State's Office with regard to command officers. This came to me from my constituent as a Secretary of State sergeant. There has been some error on the staff analysis and we don't know the source of the confusion, but we have talked to Ted Street, myself and the FOP, and they do not oppose this Bill, I repeat, they do not. I talked to Ted Street last week, my staff reconfirmed that yesterday and sent an e-mail to the Dem staff as well on that note. So, as far as I know at this point, there is no opposition. Secretary of State's Office is neutral. As I said, it does just codify their current practice."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The

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voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative... Okay. Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Lyons, for what reason do you rise?"

Lyons: "A short announcement, Mr. Speaker. Just to the Members. My wife made Irish Soda Bread back in the annex room. So, if ya wanna start the week out with a little touch of the Irish, it's back there for ya."

Speaker Hannig: "Thank you, Representative Lyons. Representative Tracy on House Bill 549. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 549, a Bill for an Act concerning finance. Third Reading of this House Bill."

Speaker Hannig: "Representative Tracy."

Tracy: "Yes. Today I rise on occasion to present to you House Bill 549 which provides for the prompt payment of Medicaid payments by Medicaid providers allowing for a 30-day period of time and after which it's not paid promptly in that period of time it would accrue interest or finance charge at the rate of 2 percent per month."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a

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Constitutional Majority, is hereby declared passed. Representative Reitz, you're recognized to recognize some... some constituents."

Reitz: "Yes. Thank you, Mr. Speaker. Up in the Speaker's Gallery I have the Gibault Hawks soccer team from Waterloo, Illinois. Gibault won the state championship in Class A soccer champs again this year. They repeated from last year where they had a four overtime game. This year was a little bit easier. It was 3 to 0. And I'd like you to join me in welcoming and congratulating the Gibault Hawks, the boys' soccer champion in Class A from last year."

Speaker Hannig: "Congratulations and welcome to Springfield. Mr. Clerk, read House Bill 552."

Clerk Bolin: "House Bill 552, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Froehlich."

Froehlich: "Thank you, Mr. Speaker. House Bill 552 was brought to me by one of the towns in my district. A couple of dozen towns in the state already charge an administrative fee when they tow a vehicle attendant to a DUI arrest or another serious arrest or serious offense. This would just standardize and regulate that they can charge a reasonable administrative fee for the cost of impounding and towing a car. And the Municipal League's in favor of it. It passed committee unanimously. And I would ask for an 'aye' vote."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The



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voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Cultra, Rita, do you wish to be recorded? Representative Rita. Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 553."

Clerk Bolin: "House Bill 553, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 553 is a suggestion of my local park district. It allows them to spend less time working at bids that do not meet the speci... specifications. I ask for an 'aye' vote."

Speaker Hannig: "This is on the Order of Standard Debate. Does anyone speak... does anyone wish to speak? Then the question is... Representative Cultra."

Cultra: "Yes. Will the Sponsor yield for..."

Speaker Hannig: "He indicates he'll yield."

Cultra: "How about ya just... ya know, on a bid there's many different areas. If... if they just don't meet specifications in one area, is the whole bid gonna get thrown out?"

Dunn: "Well, Shane, there were two examples that the park district used when they brought me this... this suggestion. One was that a bidder who crossed out a line for a 10-year warranty on, I believe, it was a parking lot and without having a warranty on the parking lot it significantly changed the value of the bid and they didn't know how to

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compare apples to oranges and had to put a lot of staff time into evaluating the value of that line that was crossed out. Another example that was used was the park district getting bids to construct out a park... to build out a park and one of the bids did not include a basketball court but they included everything else. So, it's a very significant change but yet, again, they had to go through a significant time... used up significant staff time, legal fees to get rid of the two what they considered to be unqualified bids."

Cultra: "So, would they need a law to be able to not..."

Dunn: "Currently, in law they can disqualify their bids. Now, as it sits. But this Bill makes it a little bit easier. They can do it without such effort."

Cultra: "Well, I just... am a little bit concerned that there could be a small technicality and they would throw a bid out when it... the bid might conform to 99 percent of the... of what they're looking for."

Dunn: "Shane, if it's a qualified bid, they're gonna proceed with it. This is really an idea is to get rid of the unqualified or the nonconforming bids. It's to save taxpayer money. It's to save staff time; it's to save legal fees. It's to make it easier on the park district to just... to get rid of disqualified."

Cultra: "It just seems like to me, they could use this to find technicalities to eliminate bids and take bidders more that are liking and it actually wouldn't save the taxpayers money."

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Dunn: "Ya know, I think that they could still do it... they could do that under current law, if that was their intention. It's..."

Cultra: "Then I don't see what... what your Bill does then?"

Dunn: "It's supposed to save staff resources. So, it'll save taxpayer money..."

Cultra: "Okay. Thank you."

Dunn: "...and legal fees."

Speaker Hannig: "Is there any further discussion? Then Representative Dunn, you're recognized to close."

Dunn: "I ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Howard and Patterson and Washington, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 70 voting 'yes' and 47 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Rita... Rita, do you wish us to read House Bill 559? Out of the record. Representative Watson on House Bill 570. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 570, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Hannig: "Representative Watson."

Watson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 570 simply directs the Department on Aging to create a small town meals program where they'll

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enter into a partnership with private entities. It is subject to appropriation. And I'd be happy to answer any questions."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Rita, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Bellock on House Bill 579. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 579, a Bill for an Act concerning health. Third Reading of this House Bill."

Speaker Hannig: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. House Bill 579 creates a 2-year pilot program in three locations throughout the State of Illinois to help veterans who are coming back from the war to deal with post tom... traumatic stress syndrome. And this is an issue that also came out of the Rural Health Care Task Force. And it would be subject to appropriation. And I've talked with Tammy Duckworth and they are working on federal money that they think they can get to fund this because of the huge increase, especially of vets coming back from the war right now suffering from this. So, it would provide mental health services through three locations of community providers. It's not building

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anything new. It's just giving funds to vets who need some mental health services. Thank you."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? The Lady from Kane, Representative Chapa LaVia."

Chapa LaVia: "Representative Bellock, can you tell me which three areas are gonna be represented?"

Bellock: "We are gonna let DHS and the Veterans' Affairs take a look at the state and I know you have something else similar to this, Tammy Duckworth told me. So, anything that would work for everybody would be great."

Chapa LaVia: "Okay. Fantastic. I think it's a really great piece of legislation and I'd hope that we get 'aye' votes on it. Thank you."

Bellock: "Thank you, Representative."

Speaker Hannig: "And the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Harris on House Bill 626. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 626, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Harris."

Harris: "Thank you. This Bill amends the current statute to add the categories of charitable organizations to schools and places of worship where it becomes a Class X felony if you

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steal more than one hundred thousand dollars (\$100,000). I would appreciate your favorable consideration."

Speaker Hannig: "And the... On that question, the Gentleman from Cook, Representative Lang."

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

Speaker Hannig: "...cates... he indicates he'll yield."

Lang: "Thank you. Representative, would this be your first Bill?"

Harris: "This would be my first Bill."

Lang: "And what kind of treatment do you expect on the floor of this House?"

Harris: "Very respectful."

Lang: "I think you're wrong, Representative. So, please explain your Bill again. I think we're all disappointed in your explanation of what your Bill does, Sir?"

Harris: "Just harkens back to two cases. One..."

Lang: "It was... it does what?"

Harris: "It harkens back."

Lang: "It harkens back."

Harris: "It harkens back."

Lang: "Isn't he a... a Senator from Iowa, Harkensback?"

Harris: "Yes, he is."

Lang: "Yeah."

Harris: "Thank you."

Lang: "Okay. Go ahead, Sir."

Harris: "It refers to two recent cases: one in the county of Cook and one in Sangamon County where insiders stole... in the case of the Southwest Softball League here in Springfield... a hundred and sixty thousand dollars (\$160,000) from the

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charity and in Cook County, five hundred thousand dollars (\$500,000) from Genesis House, a charity which serves abused women. And Cook County State's Attorney Devine spoke to me about increasing to a Class X felony these particularly egregious cases where individuals steal not just from a charity but in reality, from all of us in the community. I'm putting charities on the same level as exists in statute now for houses of worship and educational institutions."

Lang: "So, have you done a personal investigation of these different charities? Have you gone there and sat with their boards of directors and figured out what the problem is? Is this person here to help you, Sir?"

Harris: "No."

Lang: "So, have you done a personal investigation here?"

Harris: "To each of these charities? No, I have not, Sir."

Lang: "Well, don't you think it's appropriate on your first Bill on the floor of the House, ya know, you aspire to this high public office and you come here, Sir, and you haven't done a personal investigation of these facts?"

Harris: "I would suspect if I went to the boards of directors that have labored so hard to raise this money to support their charities, if they believed the criminals who... criminals who stole from them should be punished, I suppose they would support me in that."

Lang: "So, today under the law between one hundred thousand dollars (\$100,000) in theft and five hundred thousand dollars (\$500,000) in theft is a Class I felony."

Harris: "Yes."

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Lang: "What if it's over five hundred thousand (\$500,000) today?"

Harris: "If it's over five hundred thousand (\$500,000), I can tell you that. Just a moment."

Lang: "We can get ya some help, Sir, if ya need it."

Harris: "I have it written down here. It's a Class I nonprobational felony for over five hundred thousand (\$500,000)."

Lang: "And so, you wanna take that off from a Class I nonprobational over five hundred thousand (\$500,000) to a Class X felony over a hundred thousand (\$100,000)?"

Harris: "Yes, I do."

Lang: "Would you submit then, Sir, that it is not serious to steal ninety-seven thousand dollars (\$97,000) from a charity?"

Harris: "I would just submit it is serious to steal any amount from a charity, but we have to pick a threshold and I chose this threshold because it comported with the existing statute for houses of worship and public schools."

Lang: "So, what would... what would the penalty be for a ninety-seven thousand dollar (\$97,000) theft?"

Harris: "In the current statute, it's 4 to 15 years."

Lang: "And what is a Class X felony?"

Harris: "Six to 30."

Lang: "And so, for three thousand dollars (\$3,000) that's a pretty dramatic change, don't ya think?"

Harris: "Yes, it is."

Lang: "And what would the public policy reason be behind such a vast difference for just a small amount of money?"



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Harris: "To put charitable organizations, schools and houses of worship, which are all organizations which serve our communities, take care of our children, our sick, our elderly and our needy on the same par."

Lang: "But we're not concerned if it's three thousand dollars (\$3,000) less?"

Harris: "I also did not want to disturb the existing statutory arrangement."

Lang: "Well, why don't you take this Bill out of the record, take it back to Second Reading, and put an Amendment on the Bill saying it's a Class X felony to steal any money from a charity?"

Harris: "I think I'll leave the Bill stand as it is, Sir."

Lang: "You're sure?"

Harris: "Yes, Sir."

Lang: "Will you still be sure when Mr. Black gets finished with you?"

Harris: "I'll leave that to Mr. Black."

Lang: "Well, he's not ready yet. It's still my turn, Sir."

Harris: "Okay."

Lang: "So, where did this Bill come from?"

Harris: "It was suggested to me by the state's attorney of Cook County, Mr. Devine."

Lang: "Mr. Devine?"

Harris: "Yes."

Lang: "Have you met with him personally about this?"

Harris: "Yes, I have."

Lang: "In your office?"

Harris: "No. In the Daley Center."

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Lang: "In the Daley Center. You..."

Harris: "Yes, Sir."

Lang: "You went to his office?"

Harris: "Yes."

Lang: "And you met with him personally and did he show you any of the records from any of these businesses, any of these charities that the money was stolen from?"

Harris: "Yes."

Lang: "All right. So, you didn't do a personal investigation, Mr. Devine did."

Harris: "They are the investigative arm of Cook County, I'm merely a Legislator."

Lang: "Merely what?"

Harris: "I am merely a Legislator; I'm not an investigator."

Lang: "Do you think the other 117 people out here think we're merely Legislators, Sir?"

Harris: "We are not investigators."

Lang: "That's a good answer, but that's not what I asked you. Do you think we're merely Legislators?"

Harris: "We are excellent Legislators."

Lang: "Ah. Okay. Well, that's... that's... that's a little better. Did he give you any documentation? Was anybody arrested in these cases?"

Harris: "In... in both cases there were arrests and they were officers of the corporations themselves which did the stealing."

Lang: "Are these people in jail today?"

Harris: "They have been sentenced. I do not know if they are actually serving their term."

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Lang: "Is there any chance that Mr. Devine will just drop the charges and then re-indict them so that he can give 'em a Class X felony?"

Harris: "I don't think he can do that, Sir."

Lang: "You don't?"

Harris: "I think that..."

Lang: "But you don't know, do ya?"

Harris: "My understanding is since the court has ruled that would be double jeopardy."

Lang: "All right. Ladies and Gentlemen, I think, ya know, it's one thing for a freshman to have a Bill and it's one thing for him to come to the floor, but I think you would agree with me that he really needs to do his own investigation on this stuff. I... I'm simply not sure that he's given us enough reason to vote for his Bill. I certainly hope some of you will dig into this a little further so that the Representative can... can cogitate on some of these more important issues, for instance, whether we're merely Legislators or something more important than that. Thank you, Representative."

Harris: "Thank you, Sir."

Speaker Hannig: "The Gentleman from Winnebago, Representative Winters."

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

Speaker Hannig: "He indicates he'll yield."

Winters: "Representative, do you know what you just did? You made me pile all these papers up on my desk. They're gonna end up on the floor and it's all because you have this Bill on the floor. Do you take responsibility for that action?"

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Harris: "Absolutely."

Winters: "Well, at least we like to... ya know, we like to hair... hear that freshmen will take responsibility. My major question is, as I understand the Bill, you're moving a theft from a charitable organization of over a hundred thousand dollars (\$100,000); you're enhancing the penalty from a Class I which is 4 to 15 years to a Class X. Now, can I take it that that... that enhancement is a statement by you that you think that this crime, if it's over a hundred thousand dollars (\$100,000) theft, is more serious and you're... and you're therefore ratcheting up the penalties involved?"

Harris: "The existing Criminal Code passed in 1961 and amended laid out various categories and various penalties for them regarding theft."

Winters: "Ya know, I have to... I have to interrupt. Ya know, a 'yes' or 'no' would be fine."

Harris: "Yes."

Winters: "Okay. Yes. Excellent. That's the quickest way to get the debate over, just answer with one word instead of a long explanation when one word will do. Now, here's the next question then. If you're trying to enhance the penalty, if you're going to a Class X, why didn't you go to a Class Y? Obviously, that's a higher in the alphabet and a higher penalty, so why didn't you make a Class Y penalty out of this?"

Harris: "Yes."

Winters: "Why, why, why didn't you make it a Y?"

Harris: "Yes."

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Winters: "Well, in this case, a 'yes' or 'no' doesn't... doesn't answer the question. You have to answer the question. Why did you not make it a Class Y?"

Harris: "Because there are no Class Y felonies, Sir."

Winters: "Very, very well spoken and I appreciate the brevity of the response. Thank you."

Speaker Hannig: "Representative Fritchey. Representative Molaro."

Molaro: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Molaro: "Just... just so we know where you're headed the rest of your career, you said you got this from the state's attorney."

Harris: "Yes, I did, Sir."

Molaro: "Does he allow you to read the Bill or do you just put it in and not care what it says?"

Harris: "He allowed me to read the Bill, Sir."

Molaro: "Okay. Does the state's attorney of Cook County... does he have a law license, are you aware?"

Harris: "I'm sorry. Could you re... I could not hear your question."

Molaro: "Does the state's attorney of Cook County have a law license?"

Harris: "I believe he does, Sir."

Molaro: "Okay. But we don't know for sure? I mean, you could be elected state's attorney and..."

Harris: "I do not know of my own personal knowledge whether Dick Devine currently has a law license."

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Molaro: "Okay. Now, is whatever... whatever the state's attorney asks you to do is that what you're gonna do from now on or are you gonna take every Bill as it comes?"

Harris: "I will take every Bill as it comes. I think this one's a very reasonable Bill and it really serves the needs of the community. I was glad to get the suggestion."

Molaro: "I know. Well, you realize that we have a subcommittee on enhancements and somehow you were able to navigate this before we created the subcommittees 'cause this would have never got out because it is an enhancement. So, even though it's a good clause, I'm not a big fan of this Bill, to be quite honest with ya and that's with all kidding aside. How did you know to do this real quick and get it out? Who, in this chamber, tipped you off? Was it staff or was it the chief of staff, was it the Speaker himself? 'Cause we have... we have about 40 Bills that are gonna be stuck in subcommittee, how were you able to know this and do this as a freshman in this chamber? How do you know things that most Members don't know?"

Harris: "I don't think I knew anything special. I just tried to do it in a timely manner."

Molaro: "Okay. That's a good answer."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "Indicates he'll yield."

Black: "Representative, are you familiar with the genesis of a Class X felony? Why was that, the Class X felony, created many years ago? Are you familiar with that?"

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Harris: "Probably not as thoroughly as you are, Representative, but I believe it was created when persons were released from prison for good time for serious crimes and there was a feeling that they ought not to have been."

Black: "Correct. Particularly heinous crimes for which no probation should be allowed. My question is, does the theft of money from a charitable organization, no matter how distasteful that may be and how difficult it is to understand, does that misappropriation of money rise to the level of a Class X felony?"

Harris: "I think the previous Legislators or Legislatures which made theft from schools and theft from houses of worship said that those were heinous because they stole from the people, they stole from the community and they stole from those who are frail and in need and I think theft from a charity falls into that category, Sir."

Black: "Well, let me ask you this question. If a public official steals more than a hundred thousand dollars (\$100,000) or misappropriates for his or her personal use more than a hundred thousand dollars (\$100,000) of public money, is that a Class X felony?"

Harris: "I don't know the answer to that."

Black: "And quite frankly, I don't either. I... I didn't see it in the Bill. I didn't see it in the analysis. Could... Just bear with me for just a second. Let me check with staff. I... I think, Representative, if you don't know the answer, and I think it may be something you want to look at as the Bill progresses, perhaps in the Senate, because if we are willing to put someone who misappropriates, misplaces their

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trust, in a charitable organization gets a Class X felony I would think it would only be appropriate if a public official steals more than a hundred thousand dollars (\$100,000) from tax funds, the same penalty should apply. We're not sure that it does and we're not gonna get that answer here today. Let... let me... let me ask you this question. If the person who misappropriated this money from a charitable organization, between indictment and trial, somehow was able to find money he or she had not spent or was able to borrow money from family and make complete restitution, would you think then they should still be prosecuted as a Class X felon?"

Harris: "If they are already on trial for it, Sir?"

Black: "Right, right. But they had made complete restitution."

Harris: "Yeah. That would not be my decision. I think that would be up to the individual prosecutor and the court based on the circumstance."

Black: "Okay. All right. Thank you very much, Representative. I appreciate your indulgence. Mr. Speaker, to the Bill. A Class X felony is, in fact, the most serious level of felony that one can be charged with. And... and I certainly don't condone what... what prompted the Representative's Bill. It is... it's a sad state of affairs that someone would steal from a charitable organization whether it be relief for Hurricane Katrina or the kidney dialysis or whatever. My... my only concern is that in a Class X felony it could be up to 60 years without probation. And there are some of these people who are willing to make restitution, if... if monitored by the judge. But if they, in fact, are sentenced to 60



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years, the possibility of them making restitution would probably fall to a level of zero. I... I just, personally, first Bill or not, I... I have some serious concerns as to whether or not this rises to the level of a Class X felony. And the one reason I'm giving, I have great pause, is I'm not sure that a public official who abuses his or her public trust and steals more than a hundred thousand dollars (\$100,000) and in the history of Illinois is replete with that. I mean, I... I remember when Orville Hodge, the auditor of the State of Illinois, God rest his soul, three million dollars (\$3,000,000). And the list could go on and on and it crosses Party lines. And much of this may have happened before the Class X felony was passed under Governor Thompson's administration, but since I don't know how a public official would be treated, I'm reluctant to give someone who misappropriates a hundred thousand dollars (\$100,000) from charitable organization a Class X felony which means no chance of parole and could result in a 60 year sentence. I'd be more concerned about the possibility of restitution than I would be the possibility of serving a 60 year sentence."

Speaker Hannig: "Representative Fritchey."

Fritchey: "Thank you, Speaker. To the Bill. I first intended to have some good fun with my friend and colleague, Representative Harris, I do wanna echo though the statements that were made by Representative Black. He's entirely correct. None of us are going to sit and countenance anybody that would steal large sums of money let alone one from a charitable organization. I have no doubt as far as

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the intentions of Representative Harris, I've known him since before he was a Representative, or the State's Attorneys Office, but Ladies and Gentlemen, a Class X classification was put in for the worst of the worst. The Class X classification was created to be a separate demarcation for those heinous offenses upon which we needed penalties above and beyond what we had. We run a serious risk of diluting the importance of a Class X felony. There's also I've been here long enough I've seen too often a almost irresistible urge to ratchet up penalties on things and there are a lot of easy targets and bad offenders, but you need to tread very carefully. As I said, I vote against this Bill with great reluctance because of my relationship with the Sponsor, because it is his first Bill, but at the same time I think we need to treat every Bill with the importance in which it deserves, including this one. Thank you."

Speaker Hannig: "Representative Monique Davis."

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

Speaker Hannig: "Indicates he'll yield."

Davis, M.: "Representative, how many years does a Class X felony require?"

Harris: "I believe it's 6 to 30."

Davis, M.: "How many?"

Harris: "Six to 30."

Davis, M.: "Six to..."

Harris: "Thirty."

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Davis, M.: "...30. And the theft could have been or could have exceeded one hundred thousand (100,000)?"

Harris: "It would have to exceed one hundred thousand (100,000)."

Davis, M.: "And currently, if a person commits a theft of a hundred thousand (100,000) or more, what is the penalty?"

Harris: "It depends where it is stolen from. If it is stolen from the government, if it is stolen from a house of worship, or if it is stolen from a school, to my friend Representative Fritchey and to Representative Davis, this is already a Class X felony. This is not something that my Bill would create in the law."

Davis, M.: "Did anyone file a fiscal note on this legislation?"

Harris: "Did anyone file... I'm sorry?"

Davis, M.: "Did anyone file a fiscal note?"

Harris: "No, they did not."

Davis, M.: "So, in other words, we have no idea what the additional cost to the Department of Corrections may be?"

Harris: "There could be in the last year of, I believe, there have only been two cases in Illinois that would have fallen in this category though."

Davis, M.: "To the Bill, Mr. Speaker. A... with great respect to the Honorable Representative, I know that his attempt is perhaps to halt the thefts from charity... charities, but absolutely no purpose will be served. I heard a previous Legislator state he would much more prefer that the person would have to provide restitution. In other words, if you're capable of working, then you could return and pay for those pieces of equipment that you stole, but just to house

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you in prison for up to 60 years, where the taxpayer is paying for your food, your clothing, to guard you, when you're really not necessarily a menace to society, ya know, you're not threatening the safety of people, you're a horrible thief, but you can be cured. You can be made to provide community service, return the items, rather than just sit in a prison for 60 years. It's such a waste; it's a taxpayer waste. And I have great respect for you and great respect for what you're attempt to do is, but I would urge a 'no' vote on this legislation."

Speaker Hannig: "Representative Harris, you're recognized to close."

Harris: "Thank you. I very much appreciate the comments of my colleagues. I think in response to Representative Black, as I look further at the existing statute, whether you're a governmental employee or not and you had stolen a hundred thousand dollars (\$100,000) worth of property from a governmental agency, you would be covered by the existing Criminal Code. And I understand there are differences of opinion about the severity of this crime, but I think stealing from communities, charities, and schools are a heinous crime. And I ask for your support on this piece of legislation. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Rep... Mr. Clerk, take the record. On this question, there are 92 voting 'yes' and 25 voting 'no'. And this Bill, having received a Constitutional Majority, is

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hereby declared passed. Representative Black, do you wish us to read... do you wish us to read House Bill 630? Out of the record. Representative Brauer on 635. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 635, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Hannig: "Representative Brauer."

Brauer: "Mr. Speaker. I request to take this back to Second."

Speaker Hannig: "Return this to Second Reading at the request of the Sponsor. And we'll go now to Representative Brauer, you have House Bill 636. Do you wish us to read that? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 636, a Bill for an Act concerning state historic sites. Third Reading of this House Bill."

Speaker Hannig: "Representative Brauer."

Brauer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill just asks the Governor to go ahead, open our historic sites up... our ten most visited historic sites in the state... seven days a week. If you go out there to New Salem State Park today, you're gonna be disappointed because it's not open. There is a cost to this of about a million dollars (\$1,000,000), but when you look at the amount of people that visit our parks, you look at the fact that in less than a year we're gonna start the 200th anniversary of Lincoln's birthday celebration, this is a must vote for Bill. I'll answer all questions."

Speaker Hannig: "This is on the Order of Short Debate. And in response, Representative Holbrook."

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Holbrook: "Thank you, Speaker. Due to a conflict of interest, I'll be voting 'present' on this Bill."

Speaker Hannig: "Is there any further discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Joe Lyons. Joe Lyons, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Brauer on 639. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 639, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Menard, Representative Brauer."

Brauer: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is for veterans that have disabilities that they received while in service to the country. Currently, they are only receiving a visit of two days per month. This would give 'em an additional two days to take care of some of those visits to clinics and to hospitals. I'll answer all questions."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone speak in... rise in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Turner, do you wish to be recorded? Mr.

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Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. We're gonna return, Mr. Clerk, to House Bill 630. Mr. Clerk, would you read the Bill."

Clerk Bolin: "House Bill 630, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Bill provides that beginning September 15 through November 30 of each calendar year the State Police may not set up portable scales to weigh vehicles transporting commodities or goods of production agriculture on noninterstate highways. It doesn't prohibit the State Police from saying, 'I want you to follow me to a weigh station', if they think the truck is grossly overweight. I would like to point out to the Members of the Body, there aren't many farmers left. Less than 2 percent of the population are involved in production agriculture. To my friends and colleagues in the northern part of the state, this doesn't really impact your district at all. This involves trucks going from the field during harvest to the nearest grain elevator. You're not going to see them on... on your highways up north; you're not going to see them on your streets in your towns and communities. You just don't have production agriculture to any appreciable extent left in that part of the state. This is a problem in my part of the state and as much respect as I have for the

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State Police, I find it more than a coincidence that during harvest season these portable scales are often set up on county roads or township roads a hundred yards from the exit of a field being harvested of corn or soybeans. I... I think it's a commonsense piece of legislation. I would ask your favorable support. Be glad to answer any questions you might have."

Speaker Hannig: "We're gonna put this on the Order of Standard Debate. And on that question, Representative Fritchey's recognized."

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

Speaker Hannig: "...cates he'll yield."

Fritchey: "Representative, I understand what you're trying to do and I think I support it, but I had the opportunity to meet last week with some of my good friends from the Edgar County Farm Bureau who have been kind enough to adopt me and even keep me over the years. But one of the first issues they had brought up was this one. In addition, they're concerned about the pending tax proposals. But they started talking about this and I see what you're doing but at the same time we'll hear arguments that these overweight vehicles lead to disrepair in the roads, et cetera, and now you need more money for road funds. Rather than... well, maybe... maybe you're just trying to get the same thing a different way. But rather than prohibiting the State Police from using the portable scales during this time period, I mean, aren't you essentially just saying that maybe another way to do it is just to say that the laws as they pertain to overweight



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trucks shall not, ya know, shall be suspended for this time period."

Black: "Well..."

Fritchey: "I mean, if you tell 'em they can't enforce, you're essen..."

Black: "Yeah."

Fritchey: "Well... I'm sorry."

Black: "And I... I understand that. Obviously, we don't wanna make this available to all vehicles hauling television sets, aggregate gravel, all of the multitude of things that are hauled by truck. We wanted to narrow it... and I used to represent the good folks at Edgar County years ago... we wanted to narrow it only to trucks carrying commodities of production agriculture and we agree that if you get on an interstate highway, you are subject to any weight inspection that you... that may be set up. What we're trying to prevent and again, I think, a township highway commissioner can post these roads and that's not the issue. I can give you something that... I can give you a... a for instance as to why I sponsored this Bill a couple years ago. We have a food grade elevator, it's owned by Frito-Lay and it was on a county highway and this is food grade corn grown under contract and you have a very narrow window from harvest to getting the food grade corn to the elevator so they can turn them into Doritos and whatever it is they make. And it just seemed to me to be more than a coincidence that about a half a mile either way from the Frito-Lay elevator the State Police would often set up these portable scales and the portable scales are marked right on them 'not for legal

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trade' which has always confused me. Now, we solved that problem by getting the county to upgrade that road to eighty thousand (80,000) pounds. And I appreciate your remarks, Representative, I really do. We tried to make this as narrowly defined as we could for production agriculture only. And if we were to eliminate all weight restrictions or all... all abilities to measure and weigh trucks for a six-week period obviously there are people who would haul aggregate concrete, any number of items, that would say, 'well, wait a minute. You can't weigh me, I'm in this window of opportunity' and that's not exactly what we wanna do."

Fritchey: "And... and I understand that, but... and again, I agree with you so maybe I shouldn't belabor the point. But really what you do wanna do is put the rules in suspension, at least for agricultural products. Now, our analysis talks about the issue of having wet agriculture, you have wet produce on the truck and that increases the weight and I understand that and maybe that mitigates towards not using portable scales after it's rained. But in essence, and I guess that there's obviously a logical reason for it but in essence, I understand you narrowing it down but you do want to say that for this time period, from September 15 through November 30, that agricultural trucks really don't have to worry about the weight limit. You talk about the State Police putting the portable scales by the elevators or... but that to me makes sense. They're gonna put the scales by where they think there's overweight trucks in the same way a bank robber goes to the bank 'cause that's where the money

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is and it's the same kind of concept. I won't drag this out anymore. I get why you're doing... why you're doing what you're doing. I think it's gonna make their lives easier at a time that a lot of things that we do are making their lives tougher. So, thank you."

Black: "Thank you."

Speaker Hannig: "Representative Rose."

Rose: "Thank you, Mr. Speaker. To the Bill. I am strongly in support of the Gentleman's Bill. Every year at harvest all over downstate Illinois the State Police and... basically shootin' ducks on a pond is what this amounts to. They sit and lie in wait while the plow goes by cutting the grain and as soon as the truck pulls out from the field they pull 'em over and weigh 'em. This has become a problem time and again and again and again and I think that the Gentleman's done an excellent job of narrowly tailoring this to just this specific problem. I would hopin' we could all standby Illinois agriculture on this Bill. Thank you."

Speaker Hannig: "Representative Franks."

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

Speaker Hannig: "Indicates he'll yield."

Franks: "Representative, I understand what you're trying to do here. Have you had a chance to speak with township officials on this Bill?"

Black: "I... I have talked to the township officials in my district and I have great respect for the township highway commissioner and if I may be so bold, I really think they're the most powerful elected official in the State of Illinois. I mean, they can post a road tomorrow morning at any weight

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limit they want and what I have found is that most... most farmers work very closely with their township highway commissioner and in my area, most township highway commissioners are also farmers, so they kind of work together. I know that your township official position is they don't like the Bill, but in talking with highway commissioners in my district they make it very clear that there are certain bridges they will post and they expect those people to respect that. And since they live in that area, they tend to respect those weight limits because if they go through a bridge that isn't built for that, then obviously they're... they're gonna be more delayed in getting their... their crop to market. I... I don't see this as something that is completely unworkable. There will be some township officials who are adamantly opposed to the Bill. I think officially TOI is opposed to the Bill, but I've talked with a lot with highway commissioners in my area that say, 'look, for a six-week period we can all cooperate, get the crops out of the field, get it to the elevator' and since these farmers generally are pretty heavy payers of the road fund or the highway tax in their area I ought... they understand this situation as well."

Franks: "I read your Bill last week and I talked to some of my township officials and their biggest complaint is they never have enough money for the roads. So, this weekend I was driving up on one of the township roads and it was in horrible disrepair and we have a... my... my district, as you know, is half rural and it's half urban and when I was driving on this township road on Saturday, it was Third

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World at best and it was pocked and couldn't hardly move. I had to stop a couple of times just to get through, so I... I know what they're concerned about and I know what you're trying to do. And I... I know that your big concern here is really the fact that the farmers are getting fined. Is that correct?"

Black: "And the fine for some of these trucks would be more than the profit they'll make off the load they're hauling."

Franks: "Absolutely and they're exponential these... these fines, I've seen it. I'm wondering if a better solution would be, because the real issue is the fine and what we're saying is listen, for forty-five (45) days we're not gonna weigh you. The fact of the matter is we know we have to get these products to market, we have to get them in a quick time, but we also know that they happen to be heavier after harvest. Would it make more sense to instead of not having any enforcement for that time which could really lead to, I think, unintensive... unintended consequences, instead if they still were to weigh, but give those carrying these agricultural products maybe a 10 or 15 or even 20 percent overage that they could have without being a fine. And I think that way we could still put... we could still protect the roads, but what I'm worried about when there's no standard here and let's say it's posted for 4 ton and instead they come in at 12 and they totally destroy the road. And that's what I'm concerned about. Would that be something you would be amenable to, to possibly getting 'em a higher amount that they could carry?"

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Black: "Ya know, that... that's how we've addressed many of these problems in the past, as you're well aware. A solid waste truck has a six thousand (6,000) pound variance, if the solid waste is wet. A aggregate truck has a weight variance. A cement truck, in many areas of the... in fact, all areas of the state, have a weight variance. I... I would not be, excuse me, I would not be adverse if this was amended in the Senate if we could get the Farm Bureau to agree to that, but again, there is an enforcement mechanism in this. We did not want people putting a hundred thousand (100,000) pounds on an eighty thousand (80,000) pound truck and that's why the Bill says if the State Trooper and these are... these are pretty sharp individuals and I'm not mad at them, they can look at that truck and pretty much tell you how... how overweight it is. That State Trooper, under this Bill, would still have the ability to tell that driver, 'I want you to follow me to the weigh station at Ashkum' or wherever that weigh station is and could weigh that truck. And we think that is an incentive for them not to just ignore common sense as they're moving beans or corn out of the field."

Speaker Hannig: "Representative... Representative Franks, can you bring your remarks to a close?"

Franks: "I had another quick question, if I can. The way the Bill is written it says you can't use portable scales, but it doesn't say anything about the set scales. So, this only deals with the portable scale issue?"

Black: "It on... That's correct. It only deals with the portable scale and for years I've questioned the accuracy of those

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portable scales. If you've ever seen one, it's stamped right on it, 'not for legal trade', which somehow doesn't seem to make any sense to me. But this Bill does allow an officer of the law to say, 'I want you to follow me to the nearest weigh scale and I'm gonna weigh this truck.' And we think that's a safeguard on gross overweight."

Franks: "If you're willing to talk to the Senate Sponsor and still meet with the Farm Bureau, I think we might..."

Black: "Sure."

Franks: "...I'd like to hear if we can do it the other way. But I appreciate what you're trying to do."

Black: "Thank you very much."

Franks: "Thank you."

Speaker Hannig: "Representative Poe."

Poe: "Mr. Speaker, Ladies and Gentlemen of the House. I'd like to address a couple points that the Representative Franks and Representative Fritchey. I know this... this looks and I by actual experience of what happens, and I don't think a lot of us understand ag culture, but when you move from field to field, you might... the moisture of the corn might change five points, the test weight might be as much as ten (10) pound different and on an eighty thousand (80,000) pound load you could actually load that truck the same way and that lo... that load can fluctuate anywhere from seventy-five thousand (75,000) to eighty-five thousand (85,000). There's so much that you cannot read when you're out there in a combine and you don't know those moistures, you don't know that test weight. So, when you're bringing it into the bins and to the farm, there's a lot more questions than

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there is when you move it back off the farm later because you usually run that through a drying process, your test weights stabilize, your moisture stabilizes. Then when you reload those trucks, you have a lot better idea what you're doin'. I'm just saying there's circumstances out there that you cannot read sitting in that combine loading that truck. So, I think you need to take some of those kinds of things into consideration and I think that's a good reason why we oughta vote for this Bill. And also from personal experience, I... we farm near a scales that's on the interstate and we have been taken to those scales in the past with the State Police. So, let's tha... that check and balance is still there and so, I would urge everybody to support this Bill. Thank you."

Speaker Hannig: "We've had three speak in favor and two in response. Rules of debate provide that one additional person can speak in response. Representative Brady, do you wish to speak in opposition or response?"

Brady: "Thank you, Mr. Speaker. I just have a point of clarification on the Bill."

Speaker Hannig: "Okay. Proceed."

Brady: "Representative Black... Over here, Representative Black. Yes. In regards to my district and in Bloomington in particular, a city municipality, law enforcement agent has portable scales that they drop down and they catch trucks on a state route that comes through the City of Bloomington. What's this Bill do in regards to that? Is that taking some authority away from the local law enforcement, the municipality?"



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Black: "I believe... I wanted to check with staff... I believe the Bill would exempt any highway other than noninterstate highway."

Brady: "It would exempt?"

Black: "Yes. If they were traveling on Airport Road in the City of Bloomington, where they do have some farms out... out east of you, I believe that the portable scale could not be used on that road. Again, it does not preclude an officer from saying, 'it looks to me like you're overloaded. I want you to follow me to the nearest weigh station.' And they have that authority."

Brady: "But if they are traveling a state highway coming through a municipality, which occurs in my district, the law enforcement... the local law enforcement agency... City of Bloomington police, in this case, dropped down their portable scales out of their portable truck and say, 'you're overweight.' Will this prevent them from doing that?"

Black: "Representative, I'm gonna give you my understanding of the Bill. I hope I'm right and I've talked to staff. A municipality is not specifically exempted in this Bill, so I'm going to assume that 'yes' they could weigh the truck. A county road..."

Brady: "So, 20..."

Black: "...specifically exempted, but a municipal road is not specifically exempted."

Brady: "Okay. So, the state highway through the municipality, this would exempt 'em from doin' it. If they catch the truck somewhere else on a municipal road or Airport Road, like you indicated, it's not as clear, but certainly if

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they're on a state highway stopped by a municipal police officer with portable scales, this would prevent that from occurring. Is that correct, in your... in your opinion?"

Black: "I would think a municipality would still have precedent, but I can't tell you for sure. I'm not an attorney. I would think the municipality would still have rights to weigh the truck."

Brady: "Okay. But my... my concern is the municipality seems to be kinda having a heyday on the state highway that comes through our..."

Black: "Right. Right."

Brady: "...local community. And I appreciate you answering my questions. Thank you. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Black, you're recognized to close."

Black: "Thank you very much, Mr. Speaker. And I appreciate all of the questions. Ladies and Gentlemen of the House, it is a fact of life that agriculture has changed dramatically in my lifetime. We used to haul agricultural... my uncle farmed all of his life... and we used to haul agricultural commodities in ten thousand (10,000) or twelve thousand (12,000) pound trucks. Unfortunately, those days are gone and they will never come back. Agriculture to survive has had to grow. And... and that growth means that we now have the ability to buy an eighty thousand (80,000) pound truck license plate and that's basically how we move agricultural commodities. I would appreciate your consideration of this Bill. Again, this does not impact those of you who are nonagricultural areas. It does not exempt a truck hauling

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general merchandise of any kind. It only exempts trucks hauling agricultural commodities to a field... or excuse me... from the field during harvest, to the farm where they'll dry it or store it, or to the elevator where they'll sell it. And let me also remind you in the case of some of these fines, the farmer is one of the few people left in our economic system who has no control over the price he or she gets for the crop. That price is controlled pretty much by the Chicago Board of Trade. So, if corn is three dollars (\$3) a bushel and you're hauling two thousand (2,000) bushels, and you get a fine of four thousand dollars (\$4,000), you've made no money on that transaction. And I... I think it's a commonsense measure to help agriculture in the few areas of the state where agriculture is still one of our primary businesses. I'd appreciate your 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Ryg, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. So, we're gonna stop at this point. So, Representative Rose, you'll be first tomorrow, so be here. And then we'll go on down the list with Representative Washington, Black, and McCarthy. We've got some... we got another... a few items to do and then we're going to adjourn. So, Representative D'Amico, you're recognized for a Motion... for an

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announcement? Representative D'Amico, do you have an announcement?"

D'Amico: "Thank you, Mr. Speaker. Drivers Education Committee will meet tomorrow morning at 10:30."

Speaker Hannig: "Representative Kosel, you're recognized for a group that you'd like to recognize."

Kosel: "Thank you, Mr. Speaker. We have with us today the cheerleaders from Lockport High School and Representative Brent Hassert and I would like to congratulate them on their absolute wonderful victory, first place championship with a score of 93.10. Could they please stand. They are in the back of us right here and a Resolution will be forthcoming from the... from the Body to honor them for their great work and thank their coaches for the dedication that they'd had in order to bring the girls to this place. This is a team that has freshmen, sophomores, juniors and seniors on it, so it is quite an accomplishment. We're very, very proud of them."

Speaker Hannig: "So, Representative Kosel has a Resolution that we're going to adopt on this item. And all... and all in favor of the Resolution say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. Representative Dunkin, for what reason do you rise?"

Dunkin: "A point of information, Mr. Speaker."

Speaker Hannig: "State your point."

Dunkin: "Tomorrow... tomorrow, Wednesday at 1:00 the Tourism & Conventions Committee will meet for a su... a brief subject matter. Tomorrow at 1:00 in Room 122-B. Thank you."

Speaker Hannig: "Representative Beiser."

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Beiser: "Thank you, Mr. Speaker. I rise for a purpose of an announcement."

Speaker Hannig: "Proceed."

Beiser: "The DCFS Oversight Committee scheduled for Thursday at 8 a.m. will meet at 8:30 a.m. instead of 8, 8:30 a.m. on Thursday."

Speaker Hannig: "Representative Rose."

Rose: "Mr. Speaker, does anybody know why these shades keep comin' up and down randomly?"

Speaker Hannig: "The Clerk... Mr. Clerk, can you answer that question?"

Clerk Bolin: "The shades are lowered to improve the video."

Rose: "Thank you."

Speaker Hannig: "Representative Black, for what reason do you rise?"

Black: "Mr. Speaker, in all of the renovation that we've done in this chamber, there are certain things we did in the name of Homeland Security and the Gentleman doesn't need to know what those are. If he's upset with the shades, I suggest he get a higher security clearance and take it up with our architect, Mr. Mapes."

Speaker Hannig: "Thank you, Representative Black. Representative Molaro, for what reason do you rise?"

Molaro: "Thank you. To waive the posting requirements."

Speaker Hannig: "Proceed."

Molaro: "We would ask at this time that the rules be suspended to waive the posting requirements so two subcommittees of the Judiciary II Committee could meet this Thursday and it's

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the subcommittee in gang crimes and subcommittee on penalty enhancements. Now, do I have to read the Bill numbers?"

Speaker Hannig: "Please, please, yes."

Molaro: "All right. Bill numbers for the gang crime subcommittee: 270, 409, 434, 436, 440, 441, 442, 443, 446, 447, 448, 449, 451, 963, 965, 1368, 1369, 1617, and 3416. For penalty enhancements: 41, 43, 179, 199, 207, 306, 284, 698, 92, 1115, 145, 1299, 1403, 1504, 1505, and 1870."

Speaker Hannig: "So, you've heard the Gentleman's Motion. Is there any discussion? Representative Black."

Black: "Mr. Speaker, Mr. Molaro did talk to me, but I... I have a concern that of all the Bills that he's posted... he's posted to subcommittee, which probably means they aren't gonna be heard and they were posted twice. On the Calendar it shows a double posting. Now, if somebody's laboring under the misconception that you were gonna go, I think it's Thursday or what... Wednesday whenever the committee meets and hear your Bill, I... I think if we agree to this, it goes to subcommittee and the Bill's dead. I mean... is that the Gentleman's intent?"

Speaker Hannig: "Representative Molaro."

Molaro: "As a matter of fact, it's been said in that committee that the subcommittee will meet Thursday morning and anybody who's there with a Bill for the subcommittee will be heard and then heard in the major committee. So, I mean, I don't know which ones are gonna pass. I'll probably be votin' 'no' on all of 'em. I... I don't like any of these Bills, but the only reason I'm doing this because... Well, the man's... I don't know what's so funny, but the man's asking. I wanna..."

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I wanna be truthful here. I... The only reason I'm posting it is so it can be heard. If it was up to me, I'm kinda hopin' the Body votes 'no' and doesn't let me do this so the Bills are all dead. So... but I wanna post it so it can be heard, otherwise they are in... and Bill, they are in subcommittee now. So, if we don't post it, they cannot be heard this week which is fine with me. The only reason I'm doin' it 'cause a lot of Sponsors asked me can we hear it in subcommittee so there's an opportunity."

Black: "Mr. Speaker, with that explanation, obviously, he's related to the late and lamented Judge Roy Bean back in the days of the Wild West. In other words, show up, present your Bill, and you'll get a fair hearing and then you'll be hanged. Okay."

Speaker Hannig: "Is there... You heard the Gentleman's Motion. Is there leave for the Attendance Roll Call? Leave is granted. And it'll be used and the Motion prevails and the posting requirements are waived. Mr. Clerk, what is the status of House Bill 4... 414?"

Clerk Bolin: "House Bill 414 is on the Order of House Bills-Third Reading."

Speaker Hannig: "And return that to the Order of Second Reading at the request of the Sponsor. And Mr. Clerk, would you read House Bill 3627."

Clerk Bolin: "House Bill 3627, a Bill for an Act concerning finance. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. And Mr. Clerk, what's the status of House Bill 948?"

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Clerk Bolin: "House Bill 948 is on the Order of House Bills-  
Third Reading."

Speaker Hannig: "Return that to Second Reading at the request of  
the Sponsor. Mr. Clerk, what's the status of House Bill  
957?"

Clerk Bolin: "House Bill 957 is on the Order of House Bills-  
Third Reading."

Speaker Hannig: "Return that to the Order of Second Reading at  
the request of the Sponsor. And Mr. Clerk, read House Bill  
1313."

Clerk Bolin: "House Bill 1313, a Bill for an Act concerning  
education. Second Reading of this House Bill. No Committee  
Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. And Mr. Clerk, read House Bill  
1246."

Clerk Bolin: "House Bill 1246, a Bill for an Act concerning fire  
safety. Second Reading of this House Bill. Amendment #1  
was adopted in committee. No Floor Amendments. No Motions  
filed."

Speaker Hannig: "Third Reading. Are there any further  
announcements? So now, allowing perfunctory time for the  
Clerk, Representative Currie moves that the House adjourn...  
Agreed... read the Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 219, offered  
by Representative Granberg. House Resolution 220, offered  
by Representative Acevedo. House Resolution 221, offered by  
Representative Fortner. House Resolution 222, offered by  
Representative Fortner. House Resolution 224, offered by  
Representative Scully. House Resolution 225, offered by



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Representative Watson. House Resolution 227, offered by Representative Watson. House Resolution 229, offered by Representative Brady. House Resolution 230, offered by Representative Flowers."

Speaker Hannig: "Representative Currie moves for the adoption of the Agreed Resolutions. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Agreed Resolutions are adopted. And now, allowing perfunctory time for the Clerk, Representative Currie moves that the House stands adjourned until tomorrow, Wednesday, March 21 at the hour of 12 noon. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Motion is adopted. And the House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction and reading of House Bills-First Reading. House Bill 4089, offered by Representative Brady, a Bill for an Act concerning education. First Reading and introduction of this House Bill. Introduction and reading... First Reading of Senate Bills. Senate Bill 341, offered by Representative Fritchey, a Bill for an Act concerning municipalities. House Bill (sic-Senate Bill) 377, offered by Representative Molaro, a Bill for an Act concerning public employee benefits. House Bill (sic-Senate Bill) 397, offered by Representative Jerry Mitchell, a Bill for an Act concerning education. House Bill 423, offered by Representative Hernandez, a Bill for an Act concerning education. Senate Bill 423, offered by Representative Hernandez, a Bill for an Act concerning education. And Senate Bill 1165, offered by Representative Demuzio... or Representative Eddy, a Bill for an Act concerning education. Introduction and reading of

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Resolutions. Referred to the House Committee on Rules is House Resolution 226, offered by Representative Rose. House Resolution 228, offered by Representative Rose. And House Joint Resolution 40, offered by Representative Monique Davis. There being no further business, the House Perfunctory Session will stand adjourned."