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REGULAR SESSION
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150th Legislative Day

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PRESIDENT JONES:

The regular Session of the 95th General Assembly will please come to order. Madam Secretary, Reading and Approval of the Journals.

SECRETARY SHIPLEY:

Senate Journals of April 17th and 23rd, 2008.

PRESIDENT JONES:

Senator Hunter.

SENATOR HUNTER:

Mr. President, I move that the Journal just read by the Secretary be approved, unless some Senators has additions or corrections to offer.

PRESIDENT JONES:

There being no -- I mean... Senator Hunter moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Senator Risinger, what purpose you rise?

SENATOR RISINGER:

Thank you, Mr. President. Would you let the record show that Senator Burzynski is on personal business today, due to the death of his father?

PRESIDENT JONES:

The record shall so reflect. Senator Collins, what purpose you rise?

SENATOR COLLINS:

For a point of personal privilege, Mr. President.

PRESIDENT JONES:

State your point.

SENATOR COLLINS:

Ladies and Gentlemen of the Senate, I would like for you to

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welcome, from my district, Harper High School students, along with their teachers, Mr. Altman, Mr. Tyler and Miss Lane. This school also is the alma mater of one of our colleagues, Senator James Meeks. So will you give them a nice welcome -- round of applause and welcome?

PRESIDENT JONES:

Will our guests in the gallery please rise and be welcomed by the Senate? Senator Hunter, what purpose you rise?

SENATOR HUNTER:

Point of personal privilege, Mr. President.

PRESIDENT JONES:

State your point.

SENATOR HUNTER:

I, too, have guests visiting with us today from Chicago. They are twenty-two wonderful students from the Academy at Lakeside at -- at Ada S. McKinley Community Services, which is an alternative school program. And these kids have been reengaged from the Chicago public schools. And I'd like to welcome you guys to Springfield.

PRESIDENT JONES:

Will our guests from Lakeside please rise and be welcomed by the Senate? Madam Secretary, Resolutions.

SECRETARY SHIPLEY:

Senate Resolution 672, offered by Senator Clayborne and all Members.

Senate Resolution 673, offered by Senator Lightford and all Members.

Senate Resolution 674 through 676, offered by Senator Dillard and all Members.

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Senate Resolution 677, offered by Senator Althoff and all Members.

They're all death resolutions, Mr. President.

PRESIDENT JONES:

Consent Calendar.

SECRETARY SHIPLEY:

And Senate Resolution 678, offered by Senator Trotter.

Senate Resolution 679, offered by Senator Clayborne.

Senate Resolution 680, offered by Senator Pankau.

And Senate Resolution 681, offered by Senator Pankau.

And Senate Joint Resolution 96, offered by Senator Bomke and others.

They're all substantive, Mr. President.

PRESIDENT JONES:

Madam Secretary, Messages.

SECRETARY SHIPLEY:

I have a Message for the Governor by Larry O'Brien, Acting Deputy Chief of Staff for Legislative Affairs, dated April 8th, 2008.

Mr. President - The Governor -- Governor directs me to lay before the Senate the following Message:

To the Honorable Members of the 95th General Assembly - I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

Rod Blagojevich, Governor.

I have a Message for the Governor by Larry O'Brien, Acting Deputy Chief of Staff for Legislative Affairs, dated April 10th,

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2008.

Mr. President - The Governor directs me to lay before the Senate the following Message:

To the Honorable Members of the Senate, the 95th General Assembly - I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

Rod Blagojevich, Governor.

And a final Message for the Governor by Larry O'Brien, Acting Deputy Chief of Staff for Legislative Affairs, dated April 17th, 2008.

Mr. President - The Governor directs me to lay before the Senate the following Message:

I have -- to the -- I'm sorry. To the Honorable Members of the Senate of the 95th General Assembly - I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable -- Honorable Body.

Rod Blagojevich, Governor.

PRESIDENT JONES:

Senator James DeLeo, what purpose you rise?

SENATOR DeLEO:

Thank you very much, Mr. President. Ladies and Gentlemen of the Assembly, may I have your attention, please, for just a moment? I just would like the -- the -- the Body to recognize - - very often the people that are -- are very -- not recognized around here are our Doorkeepers. And last weekend one of our

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Doorkeepers passed away, Ed Bell. Ed Bell was -- worked this door, and in the past year, he's been up in the -- at the main door up in the gallery here, assisting classes and children and visitors here. And Ed was -- for about five years worked here. He was a -- decorated Springfield policeman for over twenty-seven years and retired at the rank of Sergeant. And -- shortly after retirement, he became a -- a Doorkeeper here in the Illinois State Senate. But what was interesting, people didn't know about Ed, and the classes and the -- the people that -- the crowds of people that came in here, he was -- he was a tough guy. He was a karate instructor and a martial arts instructor, an avid hunter. He went every fall deer hunting and turkey hunting. He enjoyed collecting, planting daylilies. And another thing, he -- he came here on his motorcycle almost daily. And he worked in -- in the Springfield Honor Guard, he was a drummer. So, he was -- Ed was quite a -- quite a versatile background. And I just want just a moment of silence for a -- a well-decorated Springfield policeman and a man that did a lot of good here for us and a lot of -- a goodwill ambassador helping these children and classroom and our visitors on a -- on a daily basis. So, with that -- last week was the services here in Springfield. Ed passed away and I'd just like him to be recognized by the Illinois Senate. Mr. President, so I'd ask a moment of silence in his behalf, sir.

PRESIDENT JONES:

Will the Senate please stand and all Members stand in a moment of silence for our -- our Doorkeeper, Ed Bell, who passed away recently? (Moment of silence observed) Senator Murphy, what purpose do you rise?

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SENATOR MURPHY:

Point of personal privilege, Mr. President.

PRESIDENT JONES:

State your point.

SENATOR MURPHY:

Following up on that and, you know, as we lose good people, the good news is sometimes we get some -- we add good people. And a great thing happened recently to one of our own. Our new Senator, Tim Bivins, just became a grandfather for the first time. He's got a brand-new grandson and we'd like to -- we'd like to acknowledge that and congratulate our friend Tim, Senator Bivins, and -- and welcome his grandson into the world.

PRESIDENT JONES:

Senator Millner, what purpose you rise?

SENATOR MILLNER:

Thank you, Mr. President. Rise to a point of personal privilege.

PRESIDENT JONES:

State your point.

SENATOR MILLNER:

Thank you. I'd like to introduce my Page for the Day, Molly Murray, and her grandparents, Bob and Peg Mueller, who are someplace -- ah! Over there. A welcome to Springfield.

PRESIDENT JONES:

Our guests rise and be welcomed by the Senate. Senator Halvorson, what purpose you rise?

SENATOR HALVORSON:

Thank you, Mr. President. I would like to introduce two of my Pages I have today - Jeannie and Allie, from Beecher,

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Illinois. They're here to learn about the wonderful things we do all day.

PRESIDENT JONES:

Will our guests rise and be welcomed by the Senate? Madam Secretary, Introduction of Bills.

SECRETARY SHIPLEY:

Senate Bill 3033, offered by Senator Schoenberg.

(Secretary reads title of bill)

And Senate Bill 3034, offered by Senator Schoenberg.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT JONES:

Madam Secretary, House Bills 1st Reading.

SECRETARY SHIPLEY:

House Bill 1809, offered by Senator Raoul.

(Secretary reads title of bill)

House Bill 4434, offered by Senator Holmes.

(Secretary reads title of bill)

House Bill 4471, offered by Senator Holmes.

(Secretary reads title of bill)

House Bill 4567, offered by Senator Holmes.

(Secretary reads title of bill)

House Bill 4675, offered by Senator Althoff.

(Secretary reads title of bill)

House Bill 5059, offered by Senator Holmes.

(Secretary reads title of bill)

House Bill 5243, offered by Senator Bivins.

(Secretary reads title of bill)

House Bill 5764, offered by Senator Demuzio.

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(Secretary reads title of bill)

And House Bill 5860, offered by Senator Forby.

(Secretary reads title of bill)

1st Readings -- 1st Reading of the bills.

PRESIDENT JONES:

Senator Martinez, what purpose you rise?

SENATOR MARTINEZ:

Thank you, Mr. President. Today here I am so honored to have some wonderful young men and women from my district that are here visiting. I would like the Senate to please welcome one of our high schools, Albizu Campos. Welcome to the Senate.

PRESIDENT JONES:

Will our guests in the gallery please rise and be welcomed by the Senate? We have a special guest who will be giving us some brief remarks to be introduced by our colleague, Senator Dahl.

SENATOR DAHL:

Thank you, Mr. President. Appreciate the opportunity today. If -- if I could have your attention for a few minutes, please. Ladies -- Ladies and Gentlemen of the Senate, if I -- if I could have your attention. It's -- it gives me great pleasure today to introduce to you Shary Alwardt, who is -- is here with me. Her -- her dad, Moe, is -- is back over here. Her mom and dad -- or, excuse me, her mom and sister - Susan is her mom and Shary -- or Sarah is her sister - up in the gallery, along with her high school government class from Lutheran High School, are also up here today. It's with -- with joy and sorrow that I stand here. Sixteen years ago, I lost a daughter and she was a organ donor, which helped ease the pain. And with

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us today is -- is Shary, who is a heart and double lung -- double lung recipient of a transplant. And I want Shary to have the opportunity to tell you a little bit of her story, how important it is that we get the word out for organ donors. Shary and -- and her dad - I've known them for many, many years - they are Senator Bomke's constituents. Shary's dad has been a business associate of mine for many, many years. So, Shary, if you would, please.

SHARY ALWARDT:

(Remarks by Shary Alwardt)

PRESIDENT JONES:

Senator Link, what purpose you rise?

SENATOR LINK:

Thank you, Mr. President. There will be a Democratic Caucus in the President's Office immediately, for one-half hour.

PRESIDENT JONES:

Okay. Senate Democratic Caucus in the President's Office in -- one-half hour. Senator -- Senator Risinger, what purpose you rise?

SENATOR RISINGER:

Thank you, Mr. President. The Senate Republicans would also like a thirty-minute caucus in Senator Watson's Office.

PRESIDENT JONES:

Okay. Senate Republicans will caucus for thirty minutes in Senator Watson's Office. We will recess this Session and return to the Floor at the call of the Chair at 2:10 p.m. 2:10 p.m. We have a lot of work to do. So, our caucus will -- be brief. We will return to the Floor at 2:10 p.m. We'll stand at recess. Senator Hunter, what purpose you rise?

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SENATOR HUNTER:

Point of personal privilege, Mr. President.

PRESIDENT JONES:

State your point.

SENATOR HUNTER:

Thank you, Mr. President. I have another group of young -- fine, young people down here visiting with me today. Actually, they are from my elementary school. They are from Beethoven Elementary School, from Chicago. They're up here in the balcony. And they're supervised by Mrs. Betty Battles.

PRESIDENT JONES:

Will our guests in the gallery please rise and be welcomed by the Senate? Senator Hendon, what purpose you rise?

SENATOR HENDON:

Thank you, Mr. President. Point of personal privilege.

PRESIDENT JONES:

State your point.

SENATOR HENDON:

I'd like to introduce some students from the great west side, from one of the best high schools we have on the west side of the City of Chicago in my district. The students from Charles Houston High School. Give 'em a big hand. Welcome them to the Illinois Senate. Stand up and be welcomed to the Senate.

PRESIDENT JONES:

Will our guests please rise and be welcomed by the Senate? The Senate will stand in recess to the call of the Chair at 2:10 p.m. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR DeLEO)

Senate will come to order. All right. Ladies and Gentlemen, for purpose of an announcement. Ask all Members within the sound of my voice, please return to the Senate Floor. We will be going to Constitutional Amendments, final passage, 3rd Reading, immediately. So, we'd ask all Members please be at their desks. All Members within the sound of my voice, please return to the Chambers. Thank you. Senator Brady, for what purpose do you seek recognition, sir?

SENATOR BRADY:

Thank you, Mr. President. You just indicated we were going to the Order of Constitutional Amendments.

PRESIDING OFFICER: (SENATOR DeLEO)

That's correct. Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. Pursuant to Senate Rule 7-9, I move to discharge the Senate Executive Committee from further consideration of House Joint Resolution Constitutional Amendment 28 and it be placed on the Calendar under the Order of Constitutional Amendments 1st Reading. You've called a very important Order - an Order that we discussed last week, Mr. President -- an issue that is important to the people of Illinois. And over the last week, our failure to act on this has led discussions over in the other Chamber, that if we do not give the people the right...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady, your -- no. Your question is -- we're not going to do speeches right now. We're going to do some business

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of the people. Your question is, that -- will be addressed very, very, very shortly, as soon as we're done with this little order of business. Some -- let me finish. Let me finish. The Committee on Rules will be meeting and I think all your concerns will be answered very, very shortly in the next few minutes, sir. So... Senator Righter, are you seeking recognition, sir? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. A parliamentary inquiry. I'm not...

PRESIDING OFFICER: (SENATOR DeLEO)

Please -- please state your inquiry, sir.

SENATOR DILLARD:

I'm not going to give a speech. But Senator Brady's request, that bill, is that printed on the Calendar anyplace?

PRESIDING OFFICER: (SENATOR DeLEO)

What bill is he referring to, sir? I think there's a -- there's a House joint resolution, sir. Senator Dillard.

SENATOR DILLARD:

The constitutional amendment that Senator Brady's trying to -- to discharge, No. 28, is that on the Calendar anyplace, the printed Senate Calendar for the day?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Dillard, for purposes of clarification, sir, are you talking about the motion that Senator Brady just made, or you talking about the -- the status of the -- the -- the House joint resolution, sir? Senator Dillard.

SENATOR DILLARD:

The actual constitutional amendment, No. 28 - I believe

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sponsored by Senator Donne Trotter - is that -- is that printed on the Calendar that we have before us today for our business at all?

PRESIDING OFFICER: (SENATOR DeLEO)

No, sir. If you'll recall prior to the -- the break, it's -- the sponsor's still holding the bill {sic} in committee. It's still in Executive Committee. Senator Dillard.

SENATOR DILLARD:

Thank you. Just to -- to segue, I guess, and one other parliamentary inquiry: my seatmate, my -- my friend over here, Senator Cronin, I know, had a recall question as well and I think that -- it wasn't you, Mr. President, but somebody else who was in the Chair insinuated or promised that it would be printed on the Calendar. What's the status of Senator Cronin's recall issue being printed on our Senate Calendar?

PRESIDING OFFICER: (SENATOR DeLEO)

Well, I know his motion is still on file with the Clerk's {sic} Office. And I believe it's still -- Senator Cronin's bill is still in the Rules Committee, if I'm correct, at this point, and I think that it will be addressed very shortly, sir. Senator Dillard.

SENATOR DILLARD:

Thank you. One more question. So, you said, sir, that we're going to go to final passage of constitutional amendments. Are we just going to do the one that's the big income tax increase or are we going to do a recall one today?

PRESIDING OFFICER: (SENATOR DeLEO)

We're going to do the one printed on the Calendar, sir. Further discussion? Senator Brady, are you seeking recognition

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for the second time, sir? Senator Cronin, are you seeking recognition on this motion, sir? Or...

SENATOR CRONIN:

Yes. Inquiry of the Chair, if I may.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your inquiry, sir.

SENATOR CRONIN:

You know, I -- I came down here today after a week off and I was really excited to get here, looking forward to, you know, seeing you in the Chair, a man who should know how to do the right thing here. And, you know, we've been hearing a lot from folks back home. The last week, all I heard from people was, you know, "Senator Cronin, are you going to -- are you going to let people have a say on recall?" "Are you going to influence your colleagues in the State Senate to genuinely put this issue before the voters?" And I said, I'm confident that the Democrats, who run the State Senate, will have my motion to discharge. Now, there's two motions to discharge that I've filed, and I came down here and I eagerly picked up the Calendar today and I notice that it's -- that it's nowhere to be found. So, I can only conclude, when I go back home and say the Democrats don't really care about recall, they care more about raising income taxes. I mean, would that be a fair thing -- a message for me to take back home, Senator DeLeo?

PRESIDING OFFICER: (SENATOR DeLEO)

Fair is in the eyes of the beholder. Senator Cronin, I think your questions will be answered today in the Rules Committee. As you may recall, last week there was a hearing on the recall bill in the Senate Executive Committee - eight or

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nine days ago. The sponsor - because of numerous inquiries and numerous conversation out of that committee, the Executive Committee - has drafted some amendments that will be heard very, very shortly that addresses concerns that came out of that committee. So, the Senate Democrats, along with Senate Republicans, hopefully will be working on recall legislation in the very next few hours, sir. ...Cronin, for a second time.

SENATOR CRONIN:

Thank you, Mr. President. Just to sort of follow up on those thoughts: Please, for the record, make sure everyone's paying attention here. We're talking about one recall provision. That's the only one that has a chance; the only one that's real. And that is the House Joint Resolution Constitutional Amendment 28. So, if there's any other gamesmanship that -- please.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you so much for that editorial. Thank you. Seeking further recognition. Senator Althoff, are you seeking recognition, ma'am?

SENATOR ALTHOFF:

Yes, I am, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

State your inquiry.

SENATOR ALTHOFF:

Just following on some of the line of questioning here and a comment you made with regard that all soon will be clear with regard to House Joint Resolution 28: I -- I've got in my hand copies of letters that my Representative, who is the House sponsor on this joint resolution, has filed, requesting that

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there be a change of sponsors with regard to the legislation from our fine Senator Trotter to our fine, equally fine, Senator Garrett. Will -- will that also be considered?

PRESIDING OFFICER: (SENATOR DeLEO)

And those letters have been filed with the Clerk? The Secretary, excuse me. I'm confused. The House. The Senate. The Clerk in the House. The Secretary in the Senate. So, the -- the -- the lead sponsor in the House has requested a sponsor change? Let me do an inquiry and I'll get back with you very shortly on that. Senator Althoff.

SENATOR ALTHOFF:

Just to make the record clear, he's not made one; he's sent one every day for the past several days, since April 21st.

PRESIDING OFFICER: (SENATOR DeLEO)

That is Representative who?

SENATOR ALTHOFF:

Representative Jack Franks from McHenry County.

PRESIDING OFFICER: (SENATOR DeLEO)

He has a Xerox machine?

SENATOR ALTHOFF:

It -- it looks to me like he took the time to do every single one of these himself.

PRESIDING OFFICER: (SENATOR DeLEO)

He's...paper?

SENATOR ALTHOFF:

It's a renewable resource, paper. Trees.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. I'll look into it...

SENATOR ALTHOFF:

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Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

...and let you know. Thank you. Senator Jacobs, are you seeking recognition, sir?

SENATOR JACOBS:

Mr. President, I have a question of the nonexistent sponsor to the nonexistent bill. Can we move on with our business?

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Hunter, are you seeking recognition, ma'am?

SENATOR HUNTER:

Yes, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point.

SENATOR HUNTER:

I have, once again, another school from my district visiting with us here today. They are from the Sexton Elementary School. And they're located in the President's Gallery and they are escorted by Sharon Wingfield and Carolyn Ludlow.

PRESIDING OFFICER: (SENATOR DeLEO)

...you. Will our guests please rise and be recognized? And welcome to the Illinois State Senate. Okay. Ladies and Gentlemen, I'd ask you to turn to page 13 of your Calendars. Page 13. In the middle of page 13 on the Calendar is the Order of Constitutional Amendments 3rd Reading, is Senate Joint Resolution, Constitutional Amendment, 92. Senator Frerichs, do you wish your resolution considered, sir? He indicates he does. Madam Secretary, please read the resolution, as amended, in full

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for the third time.

SECRETARY SHIPLEY:

Senate Joint Resolution 92, Constitutional Amendment, as Amended by Senate Amendment No. 2.

(Secretary reads SJRCA No. 92, as amended by SA No. 2)
3rd Reading of the constitutional amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Frerichs, to explain the constitutional amendment, sir.

SENATOR FRERICHS:

Thank you very much, Mr. President. This constitutional amendment has been fun to work on. I've worked with a lot of colleagues and organizations that I don't normally work on with bills. We've gone through several iterations, amendments. And I think what we have is a good amendment to put forward in front of the voters. Now, there's been a lot of disinformation. There has been a lot of disinformation out there about this bill. First of all, I -- Mr. Jim Tobin, from the Taxpayers United of Illinois, has said that I am from Springfield. Senator Bomke, this is no attempt to take over your seat. I still intend to remain in Champaign. But other people have been making calls throughout the district, have been putting out information saying that this is a tax increase, that this is going to set rates into the Constitution. I think they're confusing this with Representative Smith's bill, which would have done those things. What this bill simply does is remove a mandate that we, in Illinois, have to have nongraduated rates for income taxation. This is about giving voters a say - allowing this to be put on the ballot for them to have a choice

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whether or not they want to have this. And really what I think happens, if they ultimately approve this, is we have tax fairness. Right now, we have a very regressive system in Illinois. And I've had people ask me, "Well, if it's the same rate for everyone, how can that be regressive?" Because our tax structure includes consumption taxes and excise taxes that put a greater burden on the lowest earning people in the State of Illinois. What we have in Illinois: In recent years, the poorest eighty percent of Illinois families faced tax liabilities above the national average, while the wealthiest twenty percent paid taxes well below the national average. And that comes from the Institute on Taxation and Economic Policy. Illinois' consumption tax structure is equivalent to an income tax of 7.8-percent rate for the poor, a 4.7-percent rate for the middle class, and a one-percent rate on the wealthiest Illinois taxpayers. We've seen a lot of changes in our economy in this country and the State over the last thirty years. Since 1979, the majority of growth that occurred in Illinois went to the wealthiest ten percent of taxpayers. In 2005, the bottom forty percent of income earners in Illinois actually took home less money in adjusted-for-inflation dollars. I think this Body will determine what those rates may or may not be. This Body may determine to not change our tax system at all. But I believe that the voters of the State of Illinois deserve the opportunity to weigh in on this issue, which I think is ultimately an issue of tax fairness. I know there's a lot of disinformation out there. I know there'll be many questions. I would be happy to attempt to answer them.

PRESIDING OFFICER: (SENATOR DeLEO)

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WICS, here in Springfield, requests permission to videotape. Leave is granted. Okay, seeing no discussion... Okay, we have a number of people seeking recognition on this matter. We'll start with Senator Radogno. Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. I don't dispute that there is a good policy discussion to be had about whether or not we ought to have a flat income tax or graduated income tax. There actually are arguments in -- in favor of a flat income tax. Also, when we're changing just one element of the whole tax system, we are not addressing sales tax, property tax, which I think are other essential components. So, I think that there is some risk in only addressing one piece of the puzzle, without taking a more comprehensive look. I'm not in favor of this. And part of the reason I'm not in favor of it is, one, we can have a discussion about our tax structure. We can have a discussion about a fair versus graduated income tax without losing control over the discussion, which is what I fear the people of Illinois will do. If they allow this Body and -- and this current administration to impose a graduated income tax, they will lose control over what those taxes are. This administration and, frankly, the Democrat-controlled House and Senate has shown absolutely no willingness to control spending. And, in fact, at the very time that we're having all kinds of financial problems, they continue to increase spending and have asked for a number of tax increases in a number of ways - the GRT. We've gone through a -- a litany of them in the last few days. So I think -- or the last few -- few years. So, I think what this will inevitably result in, even though that may not be

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your intention, is a tax increase for sure. We don't know what -- what the parameters of that increase might be. A number of states have graduated income taxes. And, in fact, they're graduated higher than three percent on people that earn thirty and forty thousand dollars a year. So there is absolutely no guarantee that once the people remove the limit that they have right now on the flat tax, that people who earn twenty, thirty thousand dollars a year will not have higher income taxes than they have today. We hear this continual desire for increased funding for a number of programs. It doesn't make sense that this would end up being a revenue-neutral item. So, I guess my question for you is, do you anticipate or do you desire to have this be revenue-neutral?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

Well, I guess I would start off by saying that I agree that we need to have a discussion about tax structure, not just a discussion about income tax and whether it be graduated or not. We need to look at property taxes, sales taxes. But the fact is, until we pass this, we can't have that discussion. We are constitutionally prohibited from having a discussion on a graduated income tax, just as -- since there's -- there's no guarantee that this Legislature won't run away and raise -- and raise taxes. You're right, I can't answer that. There is no guarantee, as there is no guarantee we wouldn't do that tomorrow here in this Body. There's nothing prohibiting this Body from raising the income tax in the State of Illinois, except we're all accountable to voters back home. I listen to those voters

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and I know what I -- what I think they want me to do here. I know that you all go back to your districts and answer to them. And I think that it's those voters that have kept those big tax increases from coming. I think that the voters ought to have some say about the system, whether it be progressive or regressive. And then we will have to go out and face reelection. And so I think we can have an honest discussion at that point.

PRESIDING OFFICER: (SENATOR DeLEO)

One second, Senator. Senator Jacobs, you seeking recognition?

SENATOR JACOBS:

Mr. President, I call the question.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The gentleman's moved the previous question. We have one, two... We have thirteen people seeking recognition. I'd ask the Parliamentarian to take attendance of the thirteen lights that are... Senator Radogno, for further discussion?

SENATOR RADOGNO:

Just one point of clarification. Senator Frerichs, you said there is a constitutional prohibition against us discussing this without the amendment. That is simply not true. We can have a discussion about the merits of a graduated versus flat income tax. We can have a discussion about what that would look like and that makes a lot more sense for me -- to me for us to do that and then put out to the people where it is we intend to go with this before we ask them to just turn that power over. So, yeah, I'm not -- I am not, you know, asking you for a response to that. I know there's a number of other people that

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want to speak. But, Mr. President, I do want to just go back to a motion that was made earlier. Senator Brady made it. And I would also like to move that pursuant to Senate Rule 7-9, I move that we discharge the Senate Executive Committee from further consideration of House Joint Resolution Constitutional Amendment...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator -- Senator -- Senator -- Senator -- Senator -- Senator, we're not on that business. We're in the middle of a -- we're in the middle of a bill. Senator Murphy, you seeking recognition, sir?

SENATOR MURPHY:

Yes, Mr. President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeLEO)

He certainly will.

SENATOR MURPHY:

Senator, I -- I appreciate your concern about the effects of a regressive tax structure and the impact on tax policy of those that are maybe from the middle class on down. One of the things we've recently proposed is treating gasoline purchases from a sales tax standpoint - treating gasoline as a necessity. So, from the State's percentage, it'd go from five to one. As we see gasoline nearing four dollars a gallon, the poorest, obviously, that's going to hit the hardest. And the more money that comes in, the higher that gas price goes up, the -- the bigger windfall the State sees from these poor working-class Illinoisans. So, I guess the -- my question at this point would be, would you be open to discussing and supporting treating the

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sales tax on gasoline as a necessity and dropping it from five to one to help give tax relief to those in that bracket?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

I thank my colleague, Senator Murphy, for bringing that up. This is something -- I have introduced bills this year and last year that passed out of this Chamber that would lower the amount of tax we collect on gasoline in the State of Illinois. I would be open to further discussions for doing that. Unfortunately, those bills have gone over to the House and have died. They've gone no further. I think that I would like to see further discussion on ways that we could help people at the lowest end of the income spectrum in the State of Illinois. I would be happy to work with Senator Murphy on that.

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion? Senator Murphy.

SENATOR MURPHY:

To the bill, Mr. President. I appreciate the -- the sponsor's comments on that. But make no mistake about this attempt to allow a progressive income tax in Illinois: This is nothing more than the first step towards raising taxes on Illinoisans. The bottom line is, when you raise taxes to try and help the poor -- you raise taxes on the rich to try and help the poor, I see no -- no way - there's no evidence - that raising taxes on the rich and taxing the poor's job out of Illinois helps the poor in any way. This is the first step toward doing that. This is the wrong road to go down. The people of this State need tax relief. They don't need an

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increased tax burden. This is the first step in this. You know, I've joked with several people in this Chamber. I said this would be great to have a progressive income tax if you put the rate at two and one. Let's give people some tax relief in this State, put money back in their pocket and get the State moving again. That's what the people of Illinois want, not a tax increase. We shouldn't -- we shouldn't be wasting the people's time on raising taxes. We need to stimulate growth and put people back to work. I appreciate the sponsor's position. I have the utmost respect for him, but this is bad policy, Ladies and Gentlemen.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Further discussion? Senator Lauzen, are you seeking recognition on this resolution, sir?

SENATOR LAUZEN:

Yes, sir. Thank you very much, Mr. President. Senator, I respect the work that you're doing in this area as...

PRESIDING OFFICER: (SENATOR DeLEO)

Asking the gentleman for a question? The sponsor indicates he'll yield for a question, sir.

SENATOR LAUZEN:

You're moving along the debate here on this important issue. I understand -- I -- I believe that I understand and I'm going to ask you to confirm it. That'll be the nature of the first question of just a couple. I understand that the premise of your bill here is basically that a graduated income tax is fair -- or more fair because the wealthy should pay more than those in the lowest income rates. Is that right?

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Frerichs.

SENATOR FRERICHS:

I would say that I believe that people should pay a similar percentage of their income. I believe that's fair. And currently, if you look at our total tax structure, the people at the lowest end of the income spectrum are paying a higher percentage of their income than people at -- that are more affluent. So...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator...

SENATOR FRERICHS:

...I think Senator Murphy when he talked about he would like to see a progressive income tax level of -- of two percent at the highest and one percent for the lowest. That is a conversation we could have. And more than just a conversation; that's something we could vote on, if the voters pass this. But, they can't pass this, until we give them the opportunity to speak.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lauzen.

SENATOR LAUZEN:

Understand. Unfortunately, a little confusing. I -- I think that a graduated income tax that we'd be discussing -- all of our constituents would be discussing, if this is put on the ballot, is a matter of the rates, the tax rates being more for those who are earning more. I would ask you to consider that fairness may be a matter of the dollars paid, rather than the rate that's paid. I was handed by -- by proponents, I believe, the rate that you were talking about earlier in your

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presentation, that the people in the lowest brackets in Illinois have a State and local tax burden as a percentage of income of 12.7 percent on eighty-nine hundred dollars, which means if you multiply those out, it's about eleven hundred dollars. How much more should the people in the top one percent income bracket pay than those? About what percentage would you feel would be fair? How many -- what multiple? How many times more should the wealthy pay in dollars or -- as a factor versus those at the lower end of the income..

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

I guess I don't look at this in terms of whole dollars. I think the people who have been blessed and have more, they will -- they will pay more. But my point is, this is a question of fairness. It was based on percentage of income. Now, you may disagree and think that everyone should pay the same amount of a tax. But, I disagree, fundamentally. And, so, I -- I wouldn't be prepared to answer what multiple of. But if they were all paying a similar percentage of their income, I would think that would be fair. Other people in this Body may disagree. And, so, we could -- we could have that discussion about different multiples and difference in rates, if we can pass this. But, at this point, our Constitution prohibits us from voting on those differences.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lauzen.

SENATOR LAUZEN:

To the -- to the bill, and thank you very much.

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PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir. To the amendment...

SENATOR LAUZEN:

Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Constitutional amendment, sir.

SENATOR LAUZEN:

To the constitutional amendment: Right now, our current structure is graduated when it comes to the dollars that are paid. The current situation is that the people in the top one percent pay sixty times that -- that one thousand dollars -- or the eleven hundred dollars at the lowest end of the spectrum. Sixty times more in the dollars paid in the sacrifice to the family. I think that that's going to be an important part of why I would suggest that we don't make it even less attractive to live and work and employ in the State of Illinois. So I would urge a -- a No vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Further discussion? Senator Risinger, for what purpose do you rise?

SENATOR RISINGER:

Thank you, Mr. President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeLEO)

Sir, he indicates he'll yield for a question. Senator.

SENATOR RISINGER:

Senator, I know that you say this is not a tax increase. But the truth of the matter is, we wouldn't be even looking at it if we weren't moving in that direction - at least a tax

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increase on some. So, I guess my question to you is, isn't it your intention that if this bill passes, then, to move to raise the taxes on some higher than others?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

I would think that might be my intention. But I am one of fifty-nine Senators. We require a majority of people to pass something. But I think really what this is, is about giving the voters of Illinois an opportunity to see if they want to have fairness as I define it. And it requires, for this to pass, sixty percent of this Body, sixty percent of the House, sixty percent of the electorate coming out. That is a fairly high standard, and if we reach that standard, I think the public will have spoken and say that they agree with me.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Risinger.

SENATOR RISINGER:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

The bill, sir. To the -- to the amendment, sir.

SENATOR RISINGER:

To the amendment: Senator, I agree that -- what you're saying. But, you know, we need to be truthful about this, if we're going to vote on it. We need to be telling the people that we're looking to increase taxes on some and, in fact, to increase the income of State government. And I don't think that this is the kind of thing that we ought to be doing right now. We're in a -- a situation where the State needs more revenue.

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We don't need to be pounding on the people that are creating the jobs and creating the revenue in this State. So, I -- I'm going to be voting No on the amendment. But I don't think that it's the right position to be going. I don't think we ought to be allowing Senators like Lauzen to be making more money, the CPAs. We have a tax structure right now that is very simple. It's pretty easy for the people to fill out. We don't need to complicate that issue. And, right now, like Senator Lauzen said, the rich are paying more money - many, many times more money - and they really are financing the government. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion on the constitutional amendment?
Senator Pankau, are you seeking recognition, ma'am?

SENATOR PANKAU:

Yes. Will the sponsor yield for two questions?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator indicates he'll yield for a question, ma'am.

SENATOR PANKAU:

When the -- when the Secretary read the resolution, I did not hear the actual question that will be put on the ballot, if this passes. Do you know what the actual question will be that will be put to the voters?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

It's my understanding that that amendment will be printed should this pass for the voters. But we don't have...

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Pankau.

SENATOR PANKAU:

So we're going to be voting on something that we don't even know the wording of? We just have to trust the writers that the intent will be there. Is that correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

Okay. I'm going to let -- let people know that I -- I am not a practicing attorney, and if there is someone who has studied constitutional law, I'd be happy to have them help me out. But it's my understanding that the constitutional amendment structure is such that we vote on this and say that it shall be on the ballot.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Pankau.

SENATOR PANKAU:

And then to my second question. In your earlier remarks in answer to a question, somebody asked you if you felt that this was going to be revenue-neutral, and I don't believe you actually answered that question, but -- in your answer. And -- you also referred to many, many meetings that you've held on this important issue. Has there been a chart? In any of your meetings, has anybody done a chart that would show what the rates would be, what the incomes would be, if this were to be revenue-neutral, so that people will know who this is going to affect and who it isn't going to affect?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

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SENATOR FRERICHS:

...explain once again, this bill is revenue-neutral. This -- this bill does not set any new rates. There is no chart that can be created because this bill is just changing the Constitution. We could put together all kinds of charts with different proposals. I imagine some people will be -- putting forward proposals to raise the income tax rates on those at the highest end. I'm sure that there'll be people on your side who'll be proposing tax cuts for people across -- across the aisle -- across the way. However, there's no way to prepare a chart because there is nothing that this bill or amendment does that is going to change rates.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Pankau.

SENATOR PANKAU:

My understanding is that there's a booklet that is put out with a constitutional question. Will such a chart be in -- included in the information for the taxpayers to know where they might be in the structure?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

...will be no chart detailing different rates in the -- that this -- will come of this because there are no rates in this -- in this bill -- in this amendment. If this amendment passes, at that point we could discuss changes. And our staff on both sides of the aisle would provide analysis for us in making a decision on a new tax structure. Or what's entirely possible is, as we have for the last several years, we could decide the

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status quo is fine, let's do nothing different. So, no, there will be no charts in any booklets, because there is no consequence -- a direct consequence for a tax increase with this amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Pankau.

SENATOR PANKAU:

Then to the bill, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

To the -- to the constitutional amendment.

SENATOR PANKAU:

To the constitutional amendment: There's an old saying that goes, "The devil is always in the details." And there are a whole bunch of details in this particular proposal that aren't there. I urge a No vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Further discussion? Senator Cronin. Senator Cronin, are you seeking recognition?

SENATOR CRONIN:

Yes. Thank you, Mr. President. Inquiry of the Chair, and then to the bill, please.

PRESIDING OFFICER: (SENATOR DeLEO)

State your inquiry.

SENATOR CRONIN:

What is the requisite number of votes for this provision?

PRESIDING OFFICER: (SENATOR DeLEO)

...will -- this will require a three-fifths constitutional majority to -- to be passed, sir. Senator Cronin.

SENATOR CRONIN:

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Thank you. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir. To the -- to the -- to the constitutional amendment.

SENATOR CRONIN:

To the -- to the provision, or the measure: You know, anyone who knows a little bit about the Constitutional Convention from 1970 knows that there was a considerable amount of deliberation and careful consideration of what is before us right now. And I would advise a lot of -- a lot of you on the other side of the aisle to get familiar real fast with some of your Democratic colleagues and leaders said way back then about the evils and the dire consequences or concerns, serious concerns, that -- that they had, that they expressed about a graduated income tax. You couple that with the outrageous - outrageous - fact that we don't even have language in front of us right now to talk about this concept, because how it's drafted, the language that is employed, is -- is -- is definitive of the issue. So, this is -- I mean, listen up, taxpayers, what's going on here right now. We had a recall provision that we may see. Something -- there's some game going on and we'll see it in a little while, but it's not real. But what is real is that Democrats want to change the Constitution at a time here in the State of Illinois when we are billions of dollars in debt, hundreds of millions of dollars in deficit spending, when we can't pay our bills. There's all sorts of programs. Big ideas about big government. Does anyone think that this is not a tax increase? No reasonable person in the State of Illinois will ever believe you, with all due respect to

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the sponsor. Now, the Dems have proposed the GRT, income tax increase, raiding funds. They want to look at property taxes. They want to look at income taxes. Look, the bottom line is, take a step back, people - those who are listening, those who are watching the process - there can only be one conclusion. And the conclusion is, if you vote for this, you're voting for an income tax increase. Period. Exclamation point. I urge a No vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Further discussion? Senator Dillard, are you seeking recognition on this constitutional amendment, sir?

SENATOR DILLARD:

Yes, sir. Thank you, Mr. President. I rise in opposition to this Senate joint constitutional amendment. And I do so because Illinois in most national studies rates forty-seventh or forty-eighth in economic development. We have the highest sales tax in the country in Cook County. And we just had recently a professor here, trained in Senator Frerichs' backyard, at the University of Illinois - he's now a Professor of Economics at Ohio University - Professor Richard Vedder, who was in town speaking to a group of legislators a couple of weeks ago on a study, a national study that came out, called Rich States/Poor States, written by the great Dr. Laffer of the famous Laffer curve. And one of the things that Professor Vedder told us is that in spite of high workers' comp rates, the highest sales tax in the nation, and all of the -- the economic impediments that make us the forty, or forty-seventh, or forty-eighth in job-creation State in the last five or six years, we do have one thing going for us in Illinois, and that's that we have a simple

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flat income tax. He said it's the one thing that your State still has left, the figment -- or, the fig leaf of some cover of a State that cares about job creation or economic development, and that's the simple flat income tax that we have. And I think if you know a little bit about how small businesses - and Senator Lauzen would be the expert, I think, on this - but how small and family businesses operate, a graduated income tax is a killer to small and family-owned businesses. So, to do this, I think, takes away, as Professor Vedder said - trained at the University of Illinois in the sponsor's district - our one last good economic development tool that we have. And I guess just to close, Mr. President: You know, perhaps this would be a little more tasteful - we're sitting here trying to raise income taxes on the people of Illinois - if we'd also let the people of Illinois be able to go up or down on recalling their public officials. And on that vein, Mr. President, you ruled the Deputy Leader, Senator Radogno, out of order when she wanted to discharge House Joint Constitutional Amendment No. 28, and I'd like to ask and -- and appeal the ruling of the Chair and request a roll call on your ruling on the recall constitutional amendment, Mr. President. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Dillard, there was no ruling from the Chair on -- on her request. So, we will get back to it. ...Righter, you seeking recognition on the constitutional amendment, sir?

SENATOR RIGHTER:

Thank you, Mr. President. I am. First, a point of order, if I might, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

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State your point, sir.

SENATOR RIGHTER:

I'm taking, from the Chair's comments to Senator Dillard, Mr. President, that Senator Radogno's effort to make a motion with regards to House Joint Resolution Constitutional Amendment 28 was not out of order. If that's the case, then I would make that motion, pursuant to Rule 7-9, that we discharge from consideration from the Executive Committee House Joint Resolution Constitutional Amendment No. 28.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter, please, now. Let's -- you know that Senator DeLeo is always fair in the Chair. We're in the middle of debate on a constitutional amendment. You want to -- renew your request and you want to have a -- a roll call, you want to have a -- whatever you'd like to do, whatever rule you'd like to impose on this Body, I'll be -- this -- this Chair will be more than glad to entertain any motion that any Member of this Body has, both sides of the aisle. We're in the middle of a debate. We have thirteen people seeking recognition to speak on a very important constitutional amendment, sir. And we're not going to break the process of the chain in the middle of this gentleman's presentation, and we will come back and if you'd like to -- at this point -- at this point, if you'd like to address the constitutional amendment, you're more than -- you have the Floor, sir. If you'd like to hold your request for the motion, we'll get back to that after this is over with, sir. Senator Righter.

SENATOR RIGHTER:

Mr. President, I have made a motion pursuant to our rules.

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And I'm asking you to address that motion, please.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter, if -- on page 39 of our rule book, the Senate rules, on the bottom of page 39 is Senate Rule 7-5, sir. And it says when a question is under debate, no motion may be entertained except to adjourn to a certain time. So, I'd ask you at this time to present your writing in motion {sic}, deliver it to the -- to the Secretary of the Senate and we'll entertain your motion, sir. Do you have a -- do you have a comment or question of the sponsor in regards to Constitutional Amendment No. 92, sir? Senator Righter.

SENATOR RIGHTER:

Thank you. Mr. President, by citing Rule 7-5, you have ruled my motion out of order. I am now appealing that ruling and requesting a roll call.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Senator Righter is appealing the ruling of the Chair. The ruling of the Chair was that Senate Rule -- 7.5 {sic} prevails. And Senator Righter is objecting to that, so he's asking those to overturn the ruling of the Chair. So the question is, Ladies and Gentlemen, should the ruling of the Chair be sustained. So those in favor of the Chair will vote Aye. Those opposed of the Chair will vote Nay. Once again, Ladies and Gentlemen, the question is, shall the ruling of the Chair be sustained. Those in favor will vote Aye. If you're voting with the President and the Chair, you'll be voting Aye. If you're opposed, you'll be voting Nay. Very simple. The voting is open. The question is, shall the ruling of the Chair be sustained. All those voting Aye to sustain the ruling of the

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Chair will -- and those voting Nay to overturn the ruling. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 35 Ayes, 21 Nays, 0 voting Present. Having failed to receive the necessary three-fifths negative votes, the appeal fails and the ruling of the Chair is sustained. Senator Hendon, are you seeking recognition, sir?

SENATOR HENDON:

Yes, Mr. President. I want to commend you for your patience. But I -- I just want to remind you, as the Presiding Officer, you -- you are duty bound to move the business of the Senate forward and I hope that you're going to do that. It's quite disrespectful for the sponsor of this bill to have all of these unnecessary motions in the middle of him almost closing on his issue. So I would hope that you -- the Republicans would keep that in mind. You've been a gentleman, but, you know, don't bend too far in trying to be nice, because it is wrong for -- to do that in the middle of Senator Frerichs' constitutional amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. The Chair, once again, has tried to entertain and not gone to the debate timer, even though there was thirteen people seeking recognition, Senator Hendon. So, I think the fair -- the Chair's been more than fair and impartial, and if certain Members of this Body want to continue interrupting the process of a fair hearing on a constitutional amendment, then we will deal with the matters as it comes about. Senator Righter, for what purpose do you rise, sir?

SENATOR RIGHTER:

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Thank -- thank you, Mr. President. First, my compliments and sincere thanks to the Chair for following the rules despite some pressure, obviously, to do otherwise. I don't think that you are in need of such an admonition. I would now like to address House {sic} Joint Resolution, Constitutional Amendment, 92, if I might, sir.

PRESIDING OFFICER: (SENATOR DeLEO)

To the constitutional amendment, sir.

SENATOR RIGHTER:

Thank you -- thank you. Ladies and Gentlemen of the Chamber, what we have before us is a serious policy proposal. And my compliments go out to both the chief sponsor and to his chief cosponsor, Senator Raoul, for doing what I know they believe to be the right thing to do. And maybe, maybe, in the world of perfect public policy, this is the right thing to do. But, Ladies and Gentlemen, I can't speak for your constituents, but I can speak for mine. They do not feel like they are living in a world of perfect public policy right now. They feel like they are living in a world where State government will turn their pockets inside and out every chance they get in order to spend more of your money on duplicity and waste and things with -- which they, as individuals and families and small business owners, would not dare do. You know, a few weeks ago, Mr. President, there was voted on in the House a constitutional amendment resolution that would have put in place in the Constitution a progressive rate system. Again, my compliments to the sponsor and the people who have worked with him on this in not going that far. But over there, over there in the House, fifty-two elected Members of the House voted for a massive tax

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increase. Each and every one of those, or at least almost each and every one of those, was a member of the Democrat Party that controls Illinois State government right now. Almost eighty percent of the Members of the majority party who serve in that Chamber said, yes, we want a gigantic tax increase, because we think that's the only way to solve our problems. My constituents, and I would suggest to you that a large portion of the constituents that we all represent, do not believe that the best and certainly not the only answer here is to pave the path to a tax increase. Again, for the third time, my compliments to the sponsors, because they have both been honest in the Senate Executive Committee and said that we favor a progressive rate in place. And one has gone so far as to say, "I favor bringing more revenue into the State." How can anyone -- how can anyone in my district or yours hear those words and not say, "You know, this isn't about a meaningful policy reform; it's about tax increase"? Because in the end, that is what this is about. If you believe it's appropriate to send the message back home that before you deal with some of the other important issues here, we have to clear the way for a major tax increase, then you should vote Yes on this. If that's the message you want to send back home, then you should absolutely vote in favor of HJRCA 92. But for those of you who want to send the message back home that there are other things we need to do before we dip deep -- dip even deeper into taxpayers' pockets, then the only vote here is a No vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Further discussion? Senator Hultgren, are you seeking recognition on the constitutional amendment, sir?

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SENATOR HULTGREN:

Thank you, Mr. President. To the constitutional amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

To the amendment, sir.

SENATOR HULTGREN:

Thank you, Mr. President. I -- I do think it's important for the people of Illinois to be able to have the ability to vote on a recall provision. Oh! Wait a second. That's -- that's a different constitutional amendment. I apologize. We're not -- we're not given the opportunity to debate that one. So let me talk about the one that we are able to debate, and that is, should we be talking about increasing -- or having a graduated income tax here in the State of Illinois. There's talk about, is this actually an income tax increase -- is it a tax increase on our constituents or not? Some people saying no. Some people saying yes. I think the best way to look at "is this a tax increase" is look at other states that have implemented a graduated income tax and see, time after time, with the few that have done this, absolutely it has increased the tax burden on the families of those states. So if we look at the history of every other state or the few other states that have done this step, it has led to an increase of taxes on those people. So, it leads to a very natural assumption that the step that we would do today is also leading to a tax on our constituents and their families. It's easy to point to other people and say, "Oh, yeah, their taxes should be raised, you know, so mine are less." Reality is, we all pay the price with higher taxes. Your constituents will pay that price. It affects every cost of purchase that we make within our

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districts. And it's the wrong way to go. And what I would wrap up with is, and I think this is maybe the most frustrating thing for me being involved in the Legislature right now -- I love this job and I'm so honored to be brought here and sent here by the people that I represent. I know all of you share that honor. But, unfortunately, when very serious issues like this come up for us to discuss, the reality is, so much of the details, if something like this were to move forward, are not going to be addressed in the constitutional amendment. They're going to be addressed by the Governor and by the Legislative Leaders of the Senate and the House. And what I ask the population of Illinois -- the citizens of Illinois is, do you trust the Governor of Illinois and the Leaders of the House and the Senate to be able to determine a fair tax structure for you and your family? Do you trust 'em? I know I don't. I work here every day that we're in Session and I do not trust the current administration to be able to determine tax structures for my family. And I know a lot of your constituents would say the same thing as well. So, ask that question, if your constituents would want to hand over that power to the current leadership of this State to make those determinations. Unfortunately, we have placed ourselves in -- in a position where that trust is not there. I encourage my fellow Members to vote No on this. Let's have the discussion. I agree with the sponsor. I do thank you for your work on this, and no disrespect to -- to you on that at all. But, again, I think the right thing for us to do is -- and absolutely we can have this discussion and bring in the experts and talk about these things, but really the most important thing we could do for the people

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of the State of Illinois is regain credibility once again to be able to make important decisions to help the families and children here in our State. Unfortunately, we're not in a position where -- the trust is -- is not there. They do not trust this Body and this Governor to be able to make those decisions. So, I ask you to vote No on this. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Further discussion? Senator Syverson, are you seeking recognition, sir?

SENATOR SYVERSON:

Yes, Mr. President. Questions regarding the constitutional amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR SYVERSON:

Thank you, Mr. President. First, I want to go back to -- again, trying to get an understanding, on the language issue. I know you talked to Senator Pankau, and I'm trying to get an understanding, that the language is not in this legislation. Who determines what the language is going to be that will go before the voters?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

There's a Constitutional Amendment Act that puts a mechanism in place for doing this.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Syverson.

SENATOR SYVERSON:

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And -- and who draws that -- who are the ones who draw up that language then?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

I believe it is the State Board of Elections.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Syverson.

SENATOR SYVERSON:

I don't think that's correct. Can you check with your staff to find out who is -- that's -- obviously that's a very important aspect of this, of who's going to draw up the language and whether or not we have a right to review that language as well before it goes before the voters.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

Our staff believes the -- Secretary of Board of -- Elections will certify this, but if your staff has an answer, I'd be happy to hear it, a different answer.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Syverson.

SENATOR SYVERSON:

I think we believe that it's something that the -- the Legislature does. But it's -- this is a -- an important issue that goes to the heart of this that I guess we need to have that decision. We really need to know what that is before we move forward on that.

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Syverson, one of our renowned senior Members of the General Assembly, Senator Cullerton, will respond to that question, sir.

SENATOR CULLERTON:

I'm not sure.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

I -- I think the statute says that the -- the -- the General Assembly designates people to write the -- both the opposition, as well as the proponent. So, the people that voted against the proposition, somehow it would be implemented where they could decide who would write the arguments against it, and -- and the proponents in the General Assembly would designate who should write the arguments in favor.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Syverson.

SENATOR SYVERSON:

I would never question the legal expertise of Senator Cullerton, and -- and accept that -- that answer. The second question is, on this -- on this tax chart that was -- was passed out, this includes property taxes and sales tax as well, not just the income tax. Is that -- is that correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

Yes, that is correct.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Syverson.

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SENATOR SYVERSON:

And if we took it -- just the income tax only, I mean, that would dramatically change what this chart is -- is obviously like. If you're -- if -- if you're someone in the lowest income bracket here, even if we were to substantially raise the income tax, the -- the percentages would still be disproportionate if you're including property taxes and sales taxes. So, when you include all those in there besides income tax, it kind of doesn't send a real -- or, it's a little bit disingenuous when we're really trying to talk about just income tax when we're going to the -- the -- to the voters on it. Wouldn't you agree that even if we -- even if there was a graduated income tax, that the disproportionate number would still be there if you have property taxes and sale taxes included?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

I -- I would disagree that it's disingenuous. I think we're talking about an overall tax structure. This is one part of that tax structure. And I think you need to look at the other components that people pay in taxes for their services. And so, no, I would -- I would disagree.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Syverson.

SENATOR SYVERSON:

Are you concerned, at a time when Illinois' business climate is dropping and -- and as a State we're down in the forties now when it comes to business, that even the perception of going to the voters about raising taxes, which would --

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proportionately could raise business taxes, that we're going to be following the Michigan economic model and that it would be a real concern that businesses seeing this being proposed may think twice about either expanding or coming to Illinois? Is there a concern at this time in Illinois' economy that perceived tax on business could be a -- a problem?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

I would say that I have great faith in my constituents. I have great faith in the citizens of the State of Illinois and I have no concerns in allowing them to make decisions about their tax structure in Illinois. And when you talk about including property taxes, we have some of the highest property taxes in the country in this State. Now, one possibility is the possibility that Senator Meeks has put forth several times, is that we could change our tax structure, raise more money from income tax and then rebate property taxes. And I think that would send a strong message to a lot of manufacturing companies that have large facilities, have -- pay a lot of money in property taxes. I think that could possibly send a good message, but we can't really have that debate on this tax structure until the voters allow us to. Well, let me say, we could have that debate. We could discuss all kinds of things in this Body, but we couldn't vote on that.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Syverson.

SENATOR SYVERSON:

That was -- that was actually my next point. The idea of

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having some property tax relief would be great tied in with this so the consumers would know, or the voters -- the constituents would know that they're voting not just to raise taxes, but there would be a -- a guarantee of some property tax relief as well. And in this measure, there's no discussion of -- of property tax relief. This would only be a measure to raise income tax, not any measure to reduce property taxes. Is that correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

Okay, that's incorrect. This is not a proposal to increase income taxes. Despite what many people have said here today, that is not what this constitutional amendment says. It says, shall we remove a prohibition, a mandate that says we should have one flat rate. I agree, I think it would be great to offer property tax relief, but I also don't think that the proper place to put amounts of property tax relief is to affix them in the Constitution of the State. We should have flexibility and that's why this is -- quite frankly, it's -- it's a very simple bill that's been put forward. It is removing a mandate. The problem with sometimes doing things very simply is you can leave yourself open to all kinds of misinterpretation and -- assignation of motives. And we'll have the opportunity to vote on that, discuss that, if you will join me in getting it out of this Chamber, getting it out of the House, and allowing the people of the State of Illinois, who I trust to make good decisions about their futures, to have a say on this.

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Syverson.

SENATOR SYVERSON:

Thank you. Last -- last point, the concern I have is when we look at the idea of -- of offering a graduated or progressive income tax to voters, there's a perception out there that -- from the voters, when you talk about a graduated or a -- a progressive tax, that it's going to be the other guy that has to pay for it. And so the voters think that's a great idea if it doesn't cost me anything. So we always talk about the idea of we want fairness and we want a graduated tax so the wealthy pay more. The problem is, in reality, when you look at all the other states in the country that were told the same thing, "we're going to make the rich pay more" - look at their graduated income tax models - these are all states that are having -- they're -- the income's increasing at thirty and thirty-five and forty thousand of income. This isn't going to be a tax on the wealthy. This is going to be a tax on the middle class, but it's going to be sold to the voters as a "we're going to make the other guy pay; we're going to make the rich pay." The problem is, no state does it that way. And in the end, to generate enough revenue, the only way to do it is to drop those rates down to take the middle class. But, unfortunately, that message may not get out to voters when they just hear the term, "Do you want to have a graduated income tax or progressive tax?" So I would be very concerned, at a time when Illinois' economy is struggling, that we're going to send this kind of message. The other -- the other opposing message is, we don't want to send a message to high-income people in this State that we're going to tax you. These people can move

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their residency to other states in a matter of hours. And we don't want to lose those people who are generating the jobs and generating the economy to think about moving to another state. So I would ask that we reconsider this and that we don't -- we don't pass this. Instead, we do something to send a message to the taxpayers that we want to cut taxes and bring Illinois in line with some of the other states and really grow out of our economic problem, instead of trying to tax our way out. Thank you for your time and for answering the questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President. A question of the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR LUECHTEFELD:

Senator, the House, as you know, passed -- or didn't pass, but attempted to pass a graduated income tax, but there was actually a rate set. This does not set a rate. Have you had any communications at all or do you have any indication that the House might act? As you know, we -- we don't -- we do -- we do one thing and the House does something different. And -- and that's been the -- that's been happening consistently over the last several years and -- and -- and -- and it's one reason why the people think that this government is just totally messed up here in the State of Illinois. Do you have any reason to believe that they would call this bill?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

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SENATOR FRERICHS:

All I can say is that myself and my cosponsors have been in communication with Members of the House who are interested in calling this bill. I think we can look to recent history in seeing that the Speaker of the House allowed out of Rules Committee a progressive income tax bill once already this year, and should enough of my colleagues join me in passing this out, the next -- first thing I'm going to do is to go across the Rotunda and try to get this process moving in the House. But there are no guarantees, as there are no guarantees with any bill we pass out of this Chamber.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

So, actually, if -- if history has anything to show us, likely they will not do it. Anything we do, they don't do, and -- and that's the way it obviously has been. You know, I -- I've been around a lot longer than you have and -- and I'm not an expert on taxes. In fact, I -- I doubt seriously if you are either. In fact, if you talk to experts, they disagree on -- and I have often, you know, there are people who think the -- the federal government ought to go to a flat tax, as you know. And I've -- I've -- I've not argued either way, because I don't know enough about it to say that -- what would be better than the other. I think it is always popular to say, you know -- you know, if -- if you want to get some votes, especially in the middle class and the lower class, it is, "Let's make the rich class pay for this." I mean, you know, when I ask voters do they want a tax increase, they say no. Most voters say we don't

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want a tax increase in my district. How about your district, Senator? Are -- are they telling you they'd like to see a tax increase?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

Well, when I talk to my voters -- I have a diverse district from Champaign-Urbana to Danville to small towns in between. But when I talk with many of my constituents, they tell me they want their pensions properly funded. They tell me they want higher education funded. They tell me they want higher education affordable for their children - people in the middle class. They tell me they want public safety funded. They tell me they want health care funded. They want us to pay our bills. And so when I ask them, "Are you willing to pay taxes for this?", then they tell me, "Yes." I think if you ask someone just straight up a question, "Do you want to raise your taxes?" And you don't tell them what they're going to gain by that, then, yes, I would agree most people disagree with that. And I think you can look at those other states, as Senator Syverson pointed out, that allowed to have -- themselves to have a progressive income tax. And, yes, their middle class did pay for services - services that they and their children use, like schools, higher ed, transportation infrastructure - because there is a cost we pay to live in a civil society. I heard Senator Lauzen talking today about people in this country who make many multiples of our income here - well, at least of my income here, maybe not of other people - make many multiples. And that is what I really think is great about this country. You know, these people who

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make so much do it not because -- well, not just because they invest a lot of hard work, a lot of creative energy and talent into their jobs, into their businesses, but it's also because we've established a system here that educates a workforce that they can hire to grow their businesses. That's what -- that's what I love about America. You know, we have a -- a great system here. Unfortunately, in order to continue that, you do need to pay to support that system. And we can argue, and hopefully we will, if this passes, we will argue how much is needed to support that system. But I think we can all agree that we do need to pay taxes and that's the price of living in a civilized society.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

So you're saying that the majority of people in your district, and that's who you ought to represent, really believe that we should raise taxes when they have watched what's gone on here in Springfield over the last few years? That they believe that it is time now to raise taxes. Is that a fact?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator...

SENATOR LUECHTEFELD:

The majority of your people believe that, Senator? Or do you believe...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

I can't say that a majority of people believe that, but

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when I ran for office, I campaigned on a proposal similar to Senator Meeks', which would have raised the income tax, would have rebated property taxes. And a majority didn't elect me, but a plurality elected me. I had a third candidate in my race who took off some... So I would say, I ran on this platform. Voters had an opportunity to say if they wanted this or not. I put great faith in my constituents and I think that you earn it by being honest with them up front. I was honest up front. They elected me. I believe that my constituents will be supportive of this.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, I'm sure that they elected you for other reasons. I doubt if you would like to put that to a vote right now, that the majority of people, if they are for a tax increase, should vote for you and, if they're not, they should vote for someone else. I doubt if you'd like to put that to -- I -- I can't imagine that you -- if you've talked to enough people. I've talked to people in my district and my district is somewhat similar to yours. There are rich and poor, obviously, prosperous areas and not so prosperous areas. But most people say to me, if you -- if you people in Springfield can't get your act together, we -- we don't think we ought to pay more taxes. Now, obviously, there are people who -- who -- who their lives depend on us - their taxes, their jobs, their pensions. Why sure they want them protected and sure they want their job protected, but those do not make up the majority of people in -- in my district and I'm sure they don't in your district. So, I

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-- I would -- I would really question it. And, again, you go back to the flat tax and the graduated income tax. There are a lot of people who totally disagree with the fact that we should go to a graduated income tax. Popularly, yes, it's the thing to do if -- for the popular vote. But is it the right thing to do for jobs in this State? I don't know, Senator. I really don't. And I -- and -- and I doubt if you do either. Is it the right thing for -- to create jobs in this State? And that's what it's all about. We want people to have jobs and good jobs. And then they'll be able to pay their taxes. I don't know whether it's the best thing and I really doubt if you do either. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Ladies and Gentlemen, we have two people seeking recognition - Senator Brady, Senator Raoul. And then Senator Frerichs, to close. Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. First of all, let me thank you for allowing the previous vote. And thank you for your commitment to allow us for a roll call vote on the discharge motion. I have a question of the sponsor -- or a series of questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll -- indicates he'll -- willing to answer any questions, sir.

SENATOR BRADY:

Senator, do you know how many constitutional amendments are provided for within one election period?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

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SENATOR FRERICHS:

Believe the answer is three.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady.

SENATOR BRADY:

Senator, along this line of thinking, as I've traveled throughout my district and the State of Illinois, I've asked -- polled a number of people. I said, "Tell me something, do you support a constitutional amendment for a graduated income tax or an increase in the income tax?" And I haven't found one person to believe that -- to say they do. I've also polled people on gubernatorial recall. In your opinion -- where I've found nine out of ten people and no one against. In your opinion, which one of these would take a higher priority - gubernatorial recall or graduated income tax?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

In my opinion, since this is my bill, I would say that this would have higher priority for me.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady.

SENATOR BRADY:

Senator, in your constitutional amendment, you -- that surprises me, 'cause I -- I know your district pretty well. But anyway, the -- in your provision, you call -- you add a line in there that says that the -- such tax imposed upon corporations the rate shall not exceed the weighted average. Would you tell me what you mean by that?

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PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

Well, this was the result of many conversations I've had with groups. One group in particular, the Taxpayers' Federation of Illinois, had some concern that if we maintain the eight to five ratio and you applied it to the highest bracket, you could see the highest income bracket increase to something - like in California - around ten percent. Then that eight to five ratio, you can have a very high percentage corporate tax. They were concerned about that. They didn't want it to be on the high end, so they suggested we add weighted. And the weighted vote, in my -- in my opinion, would be looking at the total amount of revenues raised from different tax brackets and factoring in an average and then it would be eight-fifths of that average. So let's just -- we -- if we could throw out there a one-percent rate at the bottom, two-percent rate in the middle, three percent at the top. You can look and say, well, the average of those three would be two, but then you look at how much money was raised from people at the upper bracket and then find an average there.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady.

SENATOR BRADY:

Senator, I -- boy, what you just told me sounds awful confusing and I'd hate to see what the Illinois Department of Revenue would do with that. But as you're portraying this, you're saying that we could have several brackets. We could have a four-percent bracket. You've admitted that you would

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like to see a higher bracket - a ten-percent bracket, a twenty-percent bracket. You could see a twenty-five-percent bracket above five million dollars in income under your constitutional amendment, could you not?

PRESIDING OFFICER: (SENATOR DeLEO)

...Frerichs.

SENATOR FRERICHS:

Could -- could I see that? No, I could not see this Body passing a twenty-five-percent tax bracket for -- for any amount. I cannot see that. And that's based on the year and a half I've been here, discussions on Senator Meeks' bill. There is just not the will to raise taxes that much.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady.

SENATOR BRADY:

But, Senator, to the point, you are now opening the floodgates to see a twenty-five-percent tax on revenues above five million dollars. You've argued yourself that the highest income earners should pay more. And -- and let me -- yes or no, this constitutional amendment would allow for a twenty-five-percent individual income tax on incomes above five million and a multiple of that on corporations with income above five million. Would this not allow for that?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

...bill would allow for that just as the current Constitution would allow a twenty-five-percent tax bracket for everyone in the State of Illinois. That does not mean it would happen.

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PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady.

SENATOR FRERICHS:

Would -- would you agree...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady.

SENATOR BRADY:

Senator, I -- I know what you're thinking, but where you're missing it, in my opinion, is along the lines of, we won't do that because we wouldn't raise the individual income tax and we cannot incrementally raise that tax rate to levels of, say, five million dollars. You know, the policies over the last six years have caused Illinois to be amongst the five worst job-producing states in the nation, from the gross receipts tax to the increase in the income tax to the fees and policies that have been associated with it. Just last week, Speaker Madigan introduced the Structural Work Act. Every year, if not every month while we're in Session, we ask the business community to take up another cup of hemlock. The poison pills that you continue to bring to the business community continue to drive jobs out of this State. To the tune, if you look at the math, hundreds of thousands of jobs have been lost in this State for families. Senator, what you're doing here is opening the door for a corporation who may make five million dollars, but only provide it with maybe a ten-percent or an eight-percent return on equity, to be taxed at a forty-percent rate. And I've been around here long enough to know that this Body is greedy enough for money that they will think they can get by with that. But you know what happens when you take a corporation that employs

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thousands of people in Illinois and they're working hard and they're returning to their investors about a ten- or twelve-percent return and then you impose a forty-percent tax? Do you know what happens? They move. And they move those jobs. And that's precisely why this constitutional amendment is dangerous, not only in the eyes of many of us, but in the eyes of the citizens of Illinois. Senator Dillard said it earlier. We are amongst the worst job-producing states in the nation. Every one of us agrees we need more revenue to pay our bills, Senator. But the only way you're going to get that is to help the business community bring jobs and raise the economy, not to keep causing them to drink the hemlock that moves those jobs out of this State and reduces revenues. I stand in opposition of your amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Our last speaker seeking recognition, Senator Raoul.

SENATOR RAOUL:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR RAOUL:

For legislative intent, and this is kind of a follow-up on Senator Brady's question. The eight to five ratio, for legislative intent, what does that -- that weighted average mean?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Frerichs.

SENATOR FRERICHS:

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Senator, the amendment provides that a tax on corporations would be weighted. This, again, would be determined by the General Assembly based on what tax structure the General Assembly enacts, if we choose to have a different tax structure. For example, if there were four tax rates: a two percent, where forty percent of the State's population is subject to the rate, thus a .8 percent impact on the weighted rate; a three-percent rate, where thirty percent of the State's population is subject to the rate, and thus a .9 percent impact on the weighted rate; a four percent, where twenty percent of the State's population subject to that rate, thus a .8 percent impact on the weighted rate; and a five-percent rate, where ten percent of the State's population was subject to that rate, thus a .5 percent impact on the weighted rate - you would then add the impact on the weighted rate, that would be your base rate. For example, the example I just laid out, the weighted rate would be three percent - .8 plus .9 plus .8 plus .5. Once you have the weighted average, then you have your base to determine the maximum corporate income tax rate. In my example, it could not exceed 4.8 percent.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Raoul.

SENATOR RAOUL:

To the bill:

PRESIDING OFFICER: (SENATOR DeLEO)

...the bill, sir. To the amendment, sir.

SENATOR RAOUL:

To the -- to the amendment. Thank you, Mr. President. I first want to commend and thank President Jones for allowing

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this -- this amendment to be debated. I want to also commend Senator Frerichs for displaying the -- displaying the courage to put this forth. And I -- I kind of just wish that courage was a little bit contagious. Everybody in this Chamber knows that the poor and the middle class is overburdened by our ever-increasing consumption taxes and property taxes, and thereby creating an overall tax structure that is unfair to the poor and the middle class, that's the majority of each and every one of our districts. Everybody in this Chamber knows that. Nobody can dispute that. People have said, "Well, will the people trust us?" "Will the people trust us to act after this?" Well, guess who gets to decide if we do this? The people get to decide. This gets put to the people. Use your common sense. If the people trust us, they will, with sixty percent of the vote, approve this. If the people don't trust us, they won't. But, obviously, you all don't trust the people to make that judgment. I've often heard over the last three and a half years of how the decisions we make will chase people into the states of -- like Missouri, Iowa, Wisconsin. Guess what? In Missouri, Iowa, Wisconsin, they have a progressive income tax structure. Guess what? Since 1913, our federal income tax has been progressive. Apparently we thought it fair on the federal level for almost a hundred years. If you sense frustration, I have been a little frustrated. You know, over the past few weeks, I've been trying to promote this and I've spoken to most of you and I thank all of you all on both sides of the aisle for having the conversation with me. I'm really thankful. I'm -- I'm particularly thankful to Senator Righter, who gave us input as to how we can improve this. And what we've done with this is

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we've made it neutral. We're neither endorsing, with the language of this, a progressive, flat or regressive tax. I'll concede that I prefer a progressive tax. But with the language of this, we're saying neither. And there was a Senator who spoke earlier who said, you know, he's not sure which one is fair, whether it's a flat or a progressive tax. He's not sure. In that we're not sure which is fair, why should we be mandated to have a flat tax, if we're not sure? If we lift this -- I don't care to what extent you use Karl Rove-type politics and say this is an income tax increase, no matter how many times you say it, it does not make it the truth. You all know the truth. The truth is that this is not an income tax increase. If you can read, and everybody in this Chamber can, and the people who would vote for this can, they know that this is not an income tax increase. And it's not as if this is some magic pill that could enable us to put forth an income tax increase. We can put that forth right now. There's a pending bill right now. There's been a bill in every General Assembly that I've participated in, and there's probably been one for years and years prior to that, proposing an income tax increase. So this doesn't turn the key to allow all the sudden for people to introduce an income tax increase. We've been doing that year after year after year. And perhaps the reason it hasn't advanced is, because if we do it, it further increases the burden on the middle class and the low-income population in our State. You know, I -- I -- I recently went before the Tribune editorial board to discuss graduated tax and was bombarded with questions on recall. And I thought it was unfair, but I answered each and every question with regards to recall and

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explained why I was opposed to the recall, because I believed it was bad public policy because already people are afraid of the shadow of their next election. And we're -- we're afraid to make decisions in this Chamber and the Chamber across on the other side, because we're afraid of the shadow of our next election. And we throw recall in the mix, we'll never get anything done and we'll never confront the fact that low-income people and moderate-income people pay overwhelming percentage of their income towards public services. Perhaps we don't confront that because they don't have a lobby. They don't have aggressive, well-paid lobbyists, and perhaps that's all who we want to listen to down here. Not me. I ask you all to do what's right by the majority of the people in this State that pay taxes. I ask you to lift this unfair mandate that does not change our current three-percent flat rate. We still would have to present any sort of bill, whether it's, as Senator Murphy might propose, a progressive tax cut. We could even propose something regressive. But let's move the obstacle out of the way, the unfair obstacle out of the way. I agree with the previous speaker that said, you know, we should be able to debate which is right, whether it's a flat tax, whether it's a progressive tax. We can't do that right now because -- we can't really do that because we have a mandate that it's a flat tax. We have a mandate, and that's wrong. Everybody in this room knows that's wrong. Finally, there's been talk about the previous bill that was presented in the House that put tax rates in -- that would seek to put tax rates in the Constitution, would seek to create a cliff at two hundred and fifty thousand dollars. This does not do that. That bill, I think, only got

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fifty-two, fifty-three votes. I would have voted against that bill had that bill made it to this Chamber, because I'm not interested in gouging the rich. I'm interested in tax fairness, and I think if -- if we open our hearts, if we -- and allow some courage to come in, we will -- we will do what we know is right and lift the mandate of the flat tax. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. I believe Senator Brady's name was used in debate and that's why he's seeking recognition for the second time. Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. Thank you, Senator Hendon. I just speak to the flaw of this language. Senator, with all due respect, you're reading into the record what weighted average means. Doesn't matter worth a hill of beans. It is not what the House will take up. It is not what the people will take up in their vote. It just goes to show that this is a bunch of wording and diversions that works toward increasing taxes in the business community in this State. And with absolute due respect, what you read into the record doesn't matter at all. And therefore, you should vote against this.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Ladies and Gentlemen, no further speakers. Senator Frerichs, to close, sir.

SENATOR FRERICHS:

Okay. We've had a lot of discussion on this. I'll try and be brief. One of my colleagues mentioned you should take some time to read what delegates said before in 1970. I concur. I think you should take time to read this, because it's

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interesting reading. There's some really interesting characters, interesting debate. But, quite frankly, this was nearly thirty years ago and times have changed. You've seen consumption taxes increase dramatically. You've seen property taxes increase dramatically. We are living in a different time. And I think, just like you shouldn't ask a man to wear the same coat he wore as a child, 'cause he's obviously grown out of it, you shouldn't ask us to be held in perpetuity. The founders of the Constitution, the writers -- the framers of this Constitution realized that this needs to be a living, breathing document. They put an amendment process in place. They believed the voters ought to have the opportunity to change this. And what I'm asking you to do is to -- not to vote for a tax increase, but to vote to remove this mandate - to vote to allow the public, the citizens of this State, to have a voice, to have some say in this issue. I know that this is a radical concept in Illinois. There are obviously a lot of people scared about what's going to happen. I mean, I can't answer all their questions. I am not a tax expert. But I can say that at the federal level - I mean, we've even heard that this is a -- a killer on small business - we have had a graduated income tax at the federal level for ninety-five years. Thirty-four other states have progressive income taxes. I don't think this concept is radical. I think -- there are people who have talked about how this administration can't be trusted. We have had a progressive income tax for ninety-five years in this country. And in that time, we have gone through a great depression, we've had a President assassinated, we've had a President impeached. We've gone through plenty of turmoil in this country and this

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country has not fallen apart. And it hasn't fallen apart because we are more than just our laws and our tax structure. We are a fabric, a system of government in place and relationships and families that make this a great country, that allow people to earn great amounts of money through the sweat of their brow and the might of their intellect. But those people ought to be able share in funding the society in a similar percentage as everyone else, as the people who have been dealt a bad hand. And so that's why I ask that you join me today in voting Yes on this, to allow the people of Illinois to have a say in amending their Constitution. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Ladies and Gentlemen, Senator Frerichs moves to -- the adoption and approval of Senate Joint Resolution, Constitutional Amendment, 92. The question is, shall Senate Joint Resolution, Constitutional Amendment, 92 be adopted and approved. And pursuant to Section 2, Article XIV of the Illinois Constitution, constitutional amendments must be approved by three-fifths of the Members elected. As we previous stated, thirty-six votes. Having said that, all those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 19 Ayes, 35 Nays, 1 voting Present. Senate Joint Resolution, Constitutional Amendment, 92, having failed to receive a three-fifths constitutional majority, is declared lost. Senator Frerichs. Have a motion, sir? The gentleman asks that it be put on Postponed Consideration. Sorry. The gentleman's motion is not in order. Did not receive the

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necessary votes to put it on Postponed Consideration. Okay, Ladies and Gentlemen, for purposes of announcement, may I have your attention? The Senate will stand at ease for just a moment. Would ask all members of the Rules Committee, all members of the Rules Committee, please report to the President's Anteroom immediately for a Rules Committee meeting. All members of the Rules Committee, please report to the Anteroom. And the Senate will just stand at ease for just a moment.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

All right. Senate will come to order, please. Madam Secretary, Committee Reports.

SECRETARY SHIPLEY:

Senator Halvorson, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Human -- Human Services Committee - Committee Amendment No. 1 to House Bill 3508; refer to Public Health Committee - Committee Amendment No. 1 to House Bill 1449 and Committee Amendment No. 1 to House Bill 3446; and Be Approved for -- Consideration - Senate Joint Resolution, Constitutional Amendment, 70.

Senator Debbie Halvorson, Chairman. April 29th, 2008.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, continuing on Committee Reports, please.

SECRETARY SHIPLEY:

Senator Halvorson, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned:

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Refer to Education Committee - Floor Amendment No. 1 to Senate Joint Resolution 90; and refer to Executive Committee - Floor Amendment No. 1 to Senate Joint Resolution, Constitutional Amendment, 70.

Senator Debbie Halvorson, Chairman. April 29th, 2008.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, all previous scheduled committees have been canceled. All previous scheduled committees have been canceled. The Executive Committee will meet today at the hour of 5:30. The hour of 5:30, Executive Committee. The Senate stands in recess to call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

The Senate will come to order. All Members within the sound of my voice, please come to the Senate Floor. We're about to do Senate Floor action. Madam Secretary, Committee Reports, please.

SECRETARY SHIPLEY:

Senator Silverstein, Chairperson of the Committee on Executive, reports Floor Amendment No. 1 to Senate Joint Resolution, Constitutional Amendment, 70 recommend Do Adopt.

PRESIDING OFFICER: (SENATOR DeLEO)

Supplemental Calendar No. 1 is printed and is being distributed as we speak. Thank you, Madam Secretary. Okay, Ladies and Gentlemen, the -- the Chair has been notified that Supplemental Calendar No. 1 has been printed and distributed and is on the Members' desks. Thank you, Madam Secretary. Okay,

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Ladies and Gentlemen, I'd ask you to turn your attention to Supplemental Calendar No. 1 on the top of -- it's Constitutional Amendments 1st Reading, is Senate Joint Resolution, Constitutional Amendment, No. 70. Senator Cronin. Senator Cronin, do you wish your resolution considered, sir? He indicates he does. Madam Secretary, has there been any amendments approved for consideration?

SECRETARY SHIPLEY:

Yes. Floor Amendment No. 1, offered by Senator Hendon.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cronin, to explain Floor Amendment No. 1, sir.

SENATOR CRONIN:

Thank you very much, Mr. President. Senate Joint Resolution, Constitutional Amendment, 70, as amended by Floor Amendment No. 1, seeks to...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cronin, just a minute, sir. We have not adopted the amendment. The sponsor of the amendment is Senator Hendon. Is that correct, sir?

SENATOR CRONIN:

Yes. My -- my -- my partner.

PRESIDING OFFICER: (SENATOR DeLEO)

So, if you'd just hold on for one second. Senator Hendon, to the -- to -- to explain the amendment, sir.

SENATOR HENDON:

Thank -- thank you, Mr. President. First, I want to thank Senator Cronin for working with us on this. The amendment simply adds the local elected officials and it adds a caveat that the judges, who are also in the bill {sic} now, would not

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be subject to recall unless there was a meeting of the Board of Inquiry. And it attaches the Governor and the Lieutenant Governor together, because they run together. And, Senator Cronin, if you would like to add anything, would be fine. If not, I... Senator Cronin, to expound a bit. Mr. President, if I could allow Senator Cronin to expound a bit.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cronin, to the amendment, sir.

SENATOR CRONIN:

Yes. I rise in support of the Senator's amendment, my colleague, my esteemed colleague. I -- I think this is the pathway to get recall. This is the only game in town. And for those who are genuinely interested in recall, I ask that you sit up and listen carefully, because this is the only way that we are going to see this question put on the ballot in November. And all of us know what's going on here in Illinois, and desperate times require serious, serious solutions and this is a proposed solution. In the amendment, Senator Hendon addresses the issue of the judiciary. And let me put -- my friends and colleagues in the judiciary, let me put them at ease. There is a provision that's very carefully and thoughtfully drafted that allows the Judicial Inquiry Board to be the gatekeeper, that no process of recall may proceed against a judge unless and until a complaint is filed against that judge by the Judicial Inquiry Board. We have preserved and we are respecting the independence of the judiciary. At the same time, including them in the bill with this very, very thoughtful protection, we also recognize that they, too, are public servants, elected and serving at the will of the voters and taxpayers. And so, therefore, it makes

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perfect sense to include them, but with this very, very effective safeguard that ensures the independence of the judiciary. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, is there any discussion on the amendment? Senator Lauzen, on the amendment, sir? Senator Lauzen.

SENATOR LAUZEN:

Yes, sir. Thank you very much, Mr. President. Just in the description of the amendment from Senator Cronin, if a complaint is filed, does there have to be -- and I know that Senator Cronin... Okay, so Senator Cronin is the sponsor. The question on the amendment to the resolution is, a complaint is filed, but are you -- maybe you imply in that that there has to be some finding that there was some wrongdoing, that kind of thing. Could you address that? Just to -- just to put in a complaint might not be as, you know, conclusive as something more than that?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cronin.

SENATOR CRONIN:

Well, Senator Lauzen, one of the main concerns with regard to this amendment is preserving the independence of the judiciary. And, so, I think it's important to be very careful and deliberate as we consider the provision of this amendment. A recall proceeding could be initiated against a judge, but only if the Judicial Inquiry Board has already filed a complaint against that judge. And a complaint from the Judicial Inquiry Board is only filed after there's been an investigation pursuant

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to some complaint that was filed by some other party with the Judicial Inquiry Board. So -- so we think that this strikes the right balance about accountability and responsibility in the spirit of recall, and, yet, at the same time, it maintains a very important constitutional provision, which is an independent judiciary.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, seeing no further discussion -- seeing none, the question is -- Senator Hendon moves the adoption of Floor Amendment No. 1 to Senate Joint Resolution, Constitutional Amendment, No. 70. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Madam Secretary, has there been any other Floor amendments approved for consideration?

SECRETARY SHIPLEY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Madam Secretary, the Chair would ask you then, at this time, to please read the resolution, as amended, in full for the first time.

SECRETARY SHIPLEY:

Senate Joint Resolution 70, Constitutional Amendment, offered by Senator Cronin, and As Amended by Senate Amendment No. 1.

(Secretary reads SJRCA No. 70, as amended by SA No. 1)
1st Reading of this constitutional amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, for purposes of an announcement. On your printed Calendar, the scheduled

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committees that are on your printed Calendar will be, in fact, in -- in place for tomorrow. So all -- I think there's a -- starts, there's a 9 a.m., Human Services will meet. So, as on your printed -- those committees will still be intact. Will still meet tomorrow on your printed Calendar. Senator Righter, are you seeking recognition, sir?

SENATOR RIGHTER:

I am, Mr. President. Inquiry of the Chair, if I might. Inquiry of the Chair, Mr. President. Mr. President, inquiry of the Chair.

PRESIDING OFFICER: (SENATOR DeLEO)

Yes, sir.

SENATOR RIGHTER:

Thank you. Mr. President, and -- and -- and I know you're aware of this, 'cause you were present in Executive Committee just not long ago. It was represented to the Committee, and this was a representation I think at least some members of the Committee took some -- some comfort from. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Please, go ahead, sir.

SENATOR RIGHTER:

It was represented in the Senate Executive Committee not long ago that the time line could certainly be met with regards to the proposed constitutional amendment that was just up on the board, because the House had placed -- the House Democrats had placed on their website information indicating that they had scheduled extra days. We have placed our best technicians on the web and we can find no evidence, whatsoever, that they've

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scheduled those extra days. I wonder if you or perhaps a member of your caucus might have some -- something else out there, some evidence that this has happened, so that we'll know that this constitutional amendment is actually on track to appear on the 2008 ballot.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter, I know this may come to a shock to some Members here, I --- this -- you maybe want to be in your seats for this, but Leader Watson or President Jones does not control the schedule of the House. I know this is hard to believe and - - but we were told -- we were told that the Speaker has indicated, through his spokesman, Steve Brown, that if this gets over there in a timely fashion, that they're willing to stay and work through the weekend. His spokesperson, Mr. Brown, did indicate that to Members and people in the hallway just prior to the Executive Committee hearing when they heard that we were actually debating the amendments. So, hopefully that -- as the Secretary just finished the 1st Reading, we adopted the amendment, Senator Righter. It will be placed on the Order of the Calendar tomorrow. We will get to 2nd Readings. And hopefully this will get over to the House in a timely fashion and they could -- they could certainly act on this, sir. Senator Righter.

SENATOR RIGHTER:

Mr. President, I would now appeal the ruling of the Chair that the Senate President and the Republican Leader do not control the House schedule. Thank you, Mr. President, as always, for your gracious and informative response.

PRESIDING OFFICER: (SENATOR DeLEO)

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Thank you very much, Senator. Okay, Ladies and Gentlemen, let's -- there being no further business to come before the Senate this evening, the Senate will stand adjourned until the hour of 12 noon on Wednesday, April 30th, the year 2008. The Senate stands adjourned.