

STATE OF ILLINOIS
96th GENERAL ASSEMBLY
REGULAR SESSION
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144th Legislative Day

1/11/2011

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

The regular Session of the 96th General Assembly will please come to order. Will the Members please be at their desk? Will our guests in the galleries please rise? The invocation today will be given by Reverend Brandon Boyd, the Lincoln Christian Church, Lincoln, Illinois. Reverend Boyd.

THE REVEREND BRANDON BOYD:

(Prayer by the Reverend Brandon Boyd)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please remain standing for the Pledge of Allegiance. Senator Jacobs.

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY ROCK:

Senate Journal of Monday, January 10th, 2011.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hunter. Senator Hunter moves...

SENATOR HUNTER:

Thank you, Madam President. I move to postpone the reading and approval of the Journals just read by the Secretary, pending arrival of the printed transcript.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hunter moves to approve {sic} the Journals just read by the Secretary. There being no objection, so order. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Wilhelmi, Chairperson of the Committee on

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Judiciary, reports Motion to Concur with House Amendment 1 to Senate Bill 3539 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Will all Members please report to the Senate Floor? Will all Members at the sound of my voice please come to the Senate Floor for Floor action? Will all Members' assistants please notify your legislator that we will be going to Floor action on the Senate Floor and we request their appearance as soon as possible. Please, all Members, please come to the Senate Floor. Thank you. Ladies and Gentlemen of the Senate, we do have an urgency to begin our business of today. The longer we delay, the longer we will be in on this evening. So if you want to hang out all night, take your time. If you'd like to leave at a decent, respectful hour, please come to the Senate Floor immediately. Thank you. The Chair recognizes my State Representative Karen Yarbrough and our new State Representative Arthur Turner. Welcome to the Senate Floor. Seth Perlman from AP requests permission to photo. Leave is granted. Diane Lee, Illinois Statehouse News, requests permission to film or videotape. Leave is granted. Michael Tercha from Citcaso -- oh, Chicago - excuse me, the writing - Chicago Tribune requests permission to photo. Leave is granted. And Sarah Zavala, Chicago Law Bulletin, requests permission to take photos. Leave is granted. Ladies and Gentlemen of the Senate, will you please turn your Calendars to page 3? Ladies and Gentlemen of the Senate, will you please lower your voices and turn your Calendars to page 3? We will go to Floor action with House Bill 6908. President Cullerton. He indicates he wish to proceed. Madam Secretary, please read the bill.

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SECRETARY ROCK:

House Bill 6908.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR CULLERTON:

Thank you, Mr. -- or, Madam President, Members of the Senate. This bill creates the Chicago Police Memorial Foundation Fund and a special license plate. The fund shall grant awards -- I'm sorry, shall award grants to the Chicago Police Memorial Foundation for maintenance of a memorial and park, holding an annual memorial commemoration, giving scholarships to children of police officers killed or injured in the line of duty, and providing financial assistance to officers and their families who are killed or injured in the line of duty, and paying insurance premiums for police officers who are terminally ill. I'll be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall House Bill 6908 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 voting Aye, 0 voting Nay, 0 voting Present. House Bill 6908, having received the required constitutional majority, is declared passed. To fulfill our responsibilities under Article V, Section 9 of the Constitution, we will now proceed to the Order of Advise and

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Consent. Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Madam President. I move the Senate resolve itself into Executive Session for the purposes of acting on the appointments set forth in the Messages from the Governor dated August 2nd, December 15th, December 22nd, 2010.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Muñoz moves that the Senate resolve itself into Executive Session for the purpose of acting on the appointments set forth in the Messages from the Governor dated August 2nd, December 15th and December 22nd, 2010. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion carries. The Senate is resolved into Executive Session. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Muñoz, Chairman of the Committee on Executive Appointments, to which was referred the Governor's Message of August 2nd, 2010, reported the same back with the recommendation that the Senate do advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Muñoz.

SENATOR MUÑOZ:

Madam President, with respect to the Governor's Message of August 2nd 2010, I will read the salaried appointment of which the Committee on Executive Appointments recommends that the Senate do advise and consent:

To be Director of the Department of Juvenile Justice, for a term commencing August 1, 2010, ending January 17th, 2011:

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Arthur Bishop.

Madam President, having read the salaried appointment from the Governor's Message of August 2nd, 2010, I now seek leave to consider the appointment on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the appointment just read from the Governor's Message of August 2nd. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 voting Aye, 0 voting Nay, 2 voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Muñoz, Chairman of the Committee on Executive Appointments, to which was referred the Governor's Message of December 15th, 2010, reported the same back with the recommendation that the Senate do advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Muñoz.

SENATOR MUÑOZ:

Madam President, with respect to the Governor's Message of December 15, 2010, I will read the salaried appointment of which the Committee on Executive Appointments recommends that the Senate do advise and consent:

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To be Secretary of the Department of Human Services, for a term commencing December 16th, 2010, ending January 17th, 2011: Michelle Saddler.

Madam President, having read the salaried appointment from the Governor's Message of December 15th, 2010, I now seek leave to consider the appointment on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the appointment just read from the Governor's Message of December 15th. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 voting Aye, 0 voting Nay, 2 voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Muñoz, Chairman of the Committee on Executive Appointments, to which was referred the Governor's Message of December 22nd, 2010, reported the same back with the recommendation that the Senate do advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Muñoz.

SENATOR MUÑOZ:

Madam President, with respect to the Governor's Message of December 22nd, 2010, I will read the salaried appointment of

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which the Committee on Executive Appointments recommends that the Senate do advise and consent:

To be Director of the Abraham Lincoln Presidential Library and Museum, for a term commencing December 23rd, 2010: Eileen Mackevich.

Madam President, having read the salaried appointment from the Governor's Message of December 22nd, 2010, I now seek leave to consider the appointment on a roll call. Madam President, will you put the question required by our rules?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the appointment just read from the Governor's Message of December 22nd. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 voting Yea, 0 voting Nay, 2 voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Madam President. I move that the Senate arise from Executive Session.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Muñoz moves that the Senate arise from Executive Session. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion carries. The Senate has arisen from Executive Session. Senator Rezin, for what purpose do you rise?

SENATOR REZIN:

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A point of personal privilege. I'd like to introduce..

PRESIDING OFFICER: (SENATOR LIGHTFORD)

State your point.

SENATOR REZIN:

I'd like to introduce JoEllen Ridder and Terri Bryant, who are here visiting today from the Lincoln Series.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please welcome the ladies to the Illinois General Assembly. Welcome. Ladies and Gentlemen of the Senate, please take notice of your Supplemental Calendar No. 1 - your Supplemental Calendar No. 1. We will proceed on the Order of Concurrences with Senate Bill 3539. Senator Raoul. He indicates he wish to proceed. Madam Secretary, please read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 3539.

Filed by Senator Raoul.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

All Members at the sound of my voice, we do need your attendance on the Senate Floor immediately. Madam Secretary. Is there any discussion? Senator Raoul. Out of the record. Senator Koehler, for what purpose do you rise?

SENATOR KOEHLER:

Thank you, Madam President. A matter of personal privilege.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point.

SENATOR KOEHLER:

I just want to introduce our great State's Attorney from

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Peoria County - he's in the gallery behind you - Kevin Lyons from Peoria. Please give him a good welcome to the Senate.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Guest in the gallery please rise and be welcomed by the Illinois General Assembly. Madam Secretary, Resolutions.

SECRETARY ROCK:

Senate Resolution 1157, offered by President Cullerton. It is substantive.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Madam Secretary, Messages from the House.

SECRETARY ROCK:

A Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bill of the following title, to wit:

Senate Bill 2797.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1, House Amendment 2, House Amendment 3.

They all passed the House, as amended, January 11th, 2011. Mark Mahoney, Clerk of the House.

A Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 3461.

Together with the following amendment which is attached, in

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the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1.

Passed the House, as amended, January 11th, 2011. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The Senate will stand at ease for a few minutes to allow the Committee on Assignments to meet. The members of the Committee on Assignments, will you please come to the President's Anteroom immediately. The Senate will stand at ease.

(SENATE STANDS AT EASE)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Will the members of the Committee on Assignments -- will the Republican membership on the Committee on Assignments please come to the President's Anteroom? Thank you, Senator.

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to the Executive Committee - Floor Amendment 3 to House Bill 5960 and Senate Resolution 1157.

Signed by Senator James F. Clayborne, Chairman.

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen of the Senate, an announcement. Senate Executive Committee will meet in Room 212 at 12:50. Senate Executive Committee, in Room 212, at 12:50. President Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Thank you, Madam President. I move to waive all notice and posting requirements so that Senate Resolution 1157 can be heard on January 11th in the Senate Executive Committee.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton moves to waive all notice and posting requirements so that Senate Resolution 1157 can be heard on January 11th in the Senate Executive Committee. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and all notice and posting requirements have been waived. Would -- Ladies and Gentlemen of the Senate, please welcome our Illinois Attorney General and her family, her lovely daughters and husband, to the Senate Floor. Don Moseley, WMAQ-TV, requests to shoot video. Leave is granted. Chris Brooks, WICS-TV, requests permission to videotape. Leave is granted. Rodney Correll, WLS-TV, requests permission to videotape. Leave is granted. Ross Weidner and Mike Locashio, WLS-TV, requests permission to video. Leave is granted. And Tony Yuscus, the blueroomstream.com, requests permission to videotape. Leave is granted. Senator Hunter, for what purpose do you rise?

SENATOR HUNTER:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point.

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SENATOR HUNTER:

I have a visitor with me today, a young lady who has been running my district office for the past year, and I'd like to welcome her to Springfield. She's down here just learning how we do things and she's trying to connect the dots and trying to figure out how Springfield interact with the -- with the district offices. And so I'd like to welcome Janis McReynolds to our Floor.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Welcome to the Illinois General Assembly. Hope you find it to be fruitful. Todd Roberts, WMAQ-TV, requests permission to videotape. Leave is granted. Ginny Lee, Illinois Times, requests permission to photograph. Leave is granted. Madam Secretary, on the Order of Resolutions is Senate Resolution No. 1158. Madam Secretary, please read the resolution.

SECRETARY ROCK:

Senate Resolution 1158, offered by President Cullerton, Leader Radogno and all Members.

(Secretary begins to read SR No. 1158)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Excuse me. Excuse me. Thank you.

SECRETARY ROCK:

(Secretary continues to read SR No. 1158)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton moves to suspend all rules for the immediate consideration of Senate Resolution 1158. President Cullerton, please explain the resolution.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. We all

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know that all of us are going to leave this place and we all are going to have -- most of us...

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton, just one moment, please. Let me clarify here. President Cullerton moves to suspend all rules for the immediate consideration of Senate Resolution 1158. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and all notice and posting requirements have been waived. President Cullerton, to explain the resolution.

SENATOR CULLERTON:

Yes, thank you, Madam President. As I was saying, we all know we're all going to leave here and most of us are going to have a resolution read. But I really think that this is a category unlike any others. We're doing a resolution for -- Senator Demuzio which is really more than just a resolution as she leaves the Chamber, but it's an end of an era. She came here to fill some big shoes. Vince Demuzio, many of us remember, was a phenomenal legislator, someone who inspired young people to get involved in -- in politics, who was a brilliant orator, who would bring people -- I remember going to funeral masses where he spoke and everybody would be in tears. And so you could see where there could have been a situation where his widow becomes a placeholder, but that did not happen. She came to that spot and continued in the same tradition as her husband. No one -- I -- I can't think of anybody who has done a better job at bringing concerns of their district to my attention and -- and being extremely persuasive in doing so, even as she told me she couldn't vote for some of my goofy bills. And coming to Springfield, a place where she had worked

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here for so long even before she became a Senator, she knew how to work the system, so representing her district better than anyone and getting along with her colleagues. So, we've always talked about, you know, the ways to leave this place, and obviously she's leaving under one of the ways which is not the most favorable, but few people can leave this place with such a record. She had a situation where her husband had left a legacy and now, because of her service, she has left her own legacy. Senator, you will be missed.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Senator Delgado, for what purpose do you rise?

SENATOR DELGADO:

Thank you, Madam President. For a personal privilege. I, too, want to join, as I sit here as a Senator sitting in front of the Demuzio family, the Senator Deanna Demuzio, as I once upon a time staffed for former Senator del Valle and knew very well of Senator Vince Demuzio. But I got a chance to serve with Senator Deanna Demuzio, a strong woman, dedicated and diligent, and as when I was in the House, got assigned with her - and she did all the heavy lifting - on a rural task force on health care as we tried to use our influences, both together in Public Health, to help our friends south of I-80, and Senator Demuzio did all the heavy lifting. And as the President pointed out, is a strong woman and Senator, a person who brought a -- a lot of friendship to me, assisted me in my district, assisted me with superintendents of schools, gave me the benefit of her experience down south, and I've always served as a proxy vote for some of our friends in the southern area. But I just wanted

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to stand and say thank you to a wonderful woman, a wonderful human being, and someone who, as a Senator, Illinois should be proud to know that in her district, they can hold their head up -- their head up high to have such a sophisticated lady walking in the name of Senator Deanna Demuzio. We'll miss you here, but we know that only politicians retire. I know you're an activist-type person and you care about your community. So, Godspeed, and it was a privilege serving with you and turning around and getting your advice and/or figuring out which way is up when I come down south of I-80. Thank you, Senator Demuzio.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Bomke, for what purpose do you rise?

SENATOR BOMKE:

Thank you, Madam President. To the resolution.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the resolution.

SENATOR BOMKE:

You know, I think when all of us come to the Illinois State Senate, there's a lot of expectation for all of us, but there could be no greater expectation for someone other than someone who might be following someone like Vince Demuzio, who, as President Cullerton said, was respected all over the State of Illinois. He was a great orator and someone that would be difficult to follow in their footsteps. But, Deanna, you didn't miss a beat. You've done just an outstanding job here in the Senate; gained the respect of everyone in the Senate, Republicans and Democrats, here in the Senate and in the House. And I want to wish you the very best. I know you've often talked about when you come to Springfield from Carlinville,

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traveling the Vince Demuzio Expressway, and I think every morning and every night you say a little prayer to Vince to guide you that day. We are -- we're going to miss you, but we know that our friendship will be forever and we hope you don't stay away too long, and looking forward to seeing you in the future. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Koehler, for what purpose do you rise?

SENATOR KOEHLER:

Thank you, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the -- to the resolution.

SENATOR KOEHLER:

To the resolution. And -- and I would have to say something, because I -- I knew who Deanna Demuzio was long before I met her, and that's because of my predecessor, George Shadid. And I think, you -- in fact, you talk to George almost as much as I do, sometimes on a -- on a daily basis, sometimes on an hourly basis. But George certainly had a fondness for -- for Vince and for you and always said I should -- I should get to know you and -- and learn from you, and -- and I have. And I just have to say that I feel my time here in the Senate has been greatly enriched just by -- by knowing you, working with you, and -- and I'll personally miss you very much.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Thank you, Madam President. To the resolution.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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...the resolution.

SENATOR ALTHOFF:

Thank you. Senator Demuzio, you are my Demuzio. As you know, my working relationship with your beloved late husband was very short. So, when people talk about Demuzio, I think immediately of Deanna. And although I don't have a poignant story or a funny story to share with the Chamber, you know I thank you terribly for your wonderful working relationship with me - our shared moments on committees, shared issues that we brought forward. It's been a delight. And so I thank you for that and I wish you all the best in your filled-with-potential future. So, thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Wilhelmi, for what purpose do you rise?

SENATOR WILHELMI:

Thank you, Madam President. To the resolution.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the resolution.

SENATOR WILHELMI:

I'm about to celebrate my six-year anniversary in this Chamber, in the Illinois Senate. So I want to take you back about six years ago, when a thirty-six-year-old young man from Joliet, who had never held office, came to this august Body, and I'll be very frank. I was intimidated. I was a bit scared. And the good Lord was very kind to me in having me sit next to the woman we're honoring today, Senator Deanna Demuzio. I came in with a lot of questions. Wanted to make sure I knew my way around, and I -- I had the good pleasure and the good honor of having a woman who cares so much about the people she

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represents, but also she cares so much about every one of us in this Chamber. And she took me under her wing and she basically said, "Kid, I'll -- I'll tell you some things about how -- how it happens here in the Illinois Senate, not just based on my own experience, but let me tell you a little bit about my late husband", who I'd never met and -- and never had the chance to work with. And in that time, I've learned so much about you, Senator. I've learned about your passion for the people you represent and the issues that are important to central Illinois - issues about agriculture, State facilities, the men and women that work in our State facilities, issues important to life and the outdoorsmen and women that you represent. And you -- every day you've come to the Floor of the Senate since I've been here and you've always had a smile on your face and a real passion for the people you represent, and you've done it with -- with such grace and such class and such style. You've taught me a lot here in the Illinois Senate. You've taught me about waking up every day, putting a smile on your face and putting your best foot forward for the people you represent. That's what we're all called to do and that's what you -- you've done so well here in the Illinois Senate. And -- and one of the best parts of this job is that we get to make friends that we would never have made. I would never know Deanna Demuzio but for my place here with you in the Illinois Senate. And I thank God today for adding you as a friend in my life, enriching my life, making me a better person, a better legislator, and I think if there's one takeaway, one lesson - there's many of course - but if there's one, it's to remember that we can come here with one of two attitudes: We can come here with a smile on our face and joy in

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our heart and passion for our constituents or we can come here with a different disposition, one that you and I don't subscribe to. And so I thank you for coming to this Senate every day that I've been here with that wonderful joy in your heart and that smile on your face and never forgetting why we're here, and that's for your constituents. Thank you for being a wonderful friend. You will be terribly missed and I love you. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Collins, for what purpose do you rise?

SENATOR COLLINS:

Thank you, Madam President. To the resolution.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the resolution.

SENATOR COLLINS:

Like my colleagues, Senator Demuzio, I rise with deep appreciation and great respect and to say that it has been a personal privilege to serve with you in the Illinois General Assembly. Now, please excuse my back. I don't want to see your tears and I'm going to turn this way so I don't cry. But I believe that you have been a strong and steadfast soldier in upholding the honor and the dignity of public service and the legislative legacy of the Demuzio family. I salute you for your dedication to the mission, your desire to make a difference, and your diligence in working assiduously to serve your district. You have been a gift to the General Assembly and a blessing to your constituents. You are a remarkable legislator, an outstanding human being, and a gracious friend. And I say a gracious friend because she was so polite to correct me. I made a trip to Carlinville and I thought I was in southern Illinois,

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but she politely corrected me. So thank you for being my friend. I thank God for you and may God's blessings follow you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Dillard, for what purpose do you rise?

SENATOR DILLARD:

Thank you. To address the resolution and this great lady.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the resolution, Senator.

SENATOR DILLARD:

Thank you. I was trying to figure out whether I met Deanna or Vince first. I started as a staffer here in the 1970s and Deanna was a legislative liaison for an agency in those days and would come to grovel to we Republicans for money for her agency and she continued that role when I was Jim Thompson's legislative director. So I can't remember whether I met you or -- or Vince first, but it doesn't matter. The two Demuzios, as Senator Cullerton pointed out, will end an era, I guess, when Deanna leaves here today. The man I used to sit next to here, Senator Stan Weaver, and Senator Demuzio were probably tremendous -- tremendously close friends. And as a young Member of this Body, I was appointed to the Rules Committee and I got to watch your late husband and Senator Weaver work their charms every day. And Deanna would come back to the Anteroom and she'd be waiting for Vince to go back to Carlinville. And the Demuzios were a great partnership. And for those of us who are in this business -- and I'm texting my wife as she goes back to northern Illinois in a snowstorm today. But you are, "the Demuzios", a great partnership for the State of Illinois. And I've seen Deanna as a professional in her own right in State

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government, as the spouse of a very prominent politician, and then as a Senator herself. And as has been pointed out, it's very hard to replace someone like Vince Demuzio, let alone when he's your spouse. And she did it well. And the reason she did it well is she learned all of the political tricks of the trade from Vince. But through her own workings in State government, this woman really knows Illinois State government well - some from Vince, much of it mostly on her own. So -- I also admire you, Deanna. My dad had colon cancer. And the dignity which you handled the loss of Vince I thought was, you know, tremendous. I was watching my mom go through the same things and the strengths that I saw in my mom, who's a nurse, and you were an inspiration to me and -- and my family. So, you're also - and it hasn't been brought up - tremendous mother, grandmother. My grandmother grew up in the Carlinville area, so I have a lot of relatives down in the "Demuzio land" of Illinois. And the Demuzio family and just the way they are - if you know how they live, they live like in a compound. But you're a tremendous mom, a tremendous grandma, a great State Senator, and somebody who I think has added a lot to State government. So, the last thing I want to say is, I was also trying to figure out, Deanna, I've known you through four decades - not over forty years, but through four decades - and you still look the same from the 1970s. So I wish you well. You won't be a stranger, but we will miss you. It's an end of an era here and just thank you for all of your service throughout the years to the people of the State of Illinois. God bless you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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Senator Garrett, for what purpose do you rise?

SENATOR GARRETT:

Yes, thank you, Madam President. To address the resolution.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the resolution.

SENATOR GARRETT:

And it's hard for us who are sitting in front of Deanna who want to turn around and have that face-to-face, so I apologize for that. But I came here and Vince Demuzio, the legend that he was, took me under his wing and somehow got me involved with the downstate caucus. But I think what he was really doing was just making sure that I felt comfortable in this new surrounding that I had. But I always admired him and, like everybody else, was - - his tragic passing was just something that -- still, I think many of us are dealing with it. But I always say, behind every successful man, there is a woman. And I doubt that Vince would have been Vince if he hadn't had Deanna to push him through difficult times, to stand behind him, to support him, to give her generous time and advice, because that's who she is. That's the type of legislator she is and that's the type of human being she is. All of us will miss Deanna Demuzio. But when she leaves, the final Demuzio family will be gone from our Senate, and I think that the legend that they leave behind is something that we will never forget. So, to their -- their "teamhood", I want to say thank you. To her as a friend, who -- some of the things that she helped me with, I will never forget. And I just want to say good luck to you, Deanna.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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Senator Hutchinson, for what purpose do you rise?

SENATOR HUTCHINSON:

Thank you, Madam President. To the resolution.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the resolution, Senator.

SENATOR HUTCHINSON:

I stand -- I wanted to add just a couple of words, because I don't have as much time in the Chamber as some of the other speakers, for my colleagues said beautiful things about Senator Demuzio. But I had the privilege of serving as her Vice-Chair for State Government and Veterans Affairs, a committee that she ran admirably. And I was honored to be able to step into her shoes whenever she needed me to, which wasn't that often. She knew how to be fair. She knew how to listen to all sides. She cared deeply about matters that affected all veterans across this State. And I learned a tremendous amount from her. All of us know that politics is not for the faint of heart. You have to have a special kind of gut to want to do this. And we all go through that team sport called "campaigns", and sometimes they're brutal, but then we come here and we recognize that this is a deliberative Body and the ways of the Senate still mean something and we respect each other enough to listen to other people's opinions even when we don't agree. And so I'd like to say thank you for not only her presence in the Chamber, but also for her graciousness in the way this last campaign ended, because she's moving on to different things, not necessarily by choice, and that's a hard thing. And even in the face of that, she still comes as -- as graciously as she always did. She's still there for a helping hand. She's still there for a way to

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go. And as someone who's new -- newer - 'cause now that I'm here on my own steam - to have someone with that much institutional knowledge say to me, "You're doing a good job", that means more than anything I can say. So I will miss you too, Senator Demuzio. I was honored to serve with you. I don't think you're going very far. I think that I can still pick up the phone call -- phone and call you when I need something. Thank you for being exactly who you are. We will miss you here.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton has moved the adoption of Resolution No. 1158. All those in favor, say Aye. And the resolution is adopted - Senate Resolution 1158. Senator Demuzio. Senator Demuzio.

SENATOR DEMUZIO:

Gosh, thank you very much, Mr. -- Madam President and Members of the -- of the Body. I want to thank my daughter, Stephanie, who's here, and my sister-in-law, Donna, and my staff, Joan and Michelle, and -- for being here on the Floor with me today, and all of you. When I came into the Senate -- into the Senate six years ago, I walked onto the Floor and knowing how difficult, having gone through the loss of my husband, and coming in to this Body was going to be very difficult. No one could ever, as the papers were reporting, to take his shoes or to fill his shoes. And he was a -- a voice across this State. And as I came onto the Floor, after taking my oath that day, I'll never forget Senator Geo-Karis, a lady that sat at the well down here and welcomed me into this Body and took my hand and gave me the encouragement. And from that day, I knew that this was a -- a Chamber that we as, every day,

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legislators that come in here, we work bipartisanly. And as women, as our caucuses, as our individual districts, we come with a passion that we have been elected to fulfill that -- that goal. But when we come onto this Floor, we come as a Body that is here for the State of Illinois. And as a -- it's one, and we're all a family. And so I thank each and every one of you because you have brought to me a sense of what -- togetherness, what every -- every one of us wants to leave this Body with, and that is with a family. You came at a time in my life when I needed a -- when I had a void in my life. I had just lost my husband, and so you became my extended family. And every day I -- that I was here, you became that extended family. And my family and I want to thank you for that. My family is very appreciative - my grandchildren, my children, my sister-in-laws, my staff - because they knew that you were that extended family. And without an excellent staff, I could not have survived. Joan Withers -- at thirty years with Vince, was here at this Senate waiting for me. And her dedication to the Demuzio family is unprecedented. She since went on to work with Senator Viverito. And with that, twenty-five year -- Michelle's been with me for twenty-five years now and she moved up from the district and now is here in the Capitol Building. And I want to say thank you to them, because you guys kept me going. We also have other staff here and every day that staff is part of our lives. And if you just remember sometime to stop and just say thank you to them, because they make us look good. They make us do -- they do the press releases. They do all the things, the -- the radio clips. And I was very fortunate to have with me a young man that came up from our district office that started out taking a political

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science class with my husband Vince, who is now your Chief of Staff, Andy Manar. And for that, Andy, I want to say, he ate a lot of cookies at my house when he was taking -- and he did get an A on a poli-sci class, okay, on that class that Vince was giving him. So, I felt a little more comfortable as he's moved up the ranks, knowing that he got that A. I think he even got an A+. Didn't you, Andy? Yeah. He serves -- he serves as our county board chairman, precinct committeeman back home, and has been a stalwart friend and supporter of my family. And so as I came here to, quote, "come into this position" and to be the Senator of the 49th, my family was comfortable in knowing that I had a lot of support - my extended family then extended out to you. Gabe Springer. I don't know if you're here. Lee LoBue. A lot of the individuals here on staff started out in the -- in the district office and for that I'm very grateful for their support. So as I started in this, I will say -- and I want to thank everyone here in the Capitol Building and -- because there was not a day that didn't go by that someone didn't tell me a story about Vince, and it became -- it was -- it -- it was very comforting to me that I would walk into a committee room or I could walk into the -- into -- down the hall or rotunda and someone would say to me, "I have a great Vince story." And so it was -- there was a lot of them that I did not know about and I won't repeat 'em. But it was -- it was great, and he was certainly the voice here in the Capitol Building that we all respected and I realize that. So, again, I want to thank each and every one of you. My constituents are here. There's Scotty and all of you and everyone that I've had the opportunity to work with here in the Capitol Building. I just want to say

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thank you, because you have brought to me a wonderful opportunity that I will never forget. And in closing, I would just like to say, thank you again for all of your comments, your wonderful heartfelt comments today. And in closing, I would like to say that Vince liked to say when he got ready to -- when you got ready to leave, may God bless you and may the good Lord take a liking to you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Thank you, Madam President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point, Senator.

SENATOR SULLIVAN:

Ladies and Gentlemen, I was absent for much of the discussion with regard to Deanna, and I want Deanna to know why. Deanna, Senator Demuzio, I missed much of the discussion here on the Floor because I was over in the House. They were doing a death resolution for Representative Myers, who passed away. And when you get on the House Floor for a death resolution, they won't let you out. You're locked in there. So -- and I'm glad I was able to participate in that, but, Deanna, I really wanted to be here as well. But I want you and I want, of course, the Members of the Senate here to know that your -- your kindness, your thoughtfulness, your hard work, your dedication, but most importantly, your friendship to me has meant the world. Thank you very much.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Demuzio, for what purpose do you rise?

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SENATOR DEMUZIO:

To the resolution. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

By all means. To the resolution.

SENATOR DEMUZIO:

All right. Thank you. You know, I wanted to bring to -- to the Chamber the wonderful kindness of President Cullerton. And I just -- I know he's not on the Floor. And, Pam, you want to come up here? She -- she and President have been such good friends over many, many years and I -- she came over to sit here to give me a little -- give me a little encouragement. And I want to say that I know President is quite busy right now and I want to say a special thank you to him. And to certainly tell him how appreciative and I -- I -- I am and will always be of his friendship, and to Pam and their family. You know, we have in a lifetime the opportunity to make many dear friends. And some of our friends are acquaintances. They're -- it's a pass-through sometimes. But President Cullerton and Pam have always been there. And I want to also say thank you to him, because the call he made on November 2nd to me was a very, very difficult call and I want to say thank you to him. We had a conversation that night. He and I both cried. And it is something that I'll never forget. And so that I want to say thank you, President Cullerton, for being the strong Leader that you are here for this Chamber. You are what we need at this time as this State goes forward. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Deanna Demuzio, good luck. Ladies and Gentlemen of the Senate, please turn your attention to the Supplemental --

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Supplemental Calendar No. 1, Secretary's Desk, Concurrences.
Senate Bill 3539. Senate Bill 3539. Senator Raoul, for what
purpose do you rise? Madam Secretary, please read the bill.

SECRETARY ROCK:

I move to concur with the House in the adoption of their
Amendment No. 1 to Senate Bill 3539.

Filed by Senator Raoul.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul, to explain your motion.

SENATOR RAOUL:

Thank you, Madam President, Ladies and Gentlemen of the
Senate. Senate Bill 3539 is a bill to abolish the death penalty
in the State of Illinois. You know, it's been suggested that
this bill is being rushed through, notwithstanding the ten years
of study on this topic, the fact that we've had hearings, not
just this week, but we've had hearings before in Criminal Law
Committee when the subject of a no-doubt standard was suggested.
I've had multiple conversations with colleagues and with
advocates on either side, with survivors of murder victims who
advocate on both sides, conversations with people who were
exonerated. You know, I stand before you as a imperfect man and
I -- as this bill passed out of committee earlier today, I am
certain that people who voted in opposition voted in opposition
for different reasons and I'm certain people who voted for the
bill voted for the bill for different reasons. You and I may
not agree on whether it is morally permissible that man ought to
be licensed by State to kill another man as punishment, even in
the most perfect circumstances, circumstances of certainty of
guilt for the most heinous crimes, but I submit to you that's

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not what I'm here to debate today. As a child, I was raised in the Catholic Church and many of the values that are instilled in me arise from that upbringing. While I'm no longer a member of the Catholic Church, I send my kids, my twelve-year-old son and my ten-year-old daughter, which I've discussed this issue with, to Catholic school because of the values-based education that the particular school they go to offers. Now, I can make that imposition on my kids, but I cannot, in this Chamber, make any such imposition as to what your values should be, what your faith should be. I let you reconcile -- make the reconciliation for yourselves. I will simply tell you that we cannot afford to continue to have a death penalty in Illinois with the track record we have. We often talk about, and we are talked about by the newspapers about, the categories that we come in last in the nation or second to last, whether it be education funding, whether it be our -- our bond rating or our deficit, things of that nature, but one of the most embarrassing things is that, I believe, only the State of Florida have had more people sent to death row for crimes that they did not commit. We ought to be embarrassed by that, because if an execution were to take place, it takes place in the name of the people of the State of Illinois. Now it's been said that with the moratorium, there have been reforms implemented. And I've -- as I mentioned in committee, I've heard the name of my predecessor used all too many times and it's said that he endorsed videotaped interrogation. And it was suggested that the videotaping of interrogations that take place are what was called in committee "cradle to grave" interrogations. That means purportedly those -- the tape starts rolling when the suspect is in custody. The

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problem with believing that is that since these reforms have been put in place, the videotape interrogation, we've had individuals, fathers of daughters, that were killed, who confess to heinous murders of their children that they did not commit. This is after reforms. Kevin Fox and Jerry Hobbs. Heinous crimes, for those of you all who say, "We should reserve this for just the most heinous crimes." Well, these were heinous crimes - a eight-year-old and nine-year-old girl stabbed to death. I've got a ten-year-old little girl. God forbid that I be in the situation, first of all, that she be murdered, but secondly, that I'm falsely accused for killing her and then I'm somehow - I don't know how; they say "cradle to grave" interrogation - made to confess to murdering my daughter. I don't think that's evidence of reforms working. Or you may say, "Well, in that case, there was DNA." Right? And we've heard about the advances of science and DNA. Well, we also know that as I talk about some of the areas where we have a dismal record, our DNA testing is one of those areas, not just for the backlog, but we've had a forensic scientist accused of giving false testimony. We sent out DNA testing to outside labs that have come back with false evidence. Our system has been more than just imperfect with regards to these reforms that have been referred to. And I submit to you that when an individual, a Governor, decides to lift the moratorium, if there is a case that ends up in the actual execution of a man or woman, there's an individual that has got to strap that man or woman down. There's an individual that has to inject that person on behalf of the people of the State of Illinois. That person could have been Jerry Hobbs, but for, again, it was said, the DNA - it

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worked. The DNA testing worked. It was a chance arrest - not in the State of Illinois, but in the State of Virginia - that led to us finding out that this man did not kill his daughter. Up in the gallery today is Randy Steidl. Randy, can you stand up for us? Like to welcome him to the Senate. There was a heinous crime committed where a couple was stabbed to death and Randy was accused of that crime and spent years on death row for a crime he didn't commit. As Randy stated in committee today, "You can be released from prison, but you cannot be released from the grave." It wasn't our reforms that led to his exoneration; it was the federal courts and it was -- he gave credit to -- he did give credit to our Attorney General Lisa Madigan in committee. Thank you, Randy, for being here and thank you for your advocacy. I also want to thank the victims who have advocated, notwithstanding their losses, their losses that cannot be compensated by putting somebody else to death and certainly not by putting somebody innocent to death. I want to thank the Catholic Conference and Francis Cardinal George, Reverend Thomas Doran, Reverend Daniel Jenky, Reverend Edward Braxton, Reverend Joseph Siegel, Reverend Thomas Paprocki. In a letter that they put advocating for us to end this embarrassing death penalty we have -- in their letter, they state "Society's need to protect itself no longer requires capital punishment. Furthermore, we know that no justice system is perfect and there can be no guarantee that the death penalty will never, ever {sic}, again be imposed on an innocent life." We know that there's no guarantee. Jerry Hobbs' case is a prime example of where there's no guarantee. Had that individual not been caught in Virginia - it was mentioned that we have fifteen people on

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death row right now - there would be sixteen. And guess what we would be talking about Jerry Hobbs as right now? - one of those heinous crimes. We would be saying Jerry Hobbs deserves to die for the heinous crime that he committed. But he didn't commit it. But we would have been certain, 'cause - guess what? - our reform worked - videotaping; he confessed on videotape. But it was wrong. Ladies and Gentlemen, we have an -- a historic opportunity today. We have an opportunity to part company with countries -- part company, as a State, with countries that are the worst human rights violators and join the civilized world and end this practice of risking putting to death innocent people. I urge your Aye vote on this bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Anne Kelly seeks leave to videotape - WCIA. Leave is granted. Is there any discussion? Senator Haine, for what purpose do you rise?

SENATOR HAINE:

To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR HAINE:

Thank you, Madam President and Ladies and Gentlemen of the Senate. And I thank Senator Raoul for his skilled and able presentation of a very difficult bill. I just have a few points to make. One concerns the reference to the clerics, one of which is my own ordinary, who've signed a letter against the death penalty. That is their considered opinion. It is not now and it never has been, so far as I know as a communicant of the Catholic faith, the teaching of the church that capital

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punishment is immoral per se. Euthanasia, abortion, contraception, that's immoral per se - not the imposition of the penalty of death in certain circumstances. That is reserved to the prudential judgment of the officers of the State, assuming the State is lawfully constituted and is not lawless in itself, such as Nazi Germany, the Soviet Union, and others. It also presumes that our system of jurisprudence is fair and equitable, which it is in Illinois. And that's why the Supreme Court of the United States voided all death penalties, because they believed, rightly and correctly, that many of them were flawed. Some of them were for crimes not involving death or murder. So, we have repeatedly reformed our -- our -- our jurisprudential system over the decades, the latest being a series of reforms implemented in 2003. And those reforms are in effect and they seem to be working. The imposition of the -- of this penalty is reserved to the State, as Senator Raoul correctly pointed out, in the name of the people of Illinois. It is not an act of vengeance on behalf of a victim. It is not an act -- a private act; it is an act of the people in its role as State. And it's done for the common good, to preserve order and to requite crime, great crime, and we establish the criteria for it. And the great crimes are what the people desire to have the death penalty to be imposed for. Great crimes - Timothy McVeigh; John Wayne Gacy; going back to 1960, Adolf Eichmann. It's not to test whether those people are going to serve natural life sentences, it's a question of righting the greatest wrong. It is not a question, again, I repeat, of vengeance; it's a question of the people being outraged at such terrible crime, such bloodletting - the massacre on September the 11th, the

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massacre recently in Arizona - terrible crimes that deserve to be punished, just as armed robbery deserves to be punished or any other crime. That sets the balance straight. The State's Attorneys of Illinois have used this, with the reforms, to implement a scheme of punishment and they have done so, by and large, skillfully, not without some mistake. That's why we have skilled courts of review, multilayers. They have taken -- if you -- if we remove the penalty of death, suddenly the greatest penalty is natural life. It ratchets down everything. And the John Wayne Gacys, all they face is natural life. We've all negotiated and taken natural life -- taken a plea to natural life, which is, by the way, Ladies and Gentlemen, that's real closure, is a plea to natural life. That's closure, not abolishing the top tier and then starting with natural life and then everyone wants a trial on -- on that with multiple appeals. There is implicit in this effort several things which I find personally bothersome and I don't attribute them, of course, to the sponsor. We've been debating this for several years. The men and women who come into the well of the court every day in this State are men and women of integrity. They do not suborn perjury. They do not secrete exculpatory evidence. If they do, they should be disbarred and disgraced. If we need more safeguards in that regard, let's -- let's do it. If we need someone besides a State's attorney to ask for the death penalty, let's put the Attorney General there, since she will -- her office reviews automatically the penalty in the Supreme Court. Let's further tighten it up. But the people in this debate -- the people are out there and they are not a part of this debate. If we vote to abolish this, we are doing so on the basis of

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speculation. We can speculate what if something happened and someone got the death penalty? What if the DNA wasn't discovered? What if this? What if that? We -- the judge instructs every juror in a criminal and civil case, you must not speculate, and now we're -- we're basing the abolition of this penalty upon speculation. What is certain - what is certain - is that we have fifteen people today on death row. That is certain. And no one is saying any of them deserve their sentences commuted to natural life. We don't want to read their crimes into the record today, Ladies and Gentlemen. I don't have the stomach or the heart for it. Seven out of ten of those people on death row when Governor Ryan commuted the sentences didn't contest their own guilt. We don't want to read those terrible facts into the record here today. But let me just say, Ladies and Gentlemen, there are many more of these cases in everyone's district that will be commuted even before trial or after sentencing, and the people have not had a say in this. The people have not had a say as to whether these great crimes will no longer face just punishment. We'll do it without their input. If we want their input, put it on the ballot. Make it a constitutional amendment and let's have a debate among the citizens, the voice of the people, but let's not speculate here today, handcuff law enforcement, create a standard that is insurmountable based upon speculation, which is -- should be unknown and should be not tolerated in the Anglo-American legal system. I would respectfully ask for a No vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. There is nine Members seeking recognition. Please be mindful of that. Senator Dillard, for

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what purpose do you rise?

SENATOR DILLARD:

Thank you, Mr. -- Madam President and Members. I told the Judiciary Committee this morning that I was proud to have served on that Committee under Senator Cullerton when he chaired it, Senator Hawkinson, now Senator Wilhelmi. We had a -- a great debate on this issue today. And as you can see, if you're a member of the Judiciary Committee, the eloquence of the sponsor, and the greatness in which he is presenting this bill is phenomenal, and the expertise of Senator Haine, an accomplished prosecutor, who obviously is on the other side of this issue. This is a very, very difficult issue and I've been involved in it here in the Legislature for a long time. I sponsored, at his request, the recommendations of former Governor Ryan's commission. I was the cosponsor of the Senator's predecessor on the reforms that we passed through this Chamber a number of years ago, including videotaping of those confessions from cradle to grave, as he likes to call it. I also was the sponsor of mandatory -- chief sponsor of mandatory DNA testing, which has greatly improved, not perfectly, but greatly improved our system. One of the safeguards that sometimes is overlooked was brought to our attention today by the Peoria State's Attorney, Mr. Lyons, who reminded us, in those reforms a number of years ago, we gave the State Supreme Court the ability to overturn death sentences if there's some type of doubt. That is a new safeguard. Obviously, we always have the Governor of Illinois as the other major safety valve as well. I have thought about this issue for a long, long time, as I'm sure all of you have. I want to thank the former United States Attorney from Chicago,

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from the Northern District of Illinois, Thomas Sullivan, who for five or six years has been the chairman of a commission which I was a member of. It's the -- it's the death penalty reform study commission. The men and women who have served on that committee have -- have done a lot. And I have learned an incredible amount from Mr. Sullivan. In fact, I kidded the committee that Tom Sullivan's work ethic makes Speaker Madigan look lacking. Mr. Sullivan gave his time and the resources of his firm and gave me a great education. I've moved an incredible amount on my thought process on the death penalty, but I'm not there yet, even though I probably agree with about ninety-eight percent of what the sponsor of this bill has said. I have always believed that the worst of the worst -- and it's just not me - it's as Senator Haine pointed out - my constituents believe that there is a proper role for the death penalty for the worst of the worst. We heard from Mr. Street, the head of the Federation of Police {sic} (Fraternal Order of Police) statewide, in our committee this afternoon. For those of us from the Chicagoland area, it's been a brutal year, brutal, worse than normal for the law enforcement community, especially those who serve the Chicago Police Department. Those who murder law enforcement officials or prison guards or children or the mass murderers, to me, need to have the death penalty in most, if not all, cases. Every life is precious. I have met for more than a decade, before it was fashionable, with those who were exonerated. I told the committee that I visited Rolando Cruz when he was locked up in the DuPage County Jail. I have met with the exonerated and it is sickening and it is just heart-wrenching to -- to meet with these individuals. But why

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have it for just the worst of the worst, especially for those of law enforcement? The reason is, these killings, these crimes tear at the heart of our societal order. And while every life is precious -- and -- and I met with Cathy Crino, who's -- who lost her sister, a tremendous, tremendous loss, and she was somebody who was just engaging and ripped my heart out with -- with -- with her -- her testimony. But -- all life is precious, but when it comes to those heinous crimes that go to the heart of our society, I still believe, as, most importantly, the people who live in my 24th Senate District, that we still need a death penalty in those limited cases. If this passes, the abolition today, you know, I'm not going to lose any sleep over it and I commend the sponsor and those who have set up this issue so well in the minds of the people of Illinois. Anita Alvarez, the Cook County State's Attorney, agreed with Senator Haine and myself in committee. This is the ultimate question for the people of Illinois: Do you want to live in a state that has a death penalty or not? I believe - and I'm not abrogating; I'm -- I'm happy to play Solomon here at this late hour - but, the people of Illinois, this is a question that ought to be put before them in some type of referendum fashion. But I know where my constituents stand, especially for the worst of the worst. If this passes, I'll be back here sometime in the next week or two with the new General Assembly to reinstate the death penalty for mass murderers, for cop killers, for those who kill children, and for those who kill prison guards - again, the heart of our societal order. And I will also do -- and one of the problems with this moratorium that we've had, this legal fiction, is that we haven't taken the final steps to ensure that

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our system is flawless when it comes to the death penalty. And I want to work on legislation that makes sure that our forensic labs do not make mistakes. And then also, that - and this is really a problem with the death penalty - is we don't apply it in a geographic or democratic fashion that is fair. We have not completed the job in the Legislature to ensure that, and I will work on legislation to do that if this passes, for the worst of the worst. But, again, I think there's a place for this. I think the people of Illinois ought to decide this question. And I've given it a lot of thought and I commend the sponsor and those who are on his side of this issue. I agree with you on almost everything, but I think there's still a place for the death penalty for the worst of the worst of our society. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

John Marschitz seeks permission to videotape, WBBM-TV. Leave is granted. Senator Delgado, for what purpose do you rise?

SENATOR DELGADO:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

...the bill, Senator.

SENATOR DELGADO:

Madam President, Members of the -- of the Senate, when I got here in -- in 1999, 2000 was when a courageous Governor put out a fire here in Illinois, and that is putting a moratorium on the death penalty. But I come to you with hands-on training, because when a colleague who just spoke talks about Rolando Cruz, I served as a Latino liaison to the Attorney General at

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the time in the midst of the case of Rolando Cruz and Alex Hernandez and the Justice for Cruz Coalition that continues in this quest in many cases, as we were trying to solve a case of a family that lost a little girl. Both families, all families, were torn apart. Three families, the Cruz family, the Hernandez family, the -- the -- obviously, the Nicarico family. God bless 'em. But I did have to get to know Rolando Cruz and his colleague. I did have to help try to convince an Attorney General that they had to meet with the public, a Justice for Cruz Coalition. We had to make sure that even with my own biases and my own thoughts that justice would be served. That Attorney General depended on my opinion - matter of fact, he ran for -- he wanted to run for Governor - on the fact that they were going to kill two innocent men. I had an opportunity to help advise that Attorney General and I didn't last too long after that. Matter of fact, I had to resign about nine months - - right before Christmas because of the pressures I had received by individuals, who some of them today may be judges, because they just wanted a Governor elected. But, Ladies and Gentlemen, the system is broken and we know that. I know that as I stand here before you. You know many of my credentials. But I, too, grew up in a criminal justice field, not as an inmate, but as a student, as a former parole agent too. And I wrote many PSIs. For those who don't know, presentence or post-sentence investigations. But the system in Illinois is broken. Rolando Cruz and Alex Hernandez are great examples of that. Mr. Cruz, with all due respect, is not the most eloquent young man I've met. He's from "the hood". But at the end of the day, there's a lot of jaw talking inside those bars. And, yeah, I've been in

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every prison in this State, along with many of you, visiting. But I've been in this debate. I got here after I left the Attorney General, got to the House of Representatives, and I got to sit on the Prison Reform Committee. Couple of my colleagues are here now as Senators and the Chairman is now the Sheriff of Cook County. We got to debate the moratorium. We got to continue to find ways to try to solve our crisis within families, economic crisis, dysfunctional crisis, mental health crisis, trying to get to the gist of what is wrong with our families, what makes us a sicker society that would take a life of another. But, heck, we know the system's broken. We know that, in my opinion, death is too good for some folks who are those cop killers, because all they're going to do is not have to pay any bills, not have to pick up any snow, not have to deal with the nitty-gritty of every day here on this planet called earth. Why give 'em such a free ride when they sometimes should just sit there and dwell? Because that was the Quaker concept of the penitentiary, because the word "penance" is in there, isn't it? Because you went and paid your penance and you paid the cost in society, and that's why they're called penitentiaries. And that was a Quaker term. And when we talk about -- and you went out and you're -- you were banished, but you would -- you would've paid your penance. We know the system is broken and it took a courageous Governor, not a General Assembly - we tried, because I was the chief sponsor of this bill once upon a time. And I've been looking for something to motivated me -- motivate me, Madam President, to get up and -- get up to get down, if you will. So I've been a little quiet around here. But I know a little bit about the death penalty

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and what is -- what works and what doesn't work when we go ahead and free somebody's soul to the ever after and they don't have to sit there and rot and deal with the -- the -- the reality of what they've done and pay their penance. Talk about law enforcement tool, well, I understand that if I'm a thorough investigator, I don't have to threaten someone with their life, as they threatened Mr. Cruz and Hernandez, to try to get a job done. Thorough investigative authority would take care of that. And as I pointed out, it is too good for some, but as one of my previous speakers pointed out and said, they -- in one breath they said it works here in Illinois, but then another statement pointed out that -- that the Supreme Court had to stop it because of the flaws in our system - very clearly these flaws in our system. And if we were to talk about the -- the -- the -- the -- the English relationship to the jurisprudence of this country, well, I know that for a fact that United Kingdom ended the death penalty in the seventies. So, so much for our past jurisprudence histories, just like a higher and lower chamber sometimes. But at the end of the day, this system continues to be broken. We're putting innocent people to -- to -- to a point that we as humans cannot make this decision. Maybe some day, with the DNA and the science and everywhere we're marching to. Maybe not in my day, maybe not in my tenure, but then maybe we could readdress this. But I'll leave you with the corny cliché, as I guess someone said, "If we were to continue to go an eye for an eye and a tooth for a tooth, we'd be a blind and toothless society." So let's think about what we're doing and understanding that Illinois is not at this point ready to implement such a permanent situation for our inability to deal

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with the societal problems we have in our communities. And, that's right, it's not geographical; it continues to sit with -- the scales of justice that continues to peak, based on maybe not the color of your skin, maybe based on bad police work, or it may be bad -- bad information, or what -- who knows? But to make a permanent solution in this case, with the history that we do have, I think the evidence speaks for itself, and I would stand in strong support in an obvious manner. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Robert Burton, WAND-TV, requests permission to camera shoot and video. Leave is granted. Senator Maloney, for what purpose do you rise?

SENATOR MALONEY:

To the bill, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR MALONEY:

I -- I will be very brief. First of all, I do share the great deal of respect for the sponsor. I admire his dedication. I admire his intelligence. This issue is an issue that many of you have -- I have struggled with, as many of you. What's unique about this issue as a bill is it has no political party affiliation. It has no identification with any geographic section of the State. It's not about unions. It's not about management. And -- and the arguments that -- presented on both sides of this issue are both compelling and they're emotional. I talked to a great deal of people about this issue on both sides of the issue. I'm convinced of their sincerity. I've

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talked to victims -- or family members of victims on this and other people on the other side of this issue - again, all very sincere. Usually when you stand to speak to a bill, you stand and try to convince somebody of your point of view. I'm not going to do that today. I think what we all need to do is look into your heart, look into your conscience, and do what you think is the right thing and I will respect that. And I hope that you respect me -- return that respect because I still -- I have concluded, after these discussions, that there are still certain crimes that demand that the death penalty remain in statute, and I will be voting No.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Duffy, for what purpose do you rise?

SENATOR DUFFY:

To the bill, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

...the bill, Senator.

SENATOR DUFFY:

For -- for society's worst criminals, a life sentence should mean life without any chance of parole. We need prison without perks - no cable TV or other amenities for those who have committed the most heinous crimes against humanity. Punishment in prison should be stern and extremely strict. People are there for a reason. However, when we review the death penalty process and evaluate how well it worked in Illinois, the facts are clear. Twenty people have been released from death row. We have spent over a hundred million dollars of taxpayer money defending and prosecuting death row cases. The death penalty does not make our society safer, I believe. It

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has been an ineffective and expensive use of our scarce resources. Illinois has spent millions of dollars for decades trying to correct the death penalty's flawed process. What we have learned after all this time is that the system cannot be fixed. To continue on a path which is flawed would be a critical mistake. Therefore, I rise in strong support of this bill. Capital punishment should be abolished in Illinois. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Eric Melcher, WGN-TV, requests permission to video. Leave is granted. Senator Noland, for what purpose do you rise?

SENATOR NOLAND:

To the bill, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR NOLAND:

Thank you, Madam President. Madam President, I have been an attorney now for little more than ten years. I've never tried a capital case. I served for two years as an assistant public defender and have maintained a general practice for about the last eight years. I chair the Criminal Law Committee and I'm a member of the Judiciary Committee. And I confess, unlike many of my learned colleagues here, that I have felt woefully inadequate to the task of determining whether or not the death penalty should be abolished. Nonetheless, as it has on many other weighty issues, and it will yet again, fate has determined that I should be one of the fifty-nine, however qualified, individuals to decide this matter. And decide is just what we must do. But before I say more, I'd just like to say that these

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punctuated moments in time where we have to make these decisions with our backs up against the wall do really no service to this institution or for the people of the State of Illinois. I'm almost tolerable of this strategy when it comes to fiscal matters - that is, the capital bill, historic tax reform, and the budget. And people who politicize everything around here, I understand, make this necessary. So I get it. But when it comes to true life or death matters, surely we can do better. So I, too, would have liked to have had more lengthy hearings on this matter. But for those who strongly support the death penalty, I urge you not to despair. No politician ever lost any votes by being tough on crime. Should this bill pass and the death penalty abolished, next Session you will have the opportunity to file a new bill seeking to reinstate it, as has been -- said by Senator Dillard. And I pledge to work such that that bill will have a full hearing. Until then, and over the past week or so, I have poured myself into all of the material I could find seeking the answer to answer one basic, albeit dispassionate question: Does the death penalty save more lives than not? And given the limited time at hand, I've had to rely mostly on abstracts - not full studies, but abstracts - I wish to inform this Body, employing -- which employ various methods of analysis. And as well, I have relied, too, on the learned opinion of others, many throughout this State. So I am speaking ultimately to those who may here be yet undecided. The materials I have read indicate that the death penalty might indeed have a discernable, however marginal, deterrent effect. And what I have learned is that it is not just the prospect of the punishment that deters, but the announcement that it has

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been carried out that has the effect. That is, in order to study this phenomenon, we have to look to those states that are actively executing the condemned. We've looked at Texas and Oklahoma for example. There it is found that there is a statistical and noticeable drop in murders immediately after -- in the several weeks following executions. However, the opposite is true as well. And this morning in committee, Cook County State's Attorney Anita Alvarez pointed out that here in Illinois we have had the unique opportunity to study what happens when, as I say, the opposite has occurred - in our case, the cessation or moratorium on the death penalty, as announced by our former Governor Ryan in 2003. In 2003, when then Governor Ryan commuted the death sentences of a hundred sixty-four defendants on death row, it is believed that approximately a hundred and fifty murders resulted in the forty-eight months following that announcement. The net result, it must be pointed out, is that fourteen lives were saved. And when I asked the prosecutors who testified this morning if, after looking at the studies to the extent that they had, whether or not they were left with no reasonable doubt that the death penalty acted as a deterrent, they indicated that they had doubt, but that it was nonetheless a useful tool in pursuing the ends of law enforcement. And I can understand that. But the difficult conclusion we are left with is the realization that in order to save lives, we have to take lives. Further, it is not the existence of the death penalty that is and in and of itself a deterrent, but the announcement that executions have taken place that deters. And moreover, for the death penalty to take its full effect, executions have to be carried out on a regular or

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at least semi-regular basis. Now I understand that the death penalty, as I say, can be used as a useful tool in law enforcement and I accept on the other hand that infirmities exist in the way it is applied. That said, here in Springfield, issues never die. That cannot also be said of those to whom we condemn and, in fact, wrongfully condemn in our courts. In my study of this issue, I have come to learn that the marginal benefits of the moratorium is unknown or unknowable. Its continuance, therefore, is neither the existence nor the absence of true policy on the death penalty. As such, we find ourselves in a no-man's-land of jurisprudence, a fixed position from which we must now move. Voters do not send us here to ride fences. So as previously stated, I have no doubt this issue will come before us again. I am therefore, for the moment - and I want to emphasize especially to those who live in my district that this is only for the moment - I am coming down on the fence that I have found that others who truly struggle with this issue come down on, and that is in favor of repeal. And I urge an Aye vote on this bill. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Madam President, I rise to move the previous question.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator Jacobs. There is eight Members seeking recognition. There were nine Members, five speakers ago. There is eight Members speaking recognition -- seeking recognition. Senator Holmes, for what purpose do you rise?

SENATOR HOLMES:

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To the bill, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR HOLMES:

Yes, I -- I just -- I did want to take the opportunity to speak on this. The -- the sponsor actually started out his speech saying that there are certain matters where he does not feel he should be making the decision, that people should make their own decisions. And I think that in this issue, which is a very emotional issue for some people, I think that's very true. I don't think we as a Body should be making this decision for the people of Illinois. I would like to give the people of Illinois the opportunity to make this decision themselves. Let's have them weigh in on this. This could be put to referendum. Let's find out how they feel on this issue before we go ahead and make this decision for them. I think we owe the people of Illinois that respect, the respect to make their own decisions in such an important issue. The Governor has said he is committed to extending the moratorium. Because of that, those who are opposed to the death penalty, nobody would be put to death while this matter is still being considered and while the people are having the opportunity to weigh in on it. I do believe we need to be careful in the case of people wrongfully convicted and -- and given the crime of the death penalty and given that sentence. We do need to look at that. And I think maybe what we do need to do - and studies are looking at this - is maybe we need to alter this. Maybe we need to limit the crimes where the death penalty is on the table, is used as a tool. However, in the case of a John Wayne Gacy, a Ted Bundy, a

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Charles Manson, the sentence of death is not an inappropriate sentence. I know we have had others speak to this bill, saying "Well, life in prison is more suitable. I mean, it gives them the chance to repent." I will tell you that there are certain criminals - the Charles Mansons, the Ted Bundys - they are not going to sit in prison and repent. They are sociopaths. By nature of their disease and by their makeup of who they are, empathy is not in their makeup, so they're not sitting there repenting the horrible crimes that they have inflicted upon the rest of society. There's also cost-saving studies done. Those -- many times we've been told that there is going to be a cost savings if we eliminate the death penalty. If you further look into those studies, you will find that the data is incomplete and inconclusive. Why don't we give it a chance to see that we have complete data before we weigh in on this decision? I am definitely going to beseech you all - let us vote No on this, take the time to do the full review that needs to be done, and let's let the people of Illinois weigh in on this extremely important decision. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

To the motion, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the motion, Senator.

SENATOR HARMON:

As we've heard from our colleagues today, we did have a -- an excellent debate of this motion in the Senate Judiciary Committee. And in the broader context of the arguments often

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made against the death penalty, the economics and the moral dimensions, I wanted to share one observation from our -- our hearing this morning. The opposition articulated in the Judiciary Committee came from the police and the prosecutors. And it's easy to understand. If we in -- in fact abolish the death penalty, we take away from them a tool. Our learned colleague, our -- our State's Attorney in residence, the gentleman from Alton, talked about this being a -- a -- a tool to achieve a -- an end, a plea to life imprisonment without a trial. We have used that term "a tool" many times, and -- and in that context, I think it's even more urgent for us to intervene at this point. One of the State's Attorneys who presented testimony in committee said -- he was explaining the story of -- in my opinion, an obviously horrible criminal who pleaded guilty and accepted a term of fifty-three years incarceration, and I quote, "in exchange for simply taking the death penalty off the table". He said it with a confidence and a matter-of-factness that arrested me - "in exchange for simply taking the death penalty off the table". This is not a tool. This is an awesome power. We are all in the business of persuading people. We try to persuade each other to vote for our bills. We persuade voters to send us back to Springfield. Can you imagine if you had the power to say, "You should do what I'm telling you to do or I will use the full force of the law and the power of the State of Illinois to try to kill you?" This is not a tool in the tool bag. This is an awesome power and it is not a power inherent in the description of a prosecutor. This is a tool, a power given to prosecutors by us in the General Assembly. We need to decide whether that is an

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appropriate power to give to someone elected and who runs for office and who has the ability to say to someone who has to decide whether to plead guilty or to be put to death by the State. I would come down here: We as a people are not diminished in any way if a horrible criminal spends every day of the rest of his life in jail, as opposed to being executed. We as a people, we as a State, however, are gravely diminished if we execute an innocent man so that it is easier and more convenient to secure plea agreements. I urge a Yes vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Millner, for what purpose do you rise?

SENATOR MILLNER:

Thank you, Madam President, and to the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the motion, Senator.

SENATOR MILLNER:

To the motion. You know, I'm going to take a little different approach here, if I may, and -- and I know many people in this room are for the death penalty and some of you just are not. And I'm not here to try to change your feelings, but what I want to do is explain to you this whole issue from the perspective that I had growing up in my last career. I have interviewed well in excess of a thousand people or interrogated them. I've handled many, many major cases and homicide investigations. I spoke to the victims' families immediately after their children or loved ones were murdered. I saw the look in their eye. I'm the ones {sic} that had to tell them what happened to their child. I worked with these victims as time went on, going through court cases; afterwards, watching

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their lives transform and always -- never, rather, for the better. I lived it. Currently, I'm still a certified forensic interviewer. I've been a polygraph examiner for over thirty years, and as most people in this Chamber know, I was a law enforcement officer for over thirty years. I see these cases. I work with the victims and I get very, very close to these people. And I would like to share some of the specific stories to ask you to please consider today why we need to vote No, and again, whether you believe in the death penalty or not. And the reason I'm saying that to you today is because we have a wonderful opportunity here, because the Governor had told us he is going to keep the moratorium in effect, really saying we don't have the death penalty. But in the meantime, we can use this period of time for reform. You know, people talk about the reforms that are there and some say, yeah, we have enough reform, but we have other people here that will agree with me that we don't have enough reform. And this particular piece of legislation, if we vote for it today and it passes this Chamber, the potential for new reform disappears, because there's pressure now. There's pressure with the law enforcement community. There's pressure with the State's Attorneys. They realize right now we could be one vote away from passing this and they know that many of these bills that were presented, including legislation that I had presented -- I presented legislation over the last number of years here in trying to get things through that the law enforcement community just won't agree with, but maybe they will now. As an expert interrogator, interrogating all these different people, I know one thing we don't have in this State - and that is, we don't have mandatory

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training in interviewing and interrogation, which includes false confessions. That's a no-brainer, folks; we should all have it. But my friends in the law enforcement community don't want it. One of the reasons, costs money, it takes time, and I understand that. We can't let that happen. This bill passes today, those reforms are off the table, 'cause they're not going to get any support. So let me share a couple stories with you. Sitting with me is Representative Jim Sacia, who, in Rockford, was working on a case about an eleven-month-old boy, and it was Doogie Bartels. His father taught at the university and medical school. And little Doogie -- they broke into the home and they kidnapped him at gunpoint, this one guy, and it was for a ransom. And they got the ransom money together and this guy tried to get him, but they caught him. A long story in how this happened, but they caught him. And they said, "What did you do with this little eleven-month-old boy? We need to find him." And he says, "I'm not telling you. Screw you." And so he confesses to everything. They've got the proof that he tried to get the money. The whole thing's all there. He refused to share where that -- little eleven-month-old boy was. Right up in Rockford, your area. And so when he learned from his attorney and others that Illinois had the death penalty, he was actually - to the other Senator's point over there - he didn't realize it and he said, "Oh, my God, they have the death penalty." And because he knew that we had a death penalty, he gave up where little eleven-year-old -- or eleven-month-old Doogie was. And so Jim went out to that forest preserve, looking for this little boy with the others, where he was told he was at, and this kid, thirteen hours later, only in soiled

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diapers in the heat of summer, he couldn't cry anymore. He's trying to crawl. He can't even crawl. He can't cry. He's all cried out, loaded with bug bites. But if it wasn't for that death penalty in Illinois, little Doogie wouldn't be here with us today. Cases throughout this State -- we want reform. We need it. Cases throughout the State -- Senator, you talked about the death penalty being used as a tool that way and in your opposition, but let me tell you the other side of this. The victims' families have had it. The victims' families, the pain - I'm telling you. I sit with these people. I talk to these people. I know these people. I see what changes go on in their lives. And they're -- they're struggling with this, and now they have to go to trial, and when they go to trial, they have to relive this entire situation again. Folks, this is painful. They have to relive it each and every day, not knowing what's going to happen. And so I could recite to you case after case - and I just may here in a moment - of all the ones recently in Illinois where the person went to their attorney, said, "I did it." No doubt about it. I've got the evidence or they'll even give up evidence, saying, "You know what? I want to be natural life in prison. I do not want to come out. Just get the death penalty off the table." You know what? That saves the victim's family from this trauma, this pain, everything that they go through, because we have this tool. You take this tool away, we don't have that anymore. We had in Adams County recently - I was told of a case - a guy by the name of Meeks, no relation - I hope - anyway, this guy was mad at his girlfriend. He goes outside to her house. Pours gasoline all over and burns her five little children to death. And the

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grandparents and all the people and their friends, everybody's up in arms about this. He did it, and said he did it. He was mad, that's why. But then when he realized the death penalty was in place and what -- what did he do? He says, "You know what? I'm going to take -- if you give it to me, I -- I want natural life", sparing that family. Recently in Downers Grove, we had this guy that had assaulted his -- his little eight-year-old daughter sexually. And then he found out she was going to tell mommy. So you know what he did? He strangled her. He stabbed her in the neck and he stuck her head in the toilet and killed her. And here's the other parts of these stories here, folks. The second graders that she went to school with, those kids -- the principal/administrator of the school said, basically, they lost an entire semester of learning, because those kids were so traumatized. And when this guy decided to plead guilty in court and not take the death penalty, it saved not only this family, but all of these children she went to school with, so they don't have to relive it again. On and on... Recently, I was on the Discovery Channel, Investigative {sic} (Investigation) Discovery. And I was on there because this -- this thing called American Occult and a case I handled where seventeen women were literally kidnapped off the street - just randomly, day and night, older woman, younger woman. They didn't care. They had their little cult. And they dragged her in their van and they just beat her, then they raped her and then they took her to a hotel room and they stabbed her and they had sex with her knife wounds and they removed her breasts while she's still alive. How do you think those families felt? Seventeen-plus women. I talked to 'em, not all. I worked the

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case. I got the confession from one of those people and all the specific details of what they did and how they did it. You want to get rid of the death penalty, folks? These are the ways -- we have to make sure we're paying attention to our victims and their families. And for those communities out there that believe we don't have the reform, we have a hammer now, saying we can tell our law enforcement, my friends in law enforcement, our State's Attorney's Office, there's some things that need to be done yet. And the moment we pass this bill today, there's no incentive to pass those reforms. So I ask you all -- I know you're committed. I know you all thought about it and I know some of you are on the bill and I don't want to change your position of whether you believe in the death penalty or not, but today, because we have this issue of the moratorium that the Governor said he'll keep, today we have this on the table where we know it can work and we can demand reforms. Today, we can. Tomorrow, we can change the law if necessary. I ask you please to consider, for the victims' families, for all of us and for reform, a No vote. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Mike Flannery, WFLD-TV, Fox Chicago News, requests permission to record proceedings. Leave is granted. Senator Martinez, for what purpose do you rise?

SENATOR MARTINEZ:

To the motion, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the motion, Senator.

SENATOR MARTINEZ:

Thank you. Let me -- you know, I'm really caught and I

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really feel both sides and let me talk to you about one side of me as the family of a victim, a very brutal victim. I have an uncle. Back in 1982, I was sitting at home. I had just had my daughter, Jaci, and I see this breaking news on the -- on TV that there had been a crime committed in Humboldt Park and that three people had died, had been shot in the head, and that there -- they were still -- you know, the -- the information was not very clear, but they will come back to us. I remember sitting there and the first thing I always do whenever I hear about a crime, something that happened or breaking news, I always say, God bless that family. About an hour later, I get a phone call at home. I was living in the suburb at the time. And it was my cousin who called me to tell me that our uncle had been shot in the head. And I -- I -- I -- I didn't know what to say. My daughter was very -- was only a baby so I couldn't leave and go be with the family, but next morning I did. And as we kept hearing the news about what had happened, we had heard that my uncle was sitting at home with my aunt and he decided to go downstairs to -- to a convenience store that was downstairs, a little ma-and-pa shop in the Humboldt Park neighborhood, and he had gone downstairs to get her a gallon of milk. My -- my aunt had told him don't worry about it, it's late, you know, just come upstairs, you know -- I mean just forget about it and I'll get it in the morning. He said, no, no, no, I'll go downstairs. He went downstairs. He knew the owners of the convenience store. They were sitting there talking. They went back and he was sitting on a milk crate just talking to the owner when two young hoodlums from the neighborhood walked in and just wanted to rob the place, but instead of taking the money, they decided

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they wanted to have fun and they ended up shooting my uncle right in the head. I believe that the police said that they found him sitting there on the crate with the bullet in his head. And it was a very painful, painful moment for us, 'cause the first thing we think as a victim of family, we want that individual dead. We want that individual to pay. And you think and you think if -- if it is the right thing. I also have family in law enforcement. I have a nephew who works at the county -- at the county in -- in Orange County in Florida, who is a deputy in the -- and he talks about some of the things that go on there and he talks about how some of these criminals are the worst of the worst and they deserve to die. I hear that from him. And, of course, as a -- law enforcement, I would -- I wouldn't know what -- what would have happened -- how I would feel if something was to happen to my nephew, you know, there or on the streets. So I'm really -- you know, I really feel that I'm caught between the two. We found out a month later -- years later that that individual who had killed my uncle died in prison. You know, did we have closure? You know what? No. Because - you know what? - no matter what, at the end of the day, I will always miss my uncle. I will always remember those great things that happened. I will remember the pain that our family went through, you know, in dealing with -- with that loss, saying at the time, I want that person dead, feeling that we want to make sure that person paid -- paid for taking away such a loved person. But at the end of the day, when we found out the news that he had died in prison, did we feel closure? Did we feel the right thing happened and we're glad? No, we didn't. We didn't feel. I sometimes just think the idea that

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we, as a State, can actually continue to -- you know, I know we have a moratorium, but that we can continue to lay people on a gurney and inject them with a lethal injection -- I -- I don't know how I feel, no matter of who was on the gurney and what crime was committed. And the crime against an officer, a peace officer, a child, you know, I know that there is a lot of things that we should do and that person maybe - like I think Senator Duffy said - that, you know, is a person that should be, you know, imprisoned without no kind of -- of -- of -- of, you know, things like TV and cable and.. I don't know if that's the answer, but I think we have seen that our system is very broken - very, very broken. And I think that right now we need to do the right thing here and start from the beginning. We need to abolish this and start all over, whether it means that the discussion will continue down the road that we put in a referendum and that we ask the voters, that we go ahead and -- and really go after the worst of the worst crime. At the end of the day, a victim's life, regardless if it was a police officer or my uncle or anyone, is precious - is precious. And I think that we have to fix a system that has been broken far too long, far too long. I stand here in support of this, but I do believe -- I do believe at the end of the day that we have an opportunity to reform. We have an opportunity to go ahead and - - and do the right thing and let's look at it. Let's look at what we need to do with those individuals that commit the worst of the worst, you know, and if it is, at the end, the death penalty, but I think the discussion. Right now, I think we have to start from scratch. We have to start from the beginning and the right thing to do at this moment is to vote Yes on this

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bill. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Thank you -- thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the motion, Senator.

SENATOR SYVERSON:

First, let me just say, I'm -- I'm -- I'm disappointed, on something as important as this issue, that we would limit debate. I think something as -- as important as this issue and it is to the people of Illinois, to limit this debate, I think was a mistake. But I think it's important for us to understand that this is not about the past. It's not about what was broken in the past. It's not about those cases where individuals -- where there's questions or there's doubts or in -- even if individuals are declaring their innocence. We're talking about cases where people commit the most heinous of crimes and where they brag about it, where they look into the cameras with smirks and arrogance and cockiness and no remorse. When they look into the victims' eyes, when they look into the families' eyes during the trials with no remorse and brag about what they did, these are the kinds of cases that we're talking about. These are the ones that I think the public is -- is calling for serious action to be made. We're talking about cases like Timothy McVeigh with -- obviously with Oklahoma, and Dahmer and Bundy and Gacy, as was talked about. We're talking about cases like the one where a young couple out to eat, going home to watch a movie, and they get carjacked. Christopher Newsom. They cut off his penis,

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fatally shot him and burned him in front of his girlfriend. Not only did she have to watch that, but she had to wait for her fate, where they beat her, gang raped her for four days, urinating on her, then cut off her breasts, put chemicals in her mouth, murdered her and then bragged about it. We're talking about cases like the Petit case, where Jennifer Petit and her daughters were tortured and raped and burned in their own home. To sit there with my daughter and to watch that on the news, where she has a fear of being even in her own home when people commit these kinds of serious crimes, where the photos for the jury to look at where Jennifer was left beaten, strangled, and burned beyond recognition in her home. And the jury was shown a second set of images of the seventeen-year-old daughter, Hayley, stretched out on the floor after being raped and burned. And then finally pictures shown to the jurors of eleven-year-old, Michaela, still in her pajamas, tied and bound to her bed. And these murderers look into the cameras and are proud and brag about what they're doing. No, we're not talking about a case where these are innocent. They're not even declaring innocence. There needs to be a tool for law enforcement to have the option to use these in these most serious cases. We need this tool on behalf of the citizens and behalf of the people of Illinois. As Senator Millner so eloquently put it, this is a tool that will save additional lives. Use it sparingly, yes, but to take this tool away will cost us lives in Illinois. And it's for that reason that I'm going to rise in opposition of this motion. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson, for what purpose do you rise?

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SENATOR HUTCHINSON:

Thank you, Madam President. To the motion.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the motion, Senator.

SENATOR HUTCHINSON:

I've listened to the debate from my colleagues, all of whom I respect very much, and I do recognize and acknowledge that this is an extremely emotional, difficult decision that all of us must make. I would like to start by talking about some areas that I would draw some exception from. One was the thought that this is something that we should take directly to referenda. I -- I would submit that we are all members of a representative democracy. That's exactly why we're all here, to speak on behalf of the people who elected us and sent us here. So I do think that this question is entirely appropriate for this Floor. Secondly, it's been stated that this is a bill that comes to us as a result of speculation, which I think is an unfair diminishment of the magnitude of the question at hand. We're not talking about speculation when we talk about twenty people let out of death row. Was it speculation that convicted them or was it speculation that freed them? Those are facts. We are -- when I hear the stories, especially the extremely heinous ones, and I -- it pulls at my heart, not only because I'm a legislator, because I have three children under fourteen. And if anything happened to any one of them, I swear, I think in my heart, that, yeah, I'd want to see them burn. I would, because I'm human. But this is a matter of the State and we're here because we've seen countless examples of the fact that the system has failed. This question is not about the people who we

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know did it; it's about the people who were convicted who didn't. It's about the fact that our system of justice is actually predicated upon the protection of the innocent. And executing one innocent person is too high a price to pay. You know, every other question we have before us, when we talk about saving money and reviewing our costs and putting everything on the table; repeal after -- or appeal, after appeal, after appeal, when someone keeps appealing this, and the families have to relive it and relive it and relive it. Sometimes I wonder whether for the most heinous, the people who commit the most disgusting crimes, whether the sweet release of death is actually too good for them. Sometimes I think maybe it is better for them to live with it every single day, with no possibility of a chance of parole, with no possibility of getting out. You deal and then you burn in hell for what you did. But do we get this right? No. Repeatedly we have not. And to the question about whether or not now reforms are off the table, we had over a decade to introduce some reforms on this issue. We have not. And I would leave you with a list of countries that we would stand with if we keep this: Afghanistan, Peoples Republic of China, Democratic Republic of Congo, Indonesia, Iran, Iraq, Saudi Arabia. Those are the countries we stand with by keeping the death penalty in this country, while every other industrialized country has abolished it. Thank you, Senator Harmon, for pointing out the -- the fact that none of us will be diminished if someone is spending the rest of their natural life in prison. And we have plenty of work to do to reform our prison system. Because one thing is another fact - it's not speculation: If you are poor,

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irrespective of race, or if you belong to a minority class, you are statistically more likely to die. That, Ladies and Gentlemen, is not speculation. That is fact. I would urge an Aye vote and I commend the sponsor on all of his hard work on this issue. Thank you so much.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Thank you, Madam President. I do want, before I begin my remarks, to acknowledge former Senate President Emil Jones, Jr., is here. He's sitting on the side. He's got on all black, so probably make it a little harder to see him, but...

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hendon, to the motion.

SENATOR HENDON:

Wanted to acknowledge that he's here. To the motion, Madam President. You know, I -- I carried this bill for years when Emil was President. That's why I brought it up. I carried it when Pate Philip was President of the Senate. And I remember having a meeting with -- talking to the people with the coalition. I said, "Maybe you need to get a different sponsor, because I -- I can't get it passed." And they got some different sponsors. Now we have what's going to be a bipartisan vote. It's amazing how only certain things can bring us together on a bipartisan basis. This case, it's life and death. I was trying to get here today. Putting my business in the street, I was a little late. Snow was really bad. And unlike my friend, Senator Maloney, I am going to try to change a vote or two, because I had a experience on the highway. Many of you

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probably almost -- if you haven't, you've probably had the same experience. When I got around Bloomington, it kind of cleared up a little bit and traffic speeded up, and I was told that, you know, my vote was crucial. Bill may go up or down. Well, I'm here. So I said, well, I'm past the ice and everything. I sped up just a little bit. And there was a trucker on my right and he decided, well, I'm past the slick parts and he sped up a lot. But as 55 goes, and you know that, the smaller communities can't afford to do the -- put the salt down or whatever, so we ran into another little tough spot. I was driving sixty. The truck - 'cause I want to arrive alive - he was doing about seventy, and all of a sudden, he decided to get over into the clear lane in which me and this guy in a black SUV - praise God for this white guy - we were over in the clear lane. He decided to bring his sixteen-wheeler over in our lane without -- maybe I was in a blind spot, I don't know. But I'm driving a rental car, 'cause my little bitty Saab is in the shop, and I got this big old red car. You'd think he'd see me. If I was in my Saab, I probably wouldn't be here right now debating this bill. So I'm speeding here to try to help save some lives of the innocent and I almost lost my own. He came over into my lane. I saw the entire truck in my front window, the entire truck. All I could say was, "Oh, my God." And I believe the guy behind me blew his horn because something got the trucker's attention and I looked up in the rear-view mirror. I don't remember hearing the sound. All I remember was you all would be up here talking about how great a Senator I was, even those of you who don't think so. And I -- Rickey Hendon would be gone just like that, just like that. Life and death, that's what we're discussing here. Now let's

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talk about the heinous crimes, 'cause they're horrific. Just the other day, Senator Millner and I were talking, last week, 'cause I'm at this "why" stage in my life. Why am I here? Why am I in the Senate? Why do I -- doing what I'm doing? I see people over there on -- in the third rail who write all kinds of stuff about me, mostly lies or exaggerated. And you start saying, is it worth it? Is it worth it? I've said I'm not going to make many speeches on this Floor anymore, and another reporter say, "You've been awful quiet." 'Cause words do make a difference. I've heard some people in here. When I saw that truck, I thought about that. Me leaving here without saying I'm sorry to Senator Brady or some of you or Deanna for killing Tenaska or help killing it, or whatever I've done. This is real. The other day, there was another heinous crime in Chicago and -- guy killed -- shot six people. One of the victims was a very close friend of a very close friend of mine. I had to go over there and hold her hand and let her cry and all of that. You can name all of these horrific crimes. It's not about those. What about the ones who didn't do it? Because when you put someone to death, it's too late. And then what are the prosecutor going to say? Well, we found who really did it, but, er, you know, we're not going to wear the jacket that we sent the innocent person to death - the finality of death. And then when you do the wrongful convictions - guess what? - the real perpetrators are still out there. They still out there. I asked a minute ago about Arizona. Crazy fool - ignorant, crazy, lunatic shot a bunch of people. Nine-year-old little girl died. Judge died. Arizona's got the death penalty. It didn't stop that crank. It didn't stop that idiot. It's not the deterrent

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that you think. Now, when Governor Ryan - I'm glad he got a break - when he commissioned the panel to look at getting rid of the death penalty, I was the sponsor of the bill. Guess what we found out? One out of every two people on death row was innocent. Now, like my colleague, my seatmate, Majority Leader, I was for -- yeah, there are some terrible things. Yes, they should die, be executed, go to hell. Then you find out one out of every two is innocent. How can you live with saying, "Well, one out of every two - not bad." Now, if you're on a baseball team - you know I play a lot of softball - and you get a hit fifty percent of the time, that's a good average. But guess what? This is life and death. One out of every two. Thirteen individuals were sent to death right before the imposition of the moratorium. Fourteen were released, found to be innocent. I just believe, Ladies and Gentlemen, my colleagues, who I all love dearly, that until we fix it -- we know it's broke. If one out of every two was proven to be innocent, that turned a Republican Governor, not some liberal Democrat, not some left-wing do-gooder, a good man, but a Republican Governor said, "This ain't right", because it's so messed up. Now, for those of you who think prosecutors or the police never get it wrong, and I love them, but guess what? They get it wrong, 'cause people get it wrong. I remember when I was a little boy, and my mama had one of them -- where she would make you go out into the woods and get the -- the tree branch that she would beat you with. That was Olivia Hendon. And one day I'm on my way from -- home from school and I get this message, your mama going to get you when you get home. And that was in the old days when you couldn't have Department of Children and Family Services or

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some do-gooder agency to call; your mama just beat your butt down. Wasn't any sense even talking to daddy about it in a black household on the west side. She beat you down. We were in Alabama and that's when the neighbors could whup you and then send you to your mama, and I was about to get one of those. And I had knocked out a lot of windows, Donne Trotter, when I was a little boy. I was -- threw rocks and I hit balls. I was left-handed and I knocked out some windows. I did not knock out this window, but somebody had told my mama that I knocked out that window and her mind was made up that I was guilty. I was innocent of that particular window. Did not do it, had not done it, totally innocent. But when I got home, she was waiting for me. She had that strap, you know, that the barbers used to use, that whop - whop - whop-whop. I said, "Ma, ma, I didn't do this", 'cause I didn't. And it took every bit of me to convince my mother that I didn't do it. But she was so convinced because somebody said it was me. Somebody said they saw me. Somebody said it was Rickey Hendon and I was innocent. They get it wrong sometimes. Yes, there are heinous and outrageous and ridiculous, crazy people in this world. Yes, they deserve very, very severe punishment. And I've said on this Floor, while I was carrying the bill, that I believe, yeah, there may be some times, but we keep getting it wrong. One out of every two folks is not the odds that I would like to sleep with when it comes to life and death. Let's vote this bill out of here.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Before I move to our final speaker, is there any other Member seeking recognition to speak on this matter? Seeing none, Senator Schoenberg, what purpose do you rise?

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SENATOR SCHOENBERG:

To the motion, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the motion, Senator.

SENATOR SCHOENBERG:

When I was first elected to the Illinois House in 1990 and even when I sought election to the -- unsuccessfully to the Illinois House in 1988, I was a staunch opponent to the death penalty. I felt it was morally incorrect and I felt that it did not provide an adequate deterrent. And then, in 1993, through a set of personal circumstances that I experienced, my views changed. And so, from August of 1993 until today, I've supported the death penalty. I've supported capital punishment for those worst of the worst cases. And then as a result of the actions taken in 2000 - and even before that, in 1999, when we established the Capital Litigation Trust Fund - but in 2000, when a statewide moratorium was established and a number of reforms were implemented, that began a process for me which not only gave me greater comfort that we were seeking to correct inadequacies in our criminal -- in our entire criminal justice system, not just the criminal justice system where we impose the ultimate penalty. As a result of what had happened in August of 1993, I struggled with the idea that I actually had to vote on a moratorium for the death penalty. As a Member of the Illinois House, former Representative Coy Pugh, who is a remarkable story in and of his own right, offered the first legislation on a moratorium for the death penalty. I prayed. I talked to everyone whose guidance I sought - crime victims; someone who continues to be a mentor to me to this day, the person who gave

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me my first job in politics, former Congressman, federal judge and White House Counsel, Abner Mikva. And as I was talking with them and trying to seek my way to find a path to exercise the best judgment, I couldn't get past the raw emotions of my own experiences. I provided the deciding vote for the moratorium in that House committee and then, subsequently, when the reform -- we -- we talk about how we've implemented reforms and how we can implement more reforms. I vividly remember - I vividly remember like it was yesterday - the pitched battle over whether or not we were going to videotape interrogations in this State - a fierce fight in the Capitol. It was argued on moral grounds. It was argued on the grounds of how can we question the authority of law enforcement and prosecutors who had the public safety foremost in their minds and hearts. We heard the economic arguments about the burden it was going to create on jurisdictions. We passed that reform. I sat in on the House Judiciary Committee. I sat half -- I can tell you the number of times on one hand I've gone into the Judiciary Committee to vote as a member. I feel like it's entering a different universe and I'm always glad when I've come out. But I sat half the night listening to testimony and the fierce opposition and I provided the deciding vote in that House committee on videotaping interrogations that first time around. And all the while, I've continued to talk to victims, people who've had their lives irreversibly changed, who've carried a pain and a sense of incompleteness with every waking hour. And now we've had a chance for the past ten-plus years to see how well some of those reforms have taken hold. This issue has taken to -- me to a place in my mind and my heart that I didn't think I could go to.

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And it's arguably the most difficult thing I've had to do in my public career. Over the break, I read a law journal article that gave me this tremendous moment of clarity. It was an article published by Dr. Leigh Bienen, Northwestern University School of Law, entitled "Capital Punishment in Illinois in the Aftermath of the Ryan Commutations: Reforms, Economic Realities, and a New Saliency for Issues of Cost". I would urge you to read through that, as I did. And let me quote a -- something from that study over these past ten years. That there are county by county disparities in capital case prosecutions and expenditures of state money are startling. "The absence of centralized review and the presence of many potential areas of conflict {sic} (conflicts) of interest should submit the existing system to close scrutiny at this time of budgetary pressure." The death penalty in Illinois is not marginally flawed, as some may say; it is irretrievably broken and the data supports just that. We heard earlier how the process -- how we should reserve something for those worst of the worst. The inherent problem, my friends, is that implementing that process over these -- last ten years, at least, has shown to have too great a margin of error. It simply is not airtight. And while my colleague, the former State's Attorney, indicated that there should be -- that any prosecutor who would abuse his or her power should be disbarred, I would settle for disbarred, as opposed to a promotion to the Illinois Appellate Court. The margin of error in seeking the death penalty in Illinois is far from minimal. The State's paid out nearly sixty-four million dollars in restitution. That is a pitifully inadequate rate for individuals whose dignity was stripped, quality of life was

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stolen, and they were tortured into false confessions or implicated in crimes that they did not commit, either through coerced confessions or eyewitness accounts that subsequently proved unreliable. We've seen in Dr. Bienen's study that "when", quote, "patterns of capital prosecution are examined across the state as a whole, (it) becomes clear that the counties most likely to spend the state's money on prosecuting first degree murder cases capitally are not those jurisdictions with the largest number of first degree murders." Largest number of first degree murders occurs in Cook County. Seventy-five percent of murders occur in Cook County. But what the data shows in Dr. Bienen's study is that you're three more -- three times more likely to be sentenced to death outside of Cook County. And when you look further at the disparities on how resources are allocated for the Capital Litigation Trust Fund, you see economic incentives that were not meant to occur when that reform was recommended and implemented. In Illinois, we have a -- a system of a hundred and two different jurisdictions lacking a single unified overseeing authority, unlike the federal system where the U.S. Attorney General has to sign off if a jurisdiction wants to pursue a capital case. This is a vital and non-negotiable recommendation of the Reform Commission that never came to fruition. Ten years later it never came to fruition. If it hasn't come to fruition in these past ten years, when is it ever going to come to fruition? Now that we're confronted with this motion today, it's not going to happen. It will never happen. I saw the resistance and the fight against videotaped interrogations. This essential reform is not -- has not happened. And I don't think that's an

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accident. I don't think it's happenstance. So whether you actually believe that the death penalty is a deterrent or not, it's an indisputable fact - and this is borne out by Dr. Bienen's research over these past ten years - whether you actually believe that the death penalty is a deterrent or not, it's an indisputable fact on the basis of economics alone - set aside deterrence - our system of capital punishment clearly does not work in Illinois. And so, for Joseph Burrows, Perry Cobb, Rolando Cruz, Nathson Fields and Gary Gauger, for Alejandro Hernandez, Madison Hoble, Stanley Howard, Verneal Jimerson, Ronald Jones, and for Ronald Kitchen, Carl Lawson, Steven Manning, Leroy Orange and Aaron Patterson, for Anthony Porter, Ralph Reno, Steven Smith, Gordon Steidl, and for Michael Synon, Darby Tillis and Dennis Williams and the hundreds of individuals who've been exonerated for serious, heinous crimes that did not involve the death penalty, for crimes that they did not commit, I urge that you support the gentleman's motion. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen of the Senate, is there anyone seeking recognition on this important issue? Final call. Senator Raoul, to close.

SENATOR RAOUL:

Thank you, Madam President, and I appreciate your patience and asking for that final call. I think it was an important action on your part to demonstrate that, indeed, we are debating this and in a very public manner. And we've debated it in the hearings prior to today, prior to Veto Session, prior to the last year. And, you know, I'm going to ask for your forgiveness, somebody said earlier I was an eloquent speaker and

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I'm -- I'm about to be all over the place, because -- I -- I wish somebody had asked a question, 'cause I could have been responding to these remarks as this thing has gone on. But there's so much to talk about. And I thank you, Jeff, 'cause you stole a lot of my fire. But let me talk about one of the arguments that has kind of recurred through this debate and this is the notion of law enforcement tools, the term "tools", the "tool" of the death penalty. Let's -- let's be frank about what that means - being able to threaten death as a coercive tool to get a plea. Now at one of the hearings we had - it was said we haven't had hearings - at one of the hearings that we did have with regards to capital punishment reform, State's Attorney Lyons was talking about that very "tool". And it was said, as he said earlier today, that it brings about a lot of pleas and helps expedite things. Well, there was another State's Attorney, and I think he was referenced not by name by an earlier speaker, who was at that hearing - that was State's Attorney Joe Birkett. And what he said - and these are his exact -- exact words - "such conduct, while it may be legal, is questionable in terms of ethical responsibility of the prosecutors". That is not happening. Is it happening or not? One county State's Attorney said it's not happening. We heard from two other county State's Attorneys that it is happening, which touches on a point, I think, that Senator Hendon brought up, you know, it depends on which county you're in. You know, one crime in Kankakee County might get the death penalty; it might not in another county. If you are a black victim to a white accused, that white accused is less likely to get the death penalty than if it's the other way around. It's arbitrary

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- and we ought not be arbitrary with these "tools". Let me talk about some other law enforcement tools that have been used. I - - you all know I recently had knee surgery, right? And one of the tools that they gave me to try to strengthen my muscle is an electronic stimulation machine. And since people wanted to get graphic today to try to tug at emotions to make people vote a certain way, let me get graphic, not about how I use these -- electronic stimulation to try to get my muscle back, but how the Chicago Police Department use electrodes on testicles to get men to convict -- to -- to -- to confess to crimes they did not commit. A typewriter cover is meant to be used as a tool - we don't use typewriters anymore - but as a tool to cover up a typewriter, not to suffocate people into confessions to crimes that they not -- did not commit. The worst of the worst - the worst of the worst - we've heard graphic descriptions of the worst of the worst. Well, the crime that Mr. Steidl was accused of -- the crime, and we have to make the distinction between the crime and the accused. The crimes that these exonerated men, these twenty exonerated men, were accused of committing were heinous crimes. That does not eliminate the reality that you got the wrong person. They were heinous crimes. Stabbing a victim multiple times, that's what they accused that man of doing, but he didn't do it. So the argument says because of the crime, the death penalty should have been imposed. He wouldn't be here with us today. A eight- and nine-year-old little girl being stabbed to death. That's pretty heinous. I think everybody in this Chamber would agree with that. It's made worse if you're told that the father of one of those little girls committed the crime. That's pretty heinous. That's a

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heinous crime. I give you that. And he confessed to it on videotape. "Ah, that's a death penalty case", you know. And -- and we have to take ourselves back in history to what we were reading about Jerry Hobbs, prior to us finding out that he didn't do it, and what we were thinking at the time. Ask yourself. Try to go back with me. Ask yourself. What were you thinking? I submit to you, you probably were thinking that that man needs to be put to death. But he didn't do it. A three-year-old little girl in Will County - my colleague here from Will County - another heinous crime and, again, you have a father having confessed on videotape - the so-called "cradle to grave" videotape - to committing the crime - a heinous crime. But he didn't do it. Now I want everybody in the Chamber to -- to -- to -- to take -- take a look up in the -- in the gallery and look into Mr. Steidl's eyes. At the end of the day -- and people have said, "Well, Governor Quinn has extended the moratorium." Look, I love Governor Quinn, but he changes his mind every once in a while. So can somebody tell me till when? Huh? Could he not tomorrow, this afternoon, decide, I want to lift the moratorium, and do it? Yes. At the end of the day, if he does so, it's not us - you know, we can -- we are removed from this, so, you know, we -- we just have to push a button here, either red or green or yellow button - but somebody's got to strap somebody down. Somebody's got to take serum and inject it into a man and take his life. Would you have been willing to do that to that man? You know, I've never before, in presenting a bill, been on the same side of so many editorials. Tribune has editorialized twice, the -- well, more than twice - The SouthtownStar, the Sun-Times, Rockford Register, The Southern --

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it goes on, Quad-City Times, Daily Herald, St. Louis Dispatch. Yet, it's been said that the people have not been hearing about this issue. Wow! I don't know where they've been. It's been said that this should be put to referendum. And Senator Hutchinson was right - we are a representative democracy. We have a responsibility. We didn't put it to referendum when we imposed the death penalty, did we? I wasn't here. Somebody remember? We didn't do that. It wasn't a referendum. The Legislature did that. If you don't want to take your responsibility of making these hard decisions, resign. You're here to make some hard decisions. And I concede to you, this is a hard one, because those descriptions of those heinous crimes, those tug at your emotions. They tug at mine. It's -- the subject of closure for victims have been talked about. What we do know, in capital cases, it's harder for survivors to get closure, because the case goes on and on and on and on. And just imagine those survivors of -- of a victim of -- in a case where somebody was falsely accused. The wound is reopened, maybe some fifteen/twenty years later - the wound is reopened. Those victims, they don't get closure. I was watching 48 Hours over the break and there's a case in Arkansas, a case involving a young lady that was brutally murdered in Arkansas - in Russellville, Arkansas. Nona Dirksmeyer is her name. And they charged her boyfriend for the murder and he was the one who had called 9-1-1, and the investigation of the murder scene, they found his palm print on the light bulb of the lamp that was used to bludgeon this beautiful young lady to death - a heinous crime. So they had some forensic evidence. You know, there's been a lot of talk about forensic evidence. They had his palm

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print. So they proceeded with the prosecution. And the prosecution, they had -- in -- in -- in obtaining evidence of the crime scene, they had -- there was a condom there -- a condom wrapper there that had not been tested by the prosecution. Luckily, this young man had a aggressive defense team that was able to test that and he was acquitted - but his defense team, not the local prosecutor, 'cause the local prosecutor and the -- and the local police department was still convinced that he was the one that did it. So they had to bring in the state police and a special prosecutor. And the defense team, after he -- their -- their client was already acquitted, kept on investigating, and they linked it to another man who lived in the complex who had previously been convicted of assaulting a woman. Now I want you to imagine for me, if that individual had remembered to pick up the condom wrapper, there would have been forensic evidence linking it to the boyfriend. Ah, I've heard when you know that you know. We would have known that we knew in that case. We might have thought that we knew that we knew with Jerry Hobbs had not by chance the real perpetrator had been arrested in Virginia. Deterrence, I -- you know, I -- you know, Senator Noland did a good job in committee and on the Floor analyzing the different studies. I don't know. I tell you with every study that you hand me from Harvard University, I could find one from Yale University saying the opposite thing. I don't know. I can't tell you for sure. What I can tell you, in states that don't have the death penalty, the crime rates are lower. State's Attorney Alvarez mentioned four hundred thirty-five murders. But she didn't mention that was a forty-five-year low for Chicago. You know, it's all in -- not

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all in what we say; it's what we omit as well. I don't know, Ladies and Gentlemen, at the end of the day, as I said before, I cannot impose my values on you. You have to make your own reconciliation. But I want you, as you push that button, to not be so removed from the medically trained man or woman who has to inject the serum in the person accused of a capital crime. I urge you to have us leave the company of the abusive countries that Senator Hutchinson listed and join the company of the rest of the civilized world. I urge you to vote Aye.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 3539. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 voting Aye, 25 voting Nay, 2 voting Present. Senate Bill 3539, having received the required constitutional majority, is declared passed. Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

Thank you, Madam President. Having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 3539 was passed.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul.

SENATOR RAOUL:

Madam President, I...

PRESIDING OFFICER: (SENATOR LIGHTFORD)

What purpose do you rise?

SENATOR RAOUL:

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Madam President, I move to table the -- the motion for reconsideration.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul moves that the motion to reconsider the vote by which Senate Bill 3559 {sic} passed the Senate be tabled. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and Senate Bill 3559 {sic} -- the motion is tabled. The Chair recognizes our former President, Emil Jones, to the Illinois General Assembly. Please greet him. President Jones. Ladies and Gentlemen of the Senate, we will go immediately to Room 212 so that the Senate Executive Committee can convene in Room 212 immediately - members on the Executive Committee. The Senate will stand in recess to the call of the Chair. After committee meetings, the Senate will reconvene to receive committee reports and further Floor action. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Silverstein, Chairperson of the Committee on Executive, reports Senate Resolution 1157 Be Adopted and Senate Amendments 2 and 3 to House Bill 5960 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Madam Secretary, Messages from the House.

SECRETARY ROCK:

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A Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the title, to wit:

Senate Bill 1183.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1.

We have received like Messages on Senate Bill 1858, with House Amendments 1 and 2, and Senate Bill 3087, with House Amendments 1 and 3.

They all passed the House, as amended, January 11th, 2011. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Madam Secretary, Resolutions.

SECRETARY ROCK:

Senate Resolution 1160, offered by Senator Demuzio and all Members.

Senate Resolution 1161, offered by Senator Sandoval and all Members.

They are death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Madam Secretary, Consent Calendar. The Senate will now stand at ease for a few minutes to allow the Committee on Assignments to meet. Will the members of the Committee on Assignments please come to the President's Anteroom immediately? Will the members of the Committee on Assignments please come to the President's Anteroom immediately? Senate will stand at

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ease.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR SCHOENBERG)

The Senate will come to order. The Senate will now stand at ease, once again, for the Committee on Assignments. The Senate will stand at ease.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Motion to Concur with House Amendment 1 and House Amendment 3 to Senate Bill 3087 and Floor Amendment 1 to Senate Resolution 1157.

Signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Will all Members within the sound of my voice please come to the Senate Floor? We will proceed to substantive Senate action. All Members within the sound of my voice please come to the Senate Floor for substantive Senate action. We will now proceed to the Order of Supplemental Calendar No. 2. Supplemental Calendar No. 2 has been printed and distributed. On the Order of Secretary's Desk, Resolution, Senate Resolution

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1157. President Cullerton. Do you wish to proceed? Page 2 of your Supplemental Calendar. The Order of Secretary's Desk, Resolutions. Senate Resolution 1157. Madam -- 1159. Madam Secretary, please read the -- please read the resolution.

SECRETARY ROCK:

Senate Resolution 1159, offered by President Cullerton, Leader Senator Radogno and all Members.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Cullerton, to explain the resolution. Madam Secretary, please read the resolution.

SECRETARY ROCK:

Senate Resolution 1159.

(Secretary reads SR No. 1159)

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any discussion? Is there any discussion? Senator Link.

SENATOR LINK:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

To the resolution.

SENATOR LINK:

Or resolution. You know, we -- we gave -- we spoke this morning about Senator Demuzio, how she followed in the footsteps of a legend in her husband in a -- in a different manner -- in his passing. Well, Senator Bond had a different circumstance, but he followed in the footsteps of another legend in Senator Geo-Karis. And he had some very large footsteps to follow in Lake County history in Senator Geo-Karis. And he had the great fortune of having Senator Geo-Karis' support, not only in the

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election, but in -- in his endeavor of being a -- becoming a Senator. And it was kind of unique seeing that he was a Democrat and she was a Republican. This is an ability that I think speaks volumes about Senator Bond. I got to know Senator Bond early on. I -- I wear a couple hats up in Lake County. I'm the Chairman of the Democratic Party and have been for a number of years, and you're always looking for some young talent to run for particular offices. And when I was asked for the task of looking for someone to run for the Senate up in the 31st District, I came to then President Emil Jones and I said, "I've got this young man that is a school board member and what impressed me the most is when he ran for school board - and I think this is unheard of - he had over a hundred volunteers working for him in his first election for school board." And he ran a high-tech campaign even then. And I said, "I think this is the kind of person we're looking for - a family man, a person that has unique qualifications - and is the type of person that I think would represent us well up there, and I truly believe would be the right candidate." And he did not disappoint us. The only thing that I had disappointment about was he made me feel very old. Not only did I have kids as old as Senator Bond, but when he started talking to me about a lot of this technology that he used in his campaign, he could as well as been talking Chinese to me in a lot of this stuff. But it worked, because he would tell me about how he could go to a door and talk to somebody and a month later he could tell me exactly the person that he talked to, what time he talked to 'em, what they talked about, what their interests were, and on and on. I can't even remember what I had for lunch today. But he could have all this

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and he'd have it in a computer. And he knew the interests of all these people that he talked to. And he could go around and around in his entire district. And I said, "This is the new wave of what's coming on." And I think those of us who've been around for a long time in these campaigns started realizing that we better join in. So when Senator Bond became part of my organization and I -- guess what I had him start doing, and that's working with other people in the organization, explaining this to them and having them get into something and I took a giant step backwards and said, "You explain it to 'em, because I have no idea of what you're talking about." And we incorporated this. And it's something that he has incorporated not only in the political world, but he's shown it in the committee that President Cullerton put him in, in Technology. And I know that this is the wave of the future. And this is what's sorely going to be missed with the departure of Senator Bond - is someone that is knowledgeable, someone that has this kind of ability to speak about the future. And this is what we need. But I have a feeling, and it's just maybe an inside -- one of these things that -- those of us who have been in this game a long time, we have these gut feelings. And most of the time we're pretty close of being right on these gut feelings. I have a feeling Senator Bond's not going to be away from this Chamber for too long. And he just may be back here joining us again and he may be a Member that will be with the future of this Body again. But until that time comes, I wish him the best of luck and I hope he remembers that this is home and Lake County is home. God bless you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

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Chair recognizes Senator Raoul.

SENATOR RAOUL:

Michael, we've shared some soda pops together. I can't help but think about the summers that our former Governor used to keep us around here and where I think he -- both you and I just kept the same shirt and suit and socks and -- in our -- in our district office and used to just walk over here in T-shirts and shorts and flip-flops. One of the things that is interesting about Michael, which Senator Link touched on, is he's got the technology. I think he had a iPhone and iPad before Apple did. And I've shared technology -- my district office has shared technology with his and -- and I just could never use it. He had me buy these PalmPilots. I probably still have those PalmPilots in a bag, 'cause I just didn't know -- know how to use them as efficiently as -- as he did. And then there was, you know, analyzing the bills that we considered. Anything that had to do with numbers, Michael Bond had an app for that. And he could show you some charts and some pie charts and all sorts of things. And I agree with you, Senator Link. I -- I have a feeling -- that talent -- that talent belongs in this Chamber and I think that talent ought to be used in this Chamber. And I have a feeling that that fourteen-year-old-looking boy over there is going to be back in this Chamber.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. Senator John Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Like to speak to the resolution, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

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To the resolution.

SENATOR SULLIVAN:

You know, I was -- when I think of Michael Bond, couple things come to mind. First of all, the "pizza caucus" comes to mind. Now some people may not know what the "pizza caucus" is - and I'm not a member of the "pizza caucus". I was never formally invited, but -- I was never formally made a member, I should say, but once in a while I was invited to that caucus. And it was a -- a group of our colleagues, kind of that class that came in and they invited a few of us old-timers in, Senator Link, and -- and so -- it was always a good time and we talked. We had a lot of fun. We talked about a lot of issues, some related to politics, some not, but it was a good time. So I -- I -- those memories, I certainly will cherish. Another thing - and it's been mentioned a couple time {sic} - and I think of you as the tech wizard; you know, the -- the guy who helps set computers up and helps get pictures on computers that I never knew how to do. But - and it's been mentioned - Senator Link mentioned this already and others have, but you -- you've taken the campaign process -- you set that bar so high with regard to technology that obviously we are -- we are now trying -- we are all now trying to copy that process. So that's -- and that's a great thing, because you've helped push us forward. But really the -- the thing that I remember -- or not that I remember, but that I -- I -- I guess I appreciate so much from you, Michael, is the fact that you -- when a difficult vote or a difficult, complex piece of legislation came forward, you had to understand that legislation. And not everybody looks at legislation -- there's -- certain types of legislation that way, but you did

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and I always appreciated that. I always -- it's something that I've always tried to do, but you wouldn't take a simple answer. You had to break it down to its nitty-gritty, down to its core before you then felt comfortable whether you could support it or not. And I thought that -- and I still think that that is a great attribute from you and something that I think more people need to do. So, Michael, I'm not going to say goodbye, because I know you're going to be around and, who knows, back here some day. But I'm just going to say, God bless and good luck. It's been a pleasure.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Kotowski, for what reason do you rise?

SENATOR KOTOWSKI:

To the resolution.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

To the resolution. You're going to keep this short, right?

SENATOR KOTOWSKI:

Yeah, I'm going to follow your lead, Jeff - real short, Mr. President. I was not going to speak today, but I want to talk about my friend Michael Bond. And there's something real special about Michael Bond, something special about a guy named Bond. And when -- we first clicked right when you -- right when you got elected and we're elected, a whole group of us. And one of the things that struck me about Mike is his generosity, his generosity of spirit. And he -- his aunt lived in town, his Aunt Betsy, and being the vagrant that I am, Mike's like, "Well, do you need a place to stay?" - probably not thinking that I would say yes - and I said, "Sure." And then six months later I was still there and he was like, "Aren't you going to find a

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place to stay?" I was like, "No, it's really nice over here. There's a pool. We got food. We got bread in the morning and breakfast." And very, very generous, the Mike - also during campaigning. I remember I was running for re-election and one of the things that Mike did was he -- he said, "Here, do you need support?" He wrote a check right away, didn't even ask. The other thing he did, he had all these PalmPilots, and he said, "Can I help you?" And I ended up knocking on forty more doors a night and he took the longest time to explain to me how important that was. He was like, "Dan, this is how you use this. This is the benefit for that." And also, the thing about Mike, too, and I love about him, is his -- his confidence and his -- his smarts and his intelligence. He's usually one of the brightest guys in the room. And I used to tell him he's got to pretend like you're not so smart. And one of the things I remember, there was a guy from Metra here and Mike was talking about Wi-Fi on the Internet and the guy's like, "No, we're not doing Wi-Fi." And Mike said, "Hey, buddy, grab a mitt and get in the game." And he was like a freshman. I was like, "What are you doing?" And Senator Trotter's not here, but I remember him grilling Senator Trotter in the Appropriations Committee, question after question after question. Afterwards, I remember, I said to you, "What are you doing? He's in Leadership." But now that I know Senator Trotter, you did exactly what you should do. He's not a nice guy. So, that's another thing. I hope he gets on the Floor. But Senator Bond, the other thing about him is I've traveled across the country with him and good things happen when you're with Senator Bond, like people end up paying for your dinner. You get us rides in cars you never thought

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you'd get. You'd meet celebrities. I mean, I'm just a guy from the neighborhood. Here's a guy, he's got hair, he's tan, he's wearing a nice suit. We'd meet everybody. And we were in the - - the Democratic National Convention and next thing you know we can't get in and the next thing you know we're on the floor, watching Barack Obama give a speech. And it was just -- it's been so terrific getting a chance to know you. And I'm now -- as a result of hanging out with you, I'm now going to be in a lot of mafia movies because of my voice right now. Very excited about that. But the thing about you, Mike, is that you always believe and you've always worked for doing things for your district and being able to get support for your district and -- and, as Senator Sullivan pointed out, being able to work with people and -- and holding out for principle. As I say, I learned a lot from you about negotiation, about not giving up your vote till the end. I mean, I've followed it; I haven't really learned it. But you're great at that and it's been terrific to learn from you and I just have to say, you know, from the bottom of my heart, it's going to be really hard to be down here and not have you around. It's great to see you smile all the time. We always talk about policy and making government better. And you're just a terrific guy and I love you, buddy, and I know we're going to work together and I know you're going to do great things. And hopefully, when I get my voice back, we can form a band or something like that. But, God bless you, buddy, and Godspeed.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any further discussion? Any further discussion? Senator Holmes, for what purpose do you rise?

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SENATOR HOLMES:

To the resolution, Mr. President. I would just...

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Resolution.

SENATOR HOLMES:

...like to say, I think all of us know you sort of feel a special bond with the people when you come in as freshmen together. And I did have the honor of coming in with Senator Bond, that of course included Senator Kotowski too, but we all have crosses to bear. I just -- I just want to say, it's -- it's been great. We've always -- you know, we -- we shared a legislative assistant that first year. We've always been next-door neighbors in our office and I have -- I have counted on you, as others have, for some explanations. That -- that first Session we were here, that never-ending Session, when I think we went over the budget in August - I think it was mid-August - and I remember going out to breakfast with you while you sketched out a little graph to explain the pension obligation in terms that I would understand, and I appreciate that, and I'm going to miss having -- having your detail and your ability to explain those issues to me when I need to -- to understand them. So I just want to say, I'm -- I'm going to miss you so much. We also share the same birthday. I think I'm one or two or twenty years older than you are, but nobody's counting. And to -- to Senator Sullivan, I want to say, "pizza caucus" was something that was done for our freshman class, and that was Senator Raoul, Senator Wilhelmi and Senator Harmon who put together this little "pizza caucus" for us freshmen coming in so that we could actually sit down and ask all those dumb questions that you wouldn't want to

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ask on the Floor. And the "pizza caucus", I think, has continued to this day simply because not only can we continue to ask questions, it's a lot of fun. But I just want to say, I don't think we've seen the last of you, love you, and I look forward to talking to you soon.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Hendon, for what purpose do you seek recognition?

SENATOR HENDON:

Thank you, Mr. President. I wanted to go behind Senator Kotowski, but I couldn't understand anything Senator Holmes said either, so I guess it's all right. Michael Bond, my man. At least you're young. I remember when I first met Mike, I didn't even know he was old enough to vote. I thought he was like a freshman in high school, maybe a sophomore. He's a young kid. His future is bright. It says somewhere in the Bible - I don't know where, you know, 'cause I -- I believe, but, you know, I ain't no scholar, all right. Don't let them envy your youth. You're a great guy. You're a young guy. You're going to be back. We didn't expect you to be here in the first place. I remember Emil Jones saying, Rickey Hendon, you made his opponent. I said something crazy on the Floor. You know me. You really know me. You and Nicole, you all know me. He's like "Nobody knew her, now you dadada", but you won. And you've been a great Senator. And I know that your future is bright. I don't know if you're twenty-one/twenty-two, old enough to drink. I know you drink. I don't know if you're old enough to drink. Oh, you drink and we've drank in your office. I'm going to miss that. You know you're my friend. Love you. At least you're not going out of here -- I believe Emil used to always say,

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you're not handcuffed, at least not tonight, at least not at 7:15 - we don't know what you're going to do later. But at least you're not handcuffed. You're not under indictment. You're not -- you ain't dead. You ain't dead, right? You're still here. You're breathing. Listen, you have a bright future. You're a wonderful young man. Not going to break down and cry, 'cause you know I'm a man's man. I'm west side, and I couldn't go back to the west side if I shedded tears. You know, I would never win reelection. But Michael Bond is a name that will live in history and we will see you either in Congress or as a mayor or county board president or back here in the Senate, whatever you decide to do. Remember, what God has for you is for you, my friend. Godspeed.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Althoff, for what purpose do you seek recognition?

SENATOR ALTHOFF:

Thank you, Mr. President. To the resolution.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

To the resolution.

SENATOR ALTHOFF:

Thank you. Well, Senator Bond, I don't believe we shared many sody pops and you certainly never made me feel old. We never shared a legislative aide. You certainly never forced electronics on me, although you tried to teach me how to use the ones I already purchased. You didn't offer me a place to stay, thank God. I wasn't part of the "pizza caucus", but you did share my passion for the Fox Waterway system. And I remember, prior to you being here, Senator Geo-Karis and I - that was our issue. Even prior to me entering into the Senate, I was working

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with Senator Geo-Karis on this issue. And I remember you were in this Chamber less than maybe three seconds and me being me got right into your face and said, this is -- something you're going to share with me whether you like it or not, and you were exceedingly gracious in including me, a Republican, a minority person in the Senate. We had many meetings together. You were very collaborative. I thank you for that. I certainly hope that I see you on that wonderful waterway sometime this summer. And I thank you again for working and making that our issue and actually helping me get some moneys for that agency. So, thank you very much. Wish you well.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Steans, for what purpose do you seek recognition?

SENATOR STEANS:

To the motion, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

...the -- to the resolution.

SENATOR STEANS:

To the resolution. So, I first heard about Senator Bond or soon-to-be Senator Bond from my cousins who live in Prairie Crossing where Michael lives, and heard about this guy who had incredible energy, a magnetic personality, and was just an incredibly hard and savvy campaigner. Then when I decided to run myself - you know, my kids go to school with the CEO of Allstate and some of you may know that Michael had worked at Allstate at one point - and I heard about, "Oh, maybe you can be like that -- the -- the Senator Bond we think so highly of and we've been thrilled to be able to let him have time and go and work in the Senate on the side." And then when I got here, so

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we had high expectations to live up to, and I'm like, "This is the guy?" And it is true, what I heard about him, more than surpassed in reality. And, you know, he was the person who first was incredibly welcoming, hosted a welcoming party for me when I first became a Senator here in Springfield. Will always remember that and really appreciate that. We have -- my office is next door to him and he's someone whenever you go in there or whenever he would come over to my office and ask about any issue, I would always go away pondering something that he made me think about with that issue. His analysis and the way of him really cutting to an issue always made me think differently about the topic. I'm very much going to miss his energy and talents that he brings to the Senate. I know with all of that, though, that there are so many paths he's going to be able to pursue. It's going to be fun to watch what path he selects and I do hope our paths cross again as well. Thank you very much for your time here.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Hutchinson, for what purpose do you seek recognition?

SENATOR HUTCHINSON:

Thank you, Mr. President. To the resolution.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

To the resolution.

SENATOR HUTCHINSON:

Everyone has talked about how smart he is and how wonderful he -- you know, the wonderful things he adds to debate. And I would just like to give a -- a little exclamation point to the fact that he wasn't my seatmate, he was my floor mate, and I'm is

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going to miss you. 1M is a very fun floor, because there is a Michael Bond on that floor. And the one thing that I'd -- I will take from you, seriously, is your ability to zero in on what's important in the debate and vote your district. There were times when I vehemently disagreed, but you voted your district. And I have so much respect for the fact that we all manage two different kinds of politics - politics under the Dome and the politics that get us here. You did an extraordinary job of listening to your constituents and voting the way you thought you needed to because of who sent you here. And for that, I have so much respect for you. Now, and besides the fact that his office was like Cheers, where everybody knows your name, I just want to say Godspeed and there will never be anybody else on 1M like Bond, Michael Bond, shaken, not stirred.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Sandoval, for what purpose do you seek recognition?

SENATOR SANDOVAL:

To the motion, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Resolution.

SENATOR SANDOVAL:

Ladies and Gentlemen of the Illinois Senate, I rise today and bid farewell to a good friend that I have had a chance to get to know over the last few years. Now, Senator Bond, I'm not going to stand here like the rest of your colleagues and blow a lot of smoke up your ass on the day that you're leaving, because that's just not my style. And, you know, I remember when President Jones approached many of us in the year that you were about to get elected in about investing -- investing and trying

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to gain a supermajority of the Senate Democratic Caucus. And I, as a Latino, had enjoyed our simple majority, because adding more Democrats to our side only weakened Latino leverage on President Jones. So it was to no benefit to add more Democrats to widen the -- the margin of more Democrats to help the Senate President gain a supermajority. So -- and, as you know, it's the end of the year when people like Senator Sandoval like to use the leverage to try to get the most for the Latino community. And so I remember telling President Jones in that cafeteria downtown on that winter evening that this was the worst investment I was going to use with my PAC money to get more Democrats elected. Nonetheless, I was convinced that enabling the Senate President to gain a supermajority was the route to go and I made a significant investment. But on top of that, as you know -- as you know, unlike many Members of this great Body, I was there with you. I spent my winter with some of my -- with some of my other Latino colleagues - we worked. We worked every weekend from the southwest side of Chicago to Round Lake to Round Beach {sic} to your district. We spent our weekends helping get you elected. And today it's with much sadness and resentment - and I take my words back from President Jones - that, in retrospect, it was the best investment I made in my short tenure here as an Illinois Senator, because I gained a friend for life. Regardless of where the Lord leads you, you have been one -- one of the greatest additions we've had to the Illinois Senate Democratic bench. You've been refreshing, your young ideas, and just your -- you being yourself - genuine - has made a difference to me in my life as a State Senator. God bless you and I look forward to helping you and continue making

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investments in your career wherever that is. Thank you very much.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Harmon, for what purpose do you seek recognition?

SENATOR HARMON:

To the resolution, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

...resolution.

SENATOR HARMON:

It's -- it's hard to believe that Michael Bond has only been with us four year, because, Michael, you made an immediate impact. You brought a professionalism to the Body and I think, more importantly, a quantitative and analytical approach to problem -- problem solving that served you well and served all of us well. I'm not going to go on, because, like so many have said, I refuse to believe that this is a retirement resolution. You have a very bright future whatever you choose to do. So, Mr. President, I just have a parliamentary inquiry - when may I introduce the "welcome back" resolution?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Muñoz, for what purpose do you seek recognition?

SENATOR MUÑOZ:

Thank you, Mr. President. To the resolution.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

...resolution.

SENATOR MUÑOZ:

Senator Bond, good friend, when you first got here, like Senator Hendon said, you looked very young and I gave you a little nickname, "Baby Bond". Remember that. But, you came in

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with a great class. All of you guys were energetic. As our colleagues said, you've only been here four years, but you've done an outstanding job in those four years, my friend. I think you've done well for your district. Your colleagues like you on this side of the aisle and I think you got quite a few friends already on the other side of the aisle. You're outgoing, smart man. Maybe you will be back and maybe you won't. That'll be your decision. But I know whatever you decide to do, my friend, you're going to do it to the best of your ability. And I know I will be seeing you in the future, my friend. We've had some good times on 1M in Baby Bond's office with a lot of our colleagues. And even though you won't be in this Chamber for right now, I'm sure we'll be seeing you around and having some dinner and some refreshments. My friend, I wish you the best. God bless you and your family. Take care and come back and see us.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Lightford, for what purpose do you seek recognition?

SENATOR LIGHTFORD:

Thank you, Mr. President. To the resolution.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

To the resolution.

SENATOR LIGHTFORD:

Ladies and Gentlemen of the Senate, I -- I really, really loved Senator Geo-Karis and I had no idea her leaving this august Body would send such a profound, handsome young man as they did in Mike Bond. Muñoz was nice. Mike is a party animal and we all know that. I -- I -- I was a part of Mike's birthday

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dinner when he flew in food from New Orleans. I mean, we can get seafood in Springfield, Mike - Chesapeake. I mean, pretty much. But not Mike Bond. He's quality. He's classy. He likes the best. And we dined from crabs right out of New Orleans, before the oil spill, I should say. And then, again, I had a great time with Mike in Chicago. He showed up at an event of mine and we ended up going to Lawry's steak house and we just had a really good time and was able to connect as personal friends. And so he told me he was running for Congress and he took all of my money. And since he's still here, I want my money back. You want yours back, Senator? But, Mike, it's been a pleasure. I've enjoyed serving with you. I'm saddened to see you go, but as many people said, the future is yours. I'm pretty sure whatever endeavor you choose that you will do a -- a wonderful job and you're always welcome back to the Illinois General Assembly. So, God bless you and your family.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. Senator Forby, for what purpose do you seek recognition?

SENATOR FORBY:

To the resolution.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

To the resolution.

SENATOR FORBY:

Well, Mike, you know, I'm short and sweet, but I have to say a few words. You know, in my district, you know, they said, "Gary, now, you know them people in Chicago, don't let 'em take advantage of you. They're going to do this. They get their way. They beat you up and they do all that kind of stuff. Now

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you be tough. Now go up there and do stuff." So, Mike came to my district. Came down there and we talked and met a lot of people in my district and talked, and they said, "Who is this guy, Gary?" I said, "He's Michael Bond. He's probably about as far north as you can go almost. He's way up north. And he's up there, you know, you guys talk about these Chicago people, you know what, here's one of 'em." And you know, when he left, everybody in my district was wanting you to come back. They really enjoyed you. So I think they changed their mind a little bit on the people up north downstate. And I tell 'em all the time, you know, I said, "You know, I got great friends in Chicago now. I mean they're -- they're fantastic. They help me out and all that kind of stuff." One thing about Mike is, you know, I don't run a whole lot of bills. I don't do a lot. But I've run a couple tough ones. When I did, Mike was there for me. And I really want to thank you for appreciating that. And, you know, another thing, Mike -- Mike, was, when you had thirty minutes or an hour or two hours, you was killing time, and like everybody said that's talked here, you could always go to Mike's office. You was always welcome there and there was always some other people in there. It was always a good mood. It never was kind of like me. You know, my temper goes a little crazy and wild once in a while, but you're always cool and collected all the time and I really appreciate that about you. That's really great. And I think we need to talk to President Cullerton, see if we can keep that office there so we can go in there every now and then and maybe have some Kool-Aid or something and think about you till you get back. Mike, I wish the best for you. Thank you, buddy.

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PRESIDING OFFICER: (SENATOR SCHOENBERG)

President Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President. Well, when you go last, you -- I don't want to repeat some of the -- all the things that were said, but obviously I remember when Mike first won back in 2006 and it was and probably still is a Republican district. I think we're pretty much -- kind of confirmed that recently. And it was really cool to get Senator Geo-Karis, who was a good friend of mine as well, to -- to support you. And I, like Senator Link, have a little problem with the technology side of -- of things. Maybe it's our generation. Technology data - way you analyzed the election and the way to figure out how to get those votes was truly amazing. And then when you came here, it made sense to work in that same area. And one of the most important bills that we passed in this last two years was the telecom rewrite that Senator Bond did such a great job on. Even his district office was kind of revolutionized in how he made sure that his constituents got their questions answered and quickly. Now it's been also said that - by a number of people here - that they think he's going to be coming back, that his career in public service is not over; he just hit a little road bump in his career. So, I got to tell you, in Senator Bond's district when it came time to doing the capital bill, he did not get his fair share of money. He got a lot more than his fair share of money in the capital bill, so I don't think there should be any road bumps in your district or any potholes at all, because of the projects that were there. So you did a great job in representing your district in that as well. And obviously, at

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least on this side of the aisle, we really are looking forward to having you coming back. Thank you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

There being no further discussion, the question is, shall the Senate adopt Senate Resolution 1159. All those in favor will signify by voting Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Senator Garrett. Have all voted who wish? Madam Secretary, please take the record. On that question, there are 59 voting Aye, none voting Nay, none voting Present. Senate Resolution 1159, having received the required constitutional majority, is hereby declared passed. Senator Bond, to be recognized for a point of personal privilege. Please proceed, sir.

SENATOR BOND:

Thank you, Mr. President. I just wanted to briefly appreciate the -- the kind remarks. This has been a -- a truly enriching four years. Got to meet a -- a lot of really neat people, traveled the State, go downstate, upstate. This is a really special place and I just want to let everybody know, particularly the new Members coming in, give it your all. Get to know as many people as you can. I spent fifteen years in the private sector, and when I first got here, I'll be honest with you, it was -- it was a real struggle. I'm a spreadsheet kind of guy, Type A personality, and I introduced my first bill and we have to -- there's this odd schedule and we have these weird meeting postings and you have to get it through a committee, and then I'm on committees and I'm seeing bills that I think are just really bills that I wouldn't approve of come through and

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they zoom out, and it was just really confusing and this went on for a couple of months. And I really saw what I thought were some good bills fail and some bad bills keep going, and I was asking myself, what am I doing here? And it clicked after I saw my first bill run the full cycle. You have to get it through committee. You have to get it to the Floor, convince your colleagues, and you're not done there. You have to start over in the other Chamber. And there are incidences where you circumnavigate both Chambers and, if the Governor's not on board, you're still dead. And it allowed me to reflect on the value of our democracy and the filtering process that we use to settle our differences and generate ideas. And at the end of the day, I think we're here to help people. It's not about things; it's about people and making government and business as efficient as possible. And it's not one or the other. It isn't private sector or public service. No business is successful without a stable government that pays its bills and has safe streets and streets without bumps on 'em. And no government is successful without a vibrant economy. So it's a -- it's been a neat experience to see both sides of that. Absolutely fascinated with the legislative process and public policy. But what I leave here with is a -- is a set of friendships that I hope to have forever and I look forward to continuing those friendships and building on the friendships that I've started. It's been a -- a great experience. And before I conclude, I just want to really express my appreciation to the staff that's supported the Senate Democrats. And just to name a few - I could not do what I do without Nicole Edwards, who's been my administrative assistant, teammate, soulmate, for the last four

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years. Nicole, thank you for what you've done. Just want to mention the terrific staff we have: Andy Manar; Louie Mossos, who staffed the Telecom Committee; Eric Madiar; Giovanni Randazzo, thank you; John Charles; Bryen Johnson; Toby Trimmer; Lee Whack, on Communications; Chris Coleman; Amanda Wallen, in Approp; Jeremy Flynn; and Kristin Richards, in Budgeting. And in the district staff, if they're listening, I just want to say thank you to Travis, who was here yesterday, Lara, Dr. Gregorash and Sandy. They ran the show when we were down here and they were up -- up north. Finally, I just want to say thank you to Senate President Cullerton, and had the chance to serve under Senate President Emil Jones, Jr., who was here today. And it's been a -- a real great experience. To the Members here, I've made a lot of great friendships and I'll take them with me forever. Thank you very much.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Dillard, for what purpose do you seek recognition, sir?

SENATOR DILLARD:

Thank you, Mr. President and Members. While we're in a -- in -- in a situation where we're saying goodbye to Senator Bond and Senator Demuzio, we're losing someone on our side of the aisle who has been a tremendous, tremendous employee of the State Senate for twenty-five years. Peg Mosgers is the Deputy Director of our Committee Staff. She is our Chicago Office Director. And as Senator Bond pointed out, our staff is the greatest here in the State Senate, and among those great staffers, one of the greatest is Peg Mosgers. And she... Thank you. She, among many, many things, is a member of the

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University of Illinois Legislative Staff Intern Hall of Fame. And I think among those of us who once were legislative interns, she is somebody who exemplifies what it's like to be a great, great staffer. She goes back to the 1980s, with Senator Aldo DeAngelis. She staffed the Executive Committee. She staffed the Local Government and Elections Committee, with Senator Larry Walsh and myself, very well. She is the unabashed social chairman of the Senate Republicans. And tomorrow night, if you're not doing anything on Inauguration night, there's a little meeting at D.H. Brown's Saloon, where she's known to frequent from time to time. She does have a drawback. She is a Cubs fan, Mr. President, but we won't hold that against her. But when we think of how this Chamber functions so well and staffers that make us look so good on a day-in and day-out basis, Peg Mosgers is at the top. Twenty-five years, a member of the Senate staff. And then, most importantly, and very, very fortunately, she's not going away very far. She is going to be Treasurer {sic} Judy Baar Topinka's legislative liaison. So you'll still get to see Margaret around from time to time. But would you join me in just giving Peg Mosgers a thank you for twenty-five years of service?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

We will now proceed to Supplemental Calendar No. 3. Supplemental Calendar No. 3 has been printed and distributed. On the Order of Secretary's Desk, Concurrence, Senate Bill 3087. Senator Trotter. Senator Trotter wishes to proceed. Madam Secretary, please read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their

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Amendments 1 and 3 to Senate Bill 3087.

Filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. This is a motion to concur with House -- Senate Bill 3087. We just heard this bill in committee. It was House Bill 5960. So we can expedite the process and -- and have the same language as the House bill, we have placed that language on this bill. So House Amendment No. 3 deletes all and becomes the bill. It amends the General -- Obligation Bond Act and the Build Illinois Bond Act by increasing bond authorization in order to continue funding in the State capital plan, of which this is the second year. Bond authorization is increased to 5.2 billion -- 5.25 billion dollars. It amends the G.O. Bond Act by requiring all entities requesting inclusion in a pool of qualified underwriting banks to disclose the type and volume of State of Illinois credit default swaps that they are involved in. The report must be provided to the Governor's Office of Management and Budget and the Illinois Comptroller's Office. The -- requirement will be begin with the next bond issuance. Also in this bill, it amends and adjusts the FY'02 entitled school districts' school construction grants for inflation at an annual rate of three percent. It allows the debt service of the increased bond authorization to be funded out of the Capital Projects funds. It amends the Pension Code by allowing, but not requiring, the pension systems to create their own investment advisory boards, which would eliminate the need to use

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investment managers, which we have deemed to be, in some cases, charging large fees and excessive fees. It also amends the Pension Codes by excluding the debt service for the FY'03 pension obligation bond sale from the State's annual contribution requirement. Currently, the debt service on the FY'03, FY'09 and FY'10 pension obligation bond sales are subtracted from the State's annual contribution requirement. And I'm available for questions.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any discussion? Is there any discussion? Leader Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. As Senator Trotter indicated, this is the second year of authorization for the capital plan that we passed. We all agreed to, the Governor sign. It's one of the things that's working well in this State. And the fact is, we -- we decided to not authorize all the bonds at once to ensure that the implementation was fair and evenhanded, and that has been the case. So, congratulations to the Governor's Office as well. I'm going to be supporting this and I hope that we all do. This was a success story and we need to continue it. Thank you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any further discussion? Any further discussion? Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR SCHOENBERG)

He indicates that he'll yield.

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SENATOR LAUZEN:

I'm sorry, Senator. Could you repeat what you said about the credit default swaps and then also any changes that are going into the -- that affect the pension obligation?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Trotter.

SENATOR TROTTER:

...this bill will do: It amends the G.O. Bond Act by requiring all entities requesting inclusion into a pool of qualified underwriting banks to disclose the type and volume of the -- of State of Illinois credit default swaps. The original language that was in the bill included all of their CDS, their swaps, throughout the country, which the bankers thought was very onerous, and it just now has limited to just what they do in the State of Illinois.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Lauzen.

SENATOR LAUZEN:

How -- how do you anticipate the -- the credit default swap factor now is -- it's over three hundred basis points, from what I understand. How will that affect -- when we go out on these bonds, how will that affect the cost of borrowing for the State of Illinois?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Trotter.

SENATOR TROTTER:

In talking to the staff and as -- as I recall, there is -- there will be no effect. It is just a -- a disclosionary {sic} tool that we're using. So it's just something that we would

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just like to know if they have been involved in these, because we know they're usually large, as you pointed out. The State would just like to have that information as -- going forward.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Lauzen.

SENATOR LAUZEN:

...you -- thank you, Senator. I -- I understood and I appreciated your answer to the first question about that it's a disclosure - that the provision that you're talking about is a disclosure and I understand. However, the question -- the second question I was asking is, basically, what will those three additional points or three percentage points -- how will that affect the cost of our borrowing? How much does it typically cost the State of Illinois to borrow? Is it maybe four or five percent? And will this mean that it's at seven or eight percent?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Trotter.

SENATOR TROTTER:

Senator, once again, you're ahead of me on this. I do not have that answer right now. I can get it back to you. Hopefully someone will have it before we take a vote or if you can wait until after the vote. Thank you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any further discussion? Any further discussion?
President Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President, Members of the Senate. As Senator Radogno stated, this is the second year of our

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bipartisan capital bill. And it's been so long since we voted on it, I want to refresh everybody's memory. We had gone ten years without having a capital bill. We passed this bill in ten weeks. And we sat down with the four Leaders in my office right after we got inaugurated and we worked on a real tough legislative riddle of trying to figure out how to raise some money - and many of you, a majority of your caucus, voted for those fees and taxes - and we all compromised. Some people had some taxes and fees in there that they didn't want, had other -- that they would have preferred. We compromised. I found out at a legislative conference that, in the entire United States, there was thirty-nine billion dollars' worth of economic stimulus and thirty-one billion of it was attributable to Illinois. We were the only state in the nation that came even close, obviously, to putting economic stimulus on the -- on the agenda in the year of a big recession. So we really should be proud. It's -- it's a shame, perhaps, that the public doesn't even appreciate what we've done. We saw this past year, the largest road building and resurfacing in the history of the State of Illinois. I got to believe that the reason why our unemployment rate has been going down every month is because -- in part, because of this capital bill. And this proves that we can work together and accomplish a lot. So I -- I'm -- I'm very happy for the support of Senator Radogno and obviously urge us all to vote for it. Thank you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Trotter, do you wish to close?

SENATOR TROTTER:

I just want to first say, thank you, everyone, for the hard

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work that we've done over the past two years in advancing this program. Thank you very much, Senator Cullerton, for giving my closing. Thank you very much, Senator Radogno. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

This bill incurs State debt and therefore requires thirty-six votes for Senate passage, pursuant to Article IX, Section 9 of the Illinois Constitution. The question is, shall the Senate concur in Amendments No. 1 and 3 to Senate Bill 87. All those in favor -- House Amendments 1 and 3 to Senate Bill 3087. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 55 voting Aye, 3 voting Nay, none voting Present. And the Senate does concur in House Amendments 1 and 3. Having received the required constitutional supermajority, the bill is declared passed. The Senate will stand in recess to the call of the Chair. No. Let's wind that back. The Senate will stand at ease for a few minutes to allow the Committee on Assignments to meet. Will the members of the Committee on Assignments please convene in the President's Anteroom immediately? Members of the Committee on Assignments please come to the President's Anteroom immediately. The Senate will stand at ease.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senate will come to order. Madam Secretary, Committee

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Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to the Executive Committee - Motion to Concur with House Amendment 1 to Senate Bill 1183, Motion to Concur with House Amendment 1 and House Amendment 2 to Senate Bill 1858; refer to the Revenue Committee - Motion to Concur with House Amendment 1, House Amendment 2 and House Amendment 3 to Senate Bill 2797 and Motion to Concur with House Amendment 1 to Senate Bill 3461.

Signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Chair wishes to announce the following committees that will meet this evening. At 9:05 p.m., the Executive Committee will meet in Room 212. Executive, in 212, at 9:05 p.m. And the Revenue Committee will meet in -- at 9:05 p.m. as well, in Room 400. Senator Trotter, for what purpose do you seek recognition?

SENATOR TROTTER:

Thank you very much, Mr. President, for purpose of announcement.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Please state your announcement.

SENATOR TROTTER:

Thank you. I wish to announce that immediately upon recess that there will be a Democratic Caucus in the President's Office for an hour.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Democrats will caucus immediately upon recess in the

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President's Office for approximately one hour. Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. The Republicans would like to also caucus for an hour as well.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

The Republicans will caucus as well, in Leader Radogno's Office for one hour. The Senate will now stand at ease for committees to convene -- I'm sorry, the Senate will recess. Pending committees at 9:05 p.m.: the Executive Committee in Room 212 and the Revenue Committee in Room 400. The Senate now stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

The Senate will come to order. Madam Secretary, Messages.

SECRETARY ROCK:

A Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 2505.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1 and House Amendment 3.

We have received a like Message on Senate Bill 3088, with House Amendments 1 and 2.

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They all passed the House, as amended, January 11th, 2011. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR HARMON)

Illinois Statehouse News seeks leave to videotape the proceedings. Is there any objection? Seeing no objection, leave is granted. The Senate will stand in recess to the call of the Chair. After committee meetings, the Senate will reconvene to receive committee reports and for further Floor action. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Viverito, Chairperson of the Committee on Revenue, reports Motion to Concur with House Amendments 1, 2 and 3 to Senate Bill 2797 and Motion to Concur with House Amendment 1 to Senate Bill 3461 recommended Do Adopt.

Senator Silverstein, Chairperson of the Committee on Executive, reports Motion to Concur with House Amendments 1 and 2 to Senate Bill 1858 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR HARMON)

WICS seeks leave to videotape the proceedings. Is there any objection? Seeing no objection, leave is granted. Madam Secretary, Resolutions.

SECRETARY ROCK:

Senate Resolution 1162, offered by Senator Wilhelmi and all

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Members.

It is a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Madam Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY ROCK:

No objections have been filed.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion carries. And the resolutions are adopted. Ladies and Gentlemen of the Senate, we are about to turn to substantive action. We are about to turn to final action. If the Members within the sound of my voice could be at their desks. We will stand at ease for a few moments to allow the Committee on Assignments to meet. Will the members of the Committee on Assignments please come to the President's Anteroom immediately? Will the members of the Committee on Assignments please come to the President's Anteroom immediately? Will all Members within the sound of my voice please be at their desks? We will be turning shortly to substantive final action. The Senate stands at ease.

(SENATE STANDS AT EASE/SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

The Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Motion to Concur with House Amendment 1 and House Amendment 3 to Senate Bill 2505, Motion to Concur with House Amendment 1 and House Amendment 2 to Senate Bill 3088.

Signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen of the Senate, please take your attention to the Supplemental Calendar No. 4, Secretary's Desk, Concurrences, on Senate Bill 2505. Senator Cullerton, do you wish to proceed? He indicates he does. Madam Secretary, please read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 2505.

Signed by President Cullerton.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator -- President Cullerton, on the motion.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. This bill amends the individual and the corporate income tax rates. The individual income tax would go from three to five. The corporate income tax would go to seven. A portion of this tax is going to expire in four years. The bill also has a -- very

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strong spending cap language. We pick a base year and we go from that base year for four more years, where we include the pension payment in that cap. What that means is, is as our pension payments increase over the years, pursuant to a law that we passed back in 1995, that extra money that goes into those pension funds is counted against that cap. The purpose of this bill is to raise enough money so that we can continue to pay our pensions without borrowing the money, to pay off our debt, to have enough money to pay the interest on that debt, and for the first time ever, establish caps on how much we can appropriate. We even are going to change our rules to basically turn over to the minority party the right to dictate whether or not there will be an extra spending over that cap. And it is going to work. The fact is that we have been falling behind, in my opinion because of a structural deficit because our income tax rates are so much lower than other states. We've looked at states like New Jersey. We've looked at states like Indiana. And it turns out, they have higher taxes than we do. They have more money that comes in, even Indiana. 5.7 billion dollars more we would have if we had their tax rates. So we fell behind. We are in desperate need to improve our bond ratings. We will do that by raising this money and we acknowledge that a future General Assembly will decide whether they should be extended. I have voted four times for income taxes. The first two times were for temporary income taxes that Governor Thompson asked us to pass and they both were expiring. One expired. The second one was about to expire and Governor Edgar said, "Let's keep it so we can spend that money on education." And I voted for that as well. This, again, is a temporary tax. We have

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just come through the worst economic crisis in our lifetime, worse than those recessions that Governor Thompson and Edgar had to deal with. And we have not paid our bills. So, two years ago, when we first took over right in the midst of this crisis, we said the first thing we have to do is pay our bills and cut spending. Now I know people don't believe that we cut spending, but we did. And the reason why perhaps you don't realize we cut it was because the way we appropriated the money was lump sums to the Governor. We are going to go back to line item appropriations. We are going to have to cut money, even with this tax. We're going to have to spend less money than we had in the past two years and it's going to be tough. But we're going to have our bills paid. The people who provided services for us are entitled to be reimbursed. It's going to actually boost our economy and create jobs when we pay those people what they're owed. But there's no more borrowing to pay our pensions. We have to take it out of the money that we're raising with this tax. We also have to make up for the loss in federal dollars, because the stimulus is ending. The change in the Medicaid laws, we get less money. And we have to make the payments on the borrowing to get even. So there's not going to be any new money. And there's going to be an institutional - in the law, in the rules - way to make sure that we can't go above that, unless we have a three-fifths vote. And if we bring in more money above this appropriation cap, that doesn't go into the checking account of the general funds; it goes into the savings account. 'Cause if you guys don't want to spend more -- if more money comes in and you don't want to spend more, it goes into the savings account. That's implicit in this law. So I

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know we've had a -- a long and extensive committee hearing on this. We spent a lot of time on the spending caps. I can understand if you don't want to vote for an income tax, that's fine, but please believe these spending caps are real. They're done with the intent for what I'm stating - to limit the amount of money. It's the first time ever been done here and it's literally turning over power to the minority. So, it's time to do this. It's not easy to do this, but the alternatives are disastrous. And so I would be happy to try to answer any questions and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Senator Sandack, for what purpose do you rise?

SENATOR SANDACK:

To the bill -- excuse me, to the bill, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR SANDACK:

Thank you, and I'll be real brief. I think there are other folks that want to speak to this. Being a nascent Member of this very venerable Body, it is not my place to really criticize process other than to suggest that, in my little hamlet of Downers Grove, before we ask our taxpayers to pay more, we go through the arduous process. And it is arduous and it's sometimes very protracted process of looking at our spending line by line. And before we ask taxpayers to pay more money, we demonstrate that there is a -- a need and perhaps there is a need, but I would suggest it has not been demonstrated, particularly in this lame-duck Veto Session. A sixty-six

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percent increase on taxpayers. A forty-six percent increase upon corporate taxpayers is a job killer. My preference would be is that we vote this down and that we have a deliberative process, an open process, to go through exactly how to bring this State back to financial solvency and to do it in a way that's bipartisan that makes sense for taxpayers. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator McCarter, for what purpose do you rise?

SENATOR McCARTER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The sponsor indicates he will yield. Senator McCarter.

SENATOR McCARTER:

It appears that the current law pertaining to -- to carrying forward losses has changed under this bill. Can you explain that to me?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR CULLERTON:

Yes. For C corporations only, there's no carryforward losses that will be permitted from today until 12/31/14. So it does expire. So if -- if -- it -- it's closing a loophole. It's going to cause some corporations, C corps, to not be able to take a deduction. It's a four-year period and it should allow for us to capture about two hundred and fifty million dollars as a result of that.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCarter.

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SENATOR McCARTER:

However, what happens in the fifth year? Aren't those losses able to be used in the fifth year and would that not reduce this expected revenue that we -- you know, we're counting on?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR CULLERTON:

That would be a decision that the General Assembly would make on how to deal with it in 2015. It's scheduled to expire, just like the income tax.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCarter.

SENATOR McCARTER:

It -- it appears on page 52, second line, (B), it says "The entire amount of such loss shall be carried to the earliest taxable year to which such loss may be carried." So I have -- I have to believe that this would be able to be used in the fifth year and that would be cumulative of any C Corp who had losses in the previous four years. That -- that would then cause a tremendous loss in revenue to us, would it not?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR CULLERTON:

Well, my question to you is, when. When would we have the tremendous loss?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCarter.

SENATOR McCARTER:

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In the fifth year.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR CULLERTON:

There's going to be a tremendous loss when the tax goes away in the fifth year as well. That'll be a decision that's made, just like we did back in 1991 when Governor Edgar said, "Let's keep this tax and let's keep the loophole closed." Whatever the General Assembly decides to do in that year.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCarter.

SENATOR McCARTER:

To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR McCARTER:

First of all, I'm not sure that -- I guess I'm not assured that this has been factored into what we -- we expect to gain on this. So, here we are, in the -- the very end of this lame-duck Session, in the late night, piling more burden on the hardworking people of this State. And you're going to make it even tougher for every small business in this State to exist and make a profit. And yet, you've invoked a -- and you will invoke a great deal of emotion. Businesses in my district will be plugging your tax into their spreadsheets tomorrow and assessing, once again, whether it makes sense to stay in Illinois and invest any more of their capital in a State that spends more than it takes in and throws the burden back on its citizens. I just received a phone call from a business in

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O'Fallon, Secure Data. Employs sixty-five high-paid IT folks. They're on Exit 16 on I-64. That's sixteen miles from Missouri. Their president, Ray Kelly, just told me, "You pass the -- the tax, we're moving." Did you factor that into your projected revenues? Retirees will be discussing tomorrow morning over coffee whether they'll be staying in Illinois or moving away from their kids, their friends, their parishioners, and the home that they sat -- they put -- they planned to retire in. Here's an investment tip for you. Put your money in moving vans. They'll be in high demand. And joy, yeah, you've brought a lot of joy to the Governor of Indiana. When we passed HB 174 two years ago, his exact quote was, "Jobs from the Land of Lincoln will be flowing into Indiana." If you thought last night's party was big, it'll be nothing in comparison to the one they're going to have in Indiana. And most -- and -- and most troubling of all is you ticked off my wife. You ticked her off, and me too. Let me tell you why. Fourteen years ago, I quit my job as a manufacturer sales rep. I took a five-thousand-dollar commission check to the bank and got a small personally guaranteed loan. I rented a warehouse, bought a fax machine, and started my business. My wife went to work in East St. Louis teaching school to pay the bills. We worked hard. We worked long, hard hours. We grew the business until four years later we bought a building of our own. Through the years, we -- we reinvested every cent we made into that business. Today, we have over twenty employees and are in the middle of spending almost two million dollars this week on a new manufacturing facility. So before I left home Monday, my wife asked me, "Why?" She said, "Why? Why -- why do you want to -- why do you

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want to reinvest in a State that is -- all they're going to do is tax you more to make up for their irresponsibility?" And I think that's a fair question. And if you think that's the only -- she's the only one asking the question, you're wrong. There are going to be people in your district asking that question tomorrow. Throughout this State they're going to be asking that question. Since I've been in the Senate, I've seen very little discipline in spending. This government has failed to live within its means. Our families, our businesses, our parishes, our synagogues, our schools - every one of those has gone through the same recession. They've made the tough choices. We've made the tough choices in our families to get through this recession. The only one -- the only one that hasn't learned to live within their means in this recession and is making excuses is this State government. Stop this disastrous plan. I urge you to come back in two weeks and together agree to a responsible comprehensive plan that reduces spending and encourages business growth. Don't tick mama off and don't make the Indiana governor any happier. Please vote No.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Mr. President.

SENATOR CULLERTON:

...answer the gentleman's questions. Facts count. You want to go to Missouri? They have a six percent income tax there for individuals - six percent. With this temporary tax, it's only at five. Want to retire there? They tax retirement income. We don't. Indiana? Like Navistar who left Indiana to come to Illinois, because our taxes are lower here than Indiana by 5.7 billion dollars. Workers' comp - higher in Illinois. You and I

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are going to work on that. But the income tax, still lower, still lower. You can't just call all the states equal and then say you can't raise taxes. If we raise taxes as high as Governor Christie's state, we would be passing a bill the next day to give it -- half of it back. So, facts count. And we have not had cooperation in this area. We've had a lot of cooperation and a lot of accomplishments that we've made in this General Assembly, not in the area of the budget. We've cut the budget. We've cut spending. And you can say -- get up and say we didn't do it. You can get up and say Missouri's income taxes are lower than ours. It's not true. So I would urge you to educate those people - educate those people who don't know the facts and then we can have a level playing field. Businesses make decisions on where to participate -- where to -- where to locate based on -- a number of factors - infrastructure, like the capital bill we passed; the educational system, like the great universities we have here; and the tax structure. And that's why this is temporary. We have to -- came through the worst recession. We have to get even. Once we do, future General Assemblies can make that decision as to whether or not they want to keep these taxes going.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Duffy, for what purpose do you rise?

SENATOR DUFFY:

To the bill, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR DUFFY:

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You know, the first time I got up and spoke at this microphone, I spoke about transparency. And at that time, I said we have a long way to go in this State. And this whole process just proves that fact. We certainly have a long way to go, because I don't know if it's possible to jam any more bills through a lame-duck Session. But this bill is devastating. This is a huge tax increase on the residents and the small businesses of Illinois - a sixty-seven percent increase - the largest tax increase in our State's history. This is even larger than the gross receipts tax that we discussed before, a couple years ago. At a time when unemployment rate is through the roof and companies are leaving our State in droves, you could not destroy this State any quicker, even if you had a methodical plan on how to do it. This is a monumental bill, a career-changing bill. People will not forget about this bill. They'll be paying through the nose on a daily basis because of this. And this damaged bill, created and drafted by the very people who, just a couple months ago in this very Session and in this cycle, ran for office proclaiming fiscal responsible policies, promising to create jobs and -- vote for pro-job bills, now a few months later, you are pushing the largest tax increase bill in Illinois history down the throats of people in Illinois. The voters do not like to be manipulated. This is the nuclear bomb of job bills. This will create jobs all right - in all the surrounding states of Illinois. This tax increase will kill all the jobs that still may be left in this State and keep companies out of Illinois for generations to come. Now let's talk about small businesses. Eighty-five percent of the small businesses are set up on S Corp. That means that their company's income

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statement goes through their personal tax. So you've just raised their taxes by sixty-seven percent during a recession when they're already strapped, when they already cannot pay their payroll, because even their good clients cannot pay their bills in thirty days because they can't get loans and their clients can't pay them. So now they're being stretched out thirty, sixty and ninety days. And now on top of that, you're going to put another Illinois burden on top of them and give them the largest tax increase in Illinois history. You are absolutely not giving them any other options than to leave this State. Over the past few days, I have personally talked and e-mailed with hundreds of small business owners throughout this State. They have guaranteed me, even though they don't want to, they will vote with this -- with their feet and they'll leave this State and never come back if this passes. Once they're gone and once they move their families and hire new employees, there is no way that they're going to come back to the State of Illinois on any more empty promises. To be an Illinois business owner has now become a laughing stock and an embarrassment. Business owners find themselves time -- justifying to co-workers and other peers and other companies that they work with on why they're still located in Illinois with our outrageous anti-business environment. And now you're going to give them sixty-seven times more reason why to leave this State. This bill, without a doubt, will put the final nail in the coffin for Illinois business. Eight years of reckless spending, runaway spending, no spending cuts of any substance, even during a recession, and now you're going to have the citizens of Illinois and small businesses pay for all your mismanagement. You,

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everyone who's going to vote for this tax increase, are responsible, not the Speaker, not the President, and not the Governor. You all, everyone on this Floor, represent over two hundred and twenty thousand people in the State of Illinois. You can stop this bill. There is still time. If you vote for this bill, you're responsible for devastating the State of Illinois and turning it into a ghost town for generations to come.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Mr. President.

SENATOR CULLERTON:

I'll take that as a question. To the bill. You want me to wait till the end?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR CULLERTON:

I'll wait till the end.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Haine, for what purpose do you rise?

SENATOR HAINE:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The sponsor indicates he'll yield. Senator Haine.

SENATOR HAINE:

Mr. President, you -- you referred to devastating consequences if this bill is not passed. Would you enlighten the Body as to those devastating consequences, particularly in a district such as mine? I have four hospitals. I can't tell you

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how many nursing homes. I have many school districts, large urban and suburban districts ranked very highly in academic ratings. I have two community colleges. I have a middle-class, working-class population that uses all of these services. So I'd appreciate fleshing that out.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR CULLERTON:

Senator, we still owe eight and a half billion dollars to people who have already provided services for us. People who've provided -- doctors who've provided services for State employees, vendors who have not been paid, some of whom have gone out of business because they did business with the State. That's not going to go away if we don't pass this bill. It's going to grow. We don't have enough money to pay our pension obligations. Now, Governor Christie in New Jersey, he skipped the pension payments, just skipped it. And then he told the local governments, we're going to keep a billion dollars of yours. So, we have alternatives. Sure, we can skip pension payments. We can keep on paying interest under the Prompt Payment Act to people that do business with us. We can -- maybe we can steal the money from the local governments so that they can raise their property taxes. That's an option. But we're not going to be sending the right message to the businesses of this State. The businesses of this State want stability. They want to know you can pay your bills on time and that's what this bill is about. We have not -- we -- we've come through a crisis for the first time in the history of this -- all of the states collectively, where, for two years, there was a dramatic drop in

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income. Now, fortunately, it's stabled off and starting to grow slowly. So, this is very straightforward - for a temporary period of time, a four-year period. And we'll make the decision after the next Governor's election as to whether or not you want to continue. We want to provide enough money to pay our bills and we're putting an unprecedented spending cap in the bill, turning over power to the minority party to enforce it. And we're asking the businesses in this State to realize that we've improved our bond rating, we've improved our image, and we are now back in business and we're doing the right thing going forward. If we don't do this, the cuts, if -- if we say we got to pass -- we got to -- got to pay our pension, the cuts to -- to human services, which have been cut in the last ten years dramatically, would even be escalated. The people who are waiting to be paid would wait for years to be paid, if they even continue to do business with us. So it's -- it's -- it's not going to get any better. This is it. The House has chosen to pass this bill. Everybody said the House is not going to pass the bill. We passed an income tax earlier. The House never did, but they -- they did. And so now we have to act.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR LAUZEN:

Thank you. Earlier in this debate, the sponsor has

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reminded us that facts count and then tell us that the -- tells us that the Missouri tax rate is six percent. Well, I think the facts count. I think all the facts count. And so what needs to be put into that description is that Missouri has a tax rate from one and a half percent up to six percent at the top and then they give a credit for the federal tax that's paid. So, perhaps -- no, of course facts count. But when we quote facts, especially on tax rates, we ought to talk about the whole facts that are involved. You know, in all of Illinois history, never has so much been spent by so few to accomplish so little. Here we have a sixty-seven percent income tax increase on people who are already struggling and angry at the sloppy size of government. The facts do count. You know, it is an inaccurate statement, according to the Governor's budget office numbers sent out to New York bankers in just July of this year, to say that there have been cuts. How many times did we hear our Governor say, in running and campaigning for an office, that I've cut spending in State government by three billion dollars. However, according to his own document, to get a 1.3-billion-dollar bond offering, the document shows that he's increased State spending by one billion dollars. Now you can be off a little, but not four billion dollars. I believe that he -- the Governor should have been ashamed to put out that kind of misinformation and then I think that our press should have scolded him to outline that kind of inaccurate information and so consistently -- even after it was brought to his attention. To say that there are going to be cuts in this and that this spending cap has any meaning at all, all you have to do is read the language of what's going to happen there and you know that

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this is locking in spending growth of 5.6 billion dollars over the next four years. That's a seventeen percent increase. There's ten percent growth allowed in the -- in next year alone. And worst of all, this doesn't solve the problem. You know, you do a back of the envelope kind of projection about where we're going to be in just four or five years from now and it shows that we have a terrible hole. That -- that -- we start with about 3.7 billion dollars in a -- an annual budget deficit; we end up in fiscal year '16 projecting just the language in this bill with a seven-billion-dollar annual deficit. So all of this pain that we are going to be inflicting on people is going to result in a condition even worse than we have right now. And I guarantee that there will be fewer taxpayers to support the problem when we get there. This is an enormous gorging of borrowing and taxes that is going to lead to a problem even worse. I think that when it all boils down, there's like two questions that you ask yourself. First is, has the money been well spent that the taxpayers have sent the State government over the last several years? And if you can come to an answer that's yes, all you have to do is look at the bankruptcy of the State of Illinois. And then, second, who's going to be left to pay these taxes when the businesses are gone with their jobs and when seniors with assets just say, "I ain't going to take this anymore. I'm gone." I mean, even Barack Obama and Nancy Pelosi and Harry Reid recognize that you don't increase taxes when you have a fragile economy. I think that it's -- I think that, at best, when you take a look at some of the projections in this bill that, at best, if you have all the people who -- that they have to lock in and stay here and pay, it doesn't get the job

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done. When you do a dynamic model of what's going to happen when people take action in response to the action of passing something like this, you'll have even fewer people. So I -- I -- I recommend a -- a No vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Murphy, for what purpose do you rise?

SENATOR MURPHY:

A question of the sponsor, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The sponsor indicates he'll yield. Senator Murphy.

SENATOR MURPHY:

Mr. President, like all of us, I went home over the weekend, talked to a lot of constituents - in person, e-mail, phone calls, and the like. This proposal or a previous iteration of it had just come out. And I suspect a lot of you had the same sort of reaction from your constituents of they were angry and they were scared. And a lot of them asked me, and you touched on this a little bit. You know, you guys have gotten more done in two weeks than you got done two years before this, right before a lame-duck Session ended. Now whether you think we did or we didn't, we did get a lot of things done in the last two years. But there's no debating that there's been a significant amount done on major issues in a shorter period of time here than there has been in a long, long time in this building. The question they put to me and that I put to you as their representative in this Body: Why did you and the Speaker feel compelled to push this bill in the last hours of the 96th General Assembly and not wait for the most recent statement of the voters handed down in November to come tomorrow, when we

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could consider this with the General Assembly that they just most recently sent to us?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR CULLERTON:

I think it would be a fair point to make, Senator, but for the fact that we in the Senate recognized this problem a year and a half ago. And we did vote for an income tax increase from three to five. And we acknowledged we needed to raise money. At that point in time - that bill was a different bill - but it would have raised over four billion dollars and we recognized that need. The bill didn't pass in the House. So, you know, we're -- we can't pass any law here unless the House passes an identical law. So, they chose this time and this place to pass their bill. I sure wish it would have been our bill a year and a half ago. We wouldn't be in as much debt as we are, but that's what they did. We're still in Session. We have done some productive things, especially the work with regard to Medicaid reform in this past few weeks. And we're going to continue to do that after tomorrow as well.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Murphy.

SENATOR MURPHY:

I appreciate that. I -- I -- I noted your reaction to the suggestion that we are a higher tax State, in particular in relation to our neighbors. And I got the impression -- right, your reaction to the suggestion that we are a higher tax State. Your response essentially is, particularly in relation to our neighbors, we're a lower tax State. And I know I've heard you

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in the past suggest, and -- and frankly I don't know that there's any disagreement in this Chamber on this point, that this is a State of tremendous assets and that we have a lot going for us. So if we're a low tax State and we have all of this going for us, why do we have - and I'm serious about this - why do we have fewer jobs today than we had ten years ago?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR CULLERTON:

We have seen a trend, obviously, of manufacturing jobs leaving, going overseas. Perhaps we had more manufacturing jobs as a percentage than other states. But we also have those assets that you talked about that I think -- let's put it this way, maybe our image wasn't improved during the last -- under the previous Governor. We'd have to say that didn't help our image any. But the fundamentals are still very strong. We still have a great education system. We're improving our -- our -- our infrastructure. Those are other factors that states take in -- that businesses take into account to come to our State. We -- we have - if you don't mind me making this point with regard to the other taxes - we have a structural deficit because our sales tax doesn't cover any -- hardly any services. Other states do. They have a -- as service economy is growing faster than goods economy, they have more money coming in from the sales tax. Indiana's sales tax is seven percent. Ours that we get to keep is five percent. For example, we don't tax retirement income. We lose over a billions of -- a billion and a half dollars, I believe, from not taxing retirement income. These other states, the -- on the corporate tax rate, they have

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the personal property taxes still in place. We have, as an alternative, the personal property tax replacement. So, I just think it is fair. I didn't know the -- the situation with Indiana. I didn't know until I read in the newspaper that Mitch Daniels was a miracle worker. Let's look and compare the states. The one thing we definitely have to improve is workers' comp. I flat out say that it'll be a top priority of the next -- the next Session. And I'm sorry we couldn't have done it this time. So, I mean, that's -- that's the -- that's the fair answer to give to you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Murphy.

SENATOR MURPHY:

Thank you, Mr. President. To the bill: There's a couple of things I think we need to correct that have been said here. While we are certainly in a very dire economic crisis, as are other states in this country, I dare say none is faring worse than us, which means much of that lies at the feet of the people in this room. The statement that we have had a significant drop in revenue that has brought us to this place is categorically false. We had in fiscal year '10 a two billion drop in revenue. That's a big hit, no dispute. But the last five fiscal years are the five-highest revenue years in the history of the State. The taxpayers of this State have given State government more money in the last five years than any five years in the history of the State. 2008 was number one. 2009 was number two. 2007 was number three. 2006 was number four. And, yes, we took a hit last year - 2010 was number five. When you're coming off the five best revenue years that the people of the State of

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Illinois have ever produced, you can't blame it on them. Secondly, there have been spending cuts - false. Despite the murky nature of the last couple budgets, perhaps designed to obscure whether or not spending cuts were made, the reality of the situation is, when including the pension payment in documents submitted by the Governor to the bond houses, spending is projected from '09 to '11 to go up. I don't know about in government, but I know when people factor their family budget, they don't consider it a cut if they spent more than they -- than they -- spent more this month than they spent the month before. The sponsor addressed the spending cap in this bill and I want to address that, because it sounds good. I've had spending cap legislation in since the day I got here. I was eager to see that the Speaker pushed a similar concept, before it was dashed on the rocks of the House. So I was eager to read what's in this one. And unfortunately, although it sounds good, Mr. President, I have to tell you, this spending cap is more like a spending escalator, perhaps a sieve. It is. It is. We're going to increase spending ten percent next year and then we're going to go two percent a year through 2015. I'm looking for the year in this plan where spending gets cut. Where do we cut spending? Taxpayers cut spending. Businesses cut spending. Where do we cut spending? Having spending go up by less than we wish we could, still doesn't make it a cut in spending. There's no spending cuts in this proposal. Seventeen percent - spending goes up over four years under this quote, unquote, "cap". That's more in real dollars than it went up under the first years of the profligate Blagojevich administration. Do we want to call that fiscal discipline? And if that's not enough

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spending, the letter of the law in this bill allows the Governor unilaterally to short the pension payment. Have our friends in the labor movement heard that? There is a statement of intent on the Floor that that is not the intention of this legislation and I appreciate that. There is a rule change in the Senate Rules that is very magnanimous and I think appreciated by all on this side of the aisle. But as a lawyer, you know what counts in the hierarchy of legal precedent is what it says in the law. We can have legislative intent, but if it's contradicted by the clear language in the statute, it doesn't count. The statute allows the Governor, if he's in a pinch, to not fund the pension payment under this cap - I have a hunch you might address this coming back at the end of the remarks - but that's what it says, Mr. President. This is not a tight spending cap. This is not a spending cap the people of this State can feel reassured is real. There are promises in this bill. There are promises in this bill. The sixty-seven percent income tax hike is temporary. This move to the third- or fourth-highest corporate income tax in the country is temporary. A track record on promises is important. Problem is our track record in this regard is not very good. Governor Quinn said he'd veto any bill -- tax bill this high. Now he's going to sign it. He said he made spending cuts last year and he didn't. The last time one of these taxes came up, it was temporary - until it wasn't. And, of course, everybody remembers how the tollway was going to go away one day. So I think we can all understand the skepticism in the people of this State if they -- if -- when they look at this and hear that the tax is temporary. And speaking of promises, what happened to all those fiscal

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conservative candidates running all over the State this last fall on jobs, jobs, jobs? Where are they all? No, Rickey, they didn't lose. They didn't lose. They won and the people are hoping they're going to keep the promise. But do you know what the reality is? You know what the truth is? You can believe in this tax increase as good policy, and I've said this before and I'll say it again, I know most of you do, that it'll do more good than harm and I appreciate that. But you can't say - in a State with the forty-seventh job growth record in the country, with fewer jobs today than we had in 2000 - you can't say your number one priority is jobs when you follow it up with the largest tax hike in State history. We hear a lot around here about being honest and hypocrisy, and there's a lot of chest beating on those subjects all the time. Time to walk the walk on that. If you vote for this, what you're telling people is, your number one priority is supporting State spending at or above the current level. You may care about jobs, but not as much as you care about supporting State spending at least the level it's at now or higher, because there's no question, no question, that there will be job loss with this tax increase. So be prepared to tell your unemployed that you're going to make their opportunity to get back to work harder. Be prepared to tell the constituents in your district that you would rather have the level of spending we have now and risk them losing their job, because the spending is that important to you. Be prepared to tell the job creators in your district that it's more important to spend than it is to keep them in this State. Because the reality of this situation is, your statement with this vote will reflect that priority. I'll wrap this up

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quickly, Madam President. I -- I know the Kennedyesque nature of the address has some on the other side of the aisle moved, but we'll -- we'll see if we can move this along. You may -- you may think you're stabilizing this budget, but the reality is you're not. If you don't get the spending under control, if you don't address the underlying cause of what got us here, we'll be right back in this situation. Senator Lauzen referenced our numbers project large deficits because the spending isn't under control. You're bankrupting our State with this bill. You're stressing our families' budgets to the point of breaking and you're risking their jobs. As you know, the Washington leaders recently extended tax relief, two percent on the payroll. And it appears that what President Obama and the Congressional Republicans giveth, the Illinois Democrats are quick to taketh away. If you think the fury and if you think the enthusiasm that you saw in this State and around the country from those who are energized on taxes and spending was intense this year, you're creating a recruiting drive today. And rest assured, rest assured, you pass this tonight, the fight for repeal starts tomorrow. I urge a No vote to keep people at work and keep Illinois on the path to being the great State it ought to be. Please don't do this.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator, to the bill.

SENATOR BURZYNSKI:

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Thank you. And I will try and keep within a -- a minimum here, Senators. I -- I -- I think, you know, a lot of what I wanted to say has already been talked about when we talk about the fact that we're going to see an increase in budget. It's a seven-billion-dollar tax increase, the largest in history. And so I'm not going to go back over that. But I do think it's important for us to look at a couple of other things relative to the spending escalators that are in this bill - that -- that ten percent the first year, two percent for the next few years as well. The caps that President Cullerton has talked about do not apply to newly created funds. And in this bill alone, there are three newly created funds. So let's not confuse that issue. And at any time that the General Assembly desires, they themselves could create another fund that would be exempt from those caps that Senator Cullerton is talking about. We also say this bill will allow the Governor to exceed those caps by declaring a fiscal emergency. Well, that sounds good, doesn't it? The Governor can also reduce the pension payments. We've talked about that. Relative to the statement of intent or the legislative intent, we do believe that statute will trump that if necessary. So when we see this, we can't talk about caps; we can't talk about it being a minimal increase. And you know what? In my household, when we talk about cutting spending, it means we spend less this year than we did last year. Not that we have a ten percent increase, not that we have a two percent increase, we spend less. So don't talk to me about spending cuts and spending less than we did the prior year. Let's get serious. My constituents talk to me and they go, "Brad, you know, we think something has to be done in the State of

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Illinois. We want you to support a tax increase." And so then I walk down the bill that we've got in front of us tonight at a quarter after twelve. You know, it's amazing we see all of these cameras here - a quarter after twelve the last day of the Session. Isn't that wonderful? It's too bad they're not here year round and we wouldn't see some of this crap that we see like we see tonight. You'd have to be more responsible. But I want to tell you something. When we look at all of this, my constituents say -- you know, and I walk them down through this and I walk them through the spending that's occurred under the past administration and the current administration. I say, you know, this reminds me of a -- of a story, and those of you that know me, know I like musicals, especially Rodgers and Hammerstein. And there's an old musical. It's called Oklahoma! And one of the main characters in that musical is a lady and her name is Ado Annie, and you know what Ado Annie sings? Do you know what she sings? "I'm just a girl that {sic} (who) cain't say no. I'm in a terrible fix". And, folks, that's what we've got in the State of Illinois. We've got a Governor that can't say no and we've got a majority party that can't say no. We're in a terrible fix. Well, I'm here tonight to tell all of us, say no. Vote No. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR DILLARD:

To the bill, Madam President. ...you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Dillard, to the bill, please.

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SENATOR DILLARD:

Thank you. Now the Democrat majority spending plan here this evening and this week is all about more revenue and it's all about more spending. And the New York bond houses - I've been there - they're not going to be fooled and neither are the taxpayers. And spending beyond our means is how the State got into this mess and we need real curbs, real curbs on spending growth, not automatic accelerations that I think are allowed in this bill. I would rather have nothing than what's in this bill. The best way to curb spending or to have caps is to have a Governor that manages and makes tough decisions, like a Jim Edgar or a Mitch Daniels. The -- we need to have recurring budget cuts, structural changes, reprioritization, which have not been done. And as Senator Murphy pointed out, our staff has put together a spreadsheet that shows even with your massive sixty-six percent tax increase, in a couple of years we are right back here with an eleven-billion-dollar budget deficit, drowning in red ink. But we'll have the highest taxes in the nation, and then what do we do? You know, if the Illinois General Assembly were a publicly traded company on Wall Street and the General Assembly is its board of directors, we'd be in bankruptcy court right now. And many of us - not me - but many of the Members of this Body would be like Enron executives probably headed to a federal, criminal proceeding. No state's ever taxed its way into prosperity. And responsible government spending reductions, not tax hikes, are how you grow your economy. We rate pathetically forty-eighth in economic development. This bill is about Illinois families and it's about killing jobs for our fellow citizens. We need to make

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Illinois a destination economy. We need a blueprint. I watched Governor Mitch Daniels' State-of-the-State speech -- excuse me, his inauguration speech on C-SPAN, right before I came up here. You know, he had a blueprint - a blueprint not only for economic development in Indiana, but he had an educational blueprint as well. We need to have a plan and go back to the drawing board of real recurring reductions in our State spending. The Chicago Tribune's laid out 6.4 billion for our perusal. The Civic Federation - thank God for those people, who have spent countless hours looking at our budget - have two and a half billion dollars of those suggested reductions. And we start a new General Assembly tomorrow. I think we need a real blueprint and I think the new General Assembly ought to work on this. But this plan is more revenue. It's more spending and it's more deficits in just a couple of years down the road. It's not a real plan and we should vote No.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

No, I won't steal your speech, Mr. President. I will say one thing. You know, it -- just reoccurring to me, this message that I'm hearing is that, you know, it's like some people don't believe they're really in the Legislature. We've all been elected. We all have the same amount of voters. We all have our microphones. We all have the press. We can all get our point across. Some people sound like they're a little mad 'cause their -- their spending cap bill didn't pass. They been working on it for ten years and Senator Cullerton is going to pass it in one night. I understand you being angry. And,

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Senator, I understand people who have been here since Jim Edgar was here, holding his hand on his income tax. I understand that you've been here and you don't understand how any of this is happening. I get that. But it seems to me that you ought to take some responsibility. And if voters are listening to me now, what I would tell you, if these -- if these folks aren't able to get anything done in the Legislature, get rid of them. Because we should have people here who get things done. I would love to see some of these spending reduction bills that my friends are talking about. I'd love to see 'em come forward and tell me how they're going to cut forty percent out of -- out of education. I would love it. So, in fact, maybe someone could stand up and do it now. You know, nobody likes these choices. A lot of people made a lot of bad choices to get us here. We just didn't wake up here one morning and, all of a sudden, we have a bad bill. People deferred what they had to do. They didn't want to do it. They didn't want to make the tough decisions. They wanted to make sure the seniors didn't pay corporate -- or excuse me, pay an income tax on their pensions. We wanted to make sure seniors get what they need in Illinois. Want to make sure they got free bus rides. Now it's time to pay the piper. I don't like it. I don't know what I'm going to do on this bill, but I do know one thing: I'm a Senator in Illinois. I'm elected to this job. If I don't do it, I hope my voters throw me out, because I would hope your voters would do the same thing. If you've been here for twenty years and have achieved nothing, then look in the mirror, because we are responsible for the destiny of where this ship goes. Someone has to drive it and I hope to gosh it's us.

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Madam President, it seems to me that for a while the Senator President has been itching to answer a question, so I think courtesy demands that I ask him one. So will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

He indicates he will, Senator.

SENATOR RIGHTER:

Thank you. Mr. President, there has been some commentary on the Floor here tonight about some language that appears in Amendment 3 which refers to statutory mandates not being subject to appropriation and the ability of the Governor, upon deciding that basically there's not enough money around, to unilaterally say we're not going to pay that. It's clear to me - and I'm not a budget expert, but I've talked to people who know a lot more about budgets than I - and it seems clear to them that what this is, is giving the Governor the authority to not make the pension payment. Is that the way you read this? And if it's not, then what is this language for?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR CULLERTON:

Senator, I don't know if I can answer that. I -- in committee, I tried to explain the intent of the -- of -- of myself as the sponsor as to what we are doing with this -- with this cap. And I -- I was hopeful that you would at least

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appreciate the fact that we're trying to do this. This isn't a trick. Now, you asked a technical question. My staffer can answer it better than me and I will be happy to provide that information for you as soon as possible. I can't answer it right now. It's not intended to get around the spending cap. And if you would allow me to reiterate, since you had the benefit of being in the committee - some of the other Senators did not - if I could just explain how we came up with this spending cap and the numbers. We took fiscal year '11 appropriations, a little over thirty-one billion dollars, and we then added in for next year certain expenditures, because we are going to spend more money next year from the revenues that are created from the tax. What are we going to spend that money on? We're going to pay our pension fund instead of borrowing for it. So we have to increase the expenditures by four and a half billion dollars over this year, when we didn't pay it. We borrowed it -- or will borrow it. We are going to pay off the interfund borrowing that we did - that's a half a billion dollars; the stimulus money that we lost from the -- that we are going to lose from the federal government, 1.4 billion; our group health insurance that we under-appropriated, eight hundred and fifty million. And hopefully, if we pass a borrowing bill to pay off our past debts, we'll have to pay the debt on that. That's new spending. So we added that in to what we spent in fiscal year '11 and that's the cap. And to be fair, we set that cap up and we said we're going to grow it only by two percent each year, regardless of inflation, and we're going to count the pension cost against that cap. And we know that that pension cost is going to increase probably at a rate of about eight

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percent a year. So, Senator, I can't answer that technical question that you just asked. If -- if we somehow made a mistake, which I know we didn't, and you find a loophole, you tell us and we will close it. I'll say that right now, right here, before this bill is passed.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam. To the motion if I might.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please, to the motion.

SENATOR RIGHTER:

Thank you very much, Madam President. And thank you, Mr. President, for that response. You know, maybe it is a loophole. Maybe it is a twenty-some-line loophole. But as it reads to people who know budgets and people who really don't that well but can still read statutory language, it is clearly giving the Governor, and intentionally or not, it is giving the Governor the opportunity unilaterally to say, "You know what? Money's a little tight this year. We're not going to make the pension payment." Now, Madam President, despite the fact that you are dramatically younger than I am, you have served here longer than I have, and if you'll recall, I showed up here the same year that your party came to the majority here in the Illinois Senate and Rod Blagojevich was elected Governor. The Senate President a little bit earlier walked us through a little bit of history about tax increases and I'd like to do a little bit of the same with regards to what's gone on here in this Chamber and this General Assembly and this State government in the last eight

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years. You know, in one form or another, at one exact point or another, we all knew we were coming to this point, didn't we? It's not that there weren't warning signs, but they were ignored. And I don't mean just warning signs from Republicans saying, "You know, you can't keep spending more than what you have, 'cause you'll rack up a big pile of bills and that you won't be able to pay 'em off." It wasn't just Republicans saying, "Don't borrow for the pensions and don't skip the pension payments, because then you'll have to pay more later." Although that's what we said and, lo and behold, that's what you did. And, lo and behold, we have the largest unfunded pension liability in the nation right now that we're talking about imposing the largest tax increase in Illinois history in order to just pay some of that. We said, "Don't build one-time federal stimulus funds into the base of your budget because you will not be able to sustain that spending in years going forward." But it happened anyway and here we are knocking on taxpayers' doors, saying "It's the State of Illinois and just for a moment we need to dig deeper, way deeper, into your pockets." You know, this State government has been for the last eight years on the governmental equivalent of a weeklong bash in Las Vegas. And now Leaders have woke up and said, "This place is a mess. The roof is coming down around us." But rather than dig in and do what individuals, families and small businesses would do - which is sit down and say, "You know what? We're going to suck it up. We're going to spend less. We're going to make things a little uncomfortable for ourselves, because that's the only way to get through" - you're going to turn to the only remedy that you think is available. What I wasn't expecting

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before the last couple days, though, Madam President, was for this tax increase to be cloaked in this kind of ill-fitting, second-rate, theater costume, called spending caps. Only in this building would what is allowed for in this bill be referred to as a spending cap. Over four years, spending goes up seventeen percent. That's a growth of five and a half billion dollars. And as Senator Murphy touched on, that is a full billion dollars more in spending growth than in the first four years of the Blagojevich administration. In the first year, it is a breathtaking ten percent, ten percent right off the top, and that's -- that's what's in this statute. Madam President -- but I want to take just a moment and talk about what's going on back home, because a tax increase -- I think sometimes when we get caught up in these debates and we talk about hundreds of millions or billions of dollars in tax increase and if we close, you know, this tax credit or this so-called loophole, how much more money can we take in from the private sector. You know, this size -- any tax increase is bad economic policy, but to put in place a sixty-seven percent tax increase at a time when the Senate President, himself, said we've -- we have just gone through the worst economic times we've lived through. When more people at home are looking for jobs or trying to hold onto their jobs or wondering where their retirement income's going to come from, here comes State government saying, "We're going to take a lot more money out of your pockets." You know, economists of every stripe, they disagree on a lot of things, but they all agree on this, that consumer spending drives the economy. Job growth is fostered when individuals and families have money to put a new roof on their house, to save for their child's

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education, to go on a weekend vacation, to go out to eat for, maybe, the second time in a week. You are suggesting that in this economic time, the best remedy available to us is to take more money from those people, those people who are paying the salary of everybody in here and for this building and for this State government. Madam President, this is not a remedy. This is a train wreck. And I would urge a No vote on the gentleman's motion. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Certainly. Senator Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Thank you, Madam President. To the motion.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the motion, Senator.

SENATOR SULLIVAN:

I -- I rise in opposition to the -- to the bill -- to the motion. And I'd like to explain why I'll -- will be a No vote. First of all, I spent the last two years traveling my district and even parts of the State, talking to clubs and organizations and individuals, I guess anybody that would listen, and -- and I've told them that -- first of all, explained to 'em the situation, how we got into the situation that we are -- that we are in. We've seen a -- a reduction of nearly four billion dollars in revenue to the -- coming in -- money coming into the State of Illinois. And I've also said that the way that we get out of this very, very difficult situation is that we have to do two things: We're going to have to make some cuts, but we're also going to have to raise some revenue, which is a tax increase. And I've told my constituents that. Unfortunately, I

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just -- I don't think that we have -- have made enough cuts in this budget. And we have made cuts. I know as you've heard today, this evening, that we haven't made cuts, but we have overall. But there are some expenses - for example, pension payments - that we simply can't. If we want to make those payments, we know that the revenue has to grow. But we've made cuts. I've got a list of 'em here and we can go through 'em if we'd like. But I really feel like to increase spending on top of raising the taxes is simply not right, even though it's only a modest two percent. Now I also think it's hypocritical to just say no, no to anything - no solutions, no remedies. And I have talked with my colleagues with an alternative. And this General -- this Body, I should say, not too long ago passed a gaming bill - generated a billion dollars of revenue. And I believe that we needed to use some of that revenue to supplant some of the revenue that -- that I think that this -- that the income tax would bring in under this proposal. In other words, lower the personal income tax rate so it's not as high as is in this proposal, as well as a corporate rate as well. The gaming bill passed the Senate. It's controversial. We know gambling is controversial, but this is as well. And from talking to the sponsor of that bill, the gaming bill had a tremendous amount -- or had enough support in the House that it could have passed and would have allowed us with a billion dollars of revenue to -- to have softened the -- what's in this -- what's in this proposal. And then the second thing that we -- I believe that we needed to do is to make some additional cuts. And I know they're difficult. I know they're hard. If it had been easy, we would have done it a long time ago. So it's not going to be easy, but

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even some modest, you know, one or two or three or four percent on some of the line items would at least show to our constituents that we are being responsible. I have great respect for the sponsor of this legislation and I have great respect for my colleagues and I know there's no easy decisions here, but I just feel, after talking and listening to my constituents, that that is -- we need to go a different direction. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Frerichs, for what purpose do you rise?

SENATOR FRERICHS:

To the bill, Madam -- Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the -- to the motion, Senator.

SENATOR FRERICHS:

Well, my district is up against the State of Indiana and I hear frequent conversation about the workers' paradise and the job-creating paradise the State of Indiana is. I've heard lots of comments tonight about how Indiana's doing things right, how Indiana's creating jobs. I just want to point out a couple things about the State of Indiana. Indiana increased taxes on April 1st, 2008, to help solve their budget problems. It was a large increase in their state sales tax. But Indiana -- Indiana didn't stop there either. They had problems with their unemployment taxes, and last year a headline was "Mitch Daniels Signs the Biggest Business Tax Increase in Indiana History". Few quotes from those people in -- in the newspaper here, the wonder State of Indiana. "The bill passed by the General Assembly...will raise unemployment taxes on employers but will not

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cut benefit payments." This is how people who know to create -- how to create jobs in Indiana were running things last year. According to Mitch Daniels, their governor, said the day after regular session adjourned last year, "It doesn't fix the problem," - the tax increase - "but it's some progress and it begins to make a few reforms I think will be helpful." "Business groups, including the Indiana Chamber of Commerce and the Indiana Manufacturing Association, have said that these {sic} (the) higher taxes would hurt employers and would cost jobs." But today we're hearing that Indiana is the model we should follow here in the State of Illinois. Patrick Kiely, President of the Manufacturers' Association said, "We essentially ended up with taxes only. There absolutely will be job losses." That's what Indiana's doing. But I would actually agree with some of the statements made by my colleagues on the other side of the aisle. Mitch Daniels is doing some things right. He's taking actions to make sure they have a balanced budget. And if that means some tax increases, along with some cuts in spending, that's what they're doing. I've heard an awful lot of talk over the last few years about how our spending has increased dramatically and we need to cut back to 2007 levels or we need to cut back to 2006 levels. Want to remind some of my colleagues who talk about the need to make pension payments, that that schedule, so often trumpeted in this -- in this Chamber as getting us back on -- should be getting us back on the road to well-funded pensions, have had billion-dollar increases in our pension payments. If we -- if you're saying we need to cut back our spending levels to 2007, you're saying we want to disregard that pension system -- that pension plan put

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in place under Governor Edgar. We have to make those payments. We have an obligation. We've told people in the State of Illinois, if you come work for us, this is what you'll get. We may need to make some changes to new employees. We discussed that last year. But I'm tired of this State being a deadbeat and not being able to pay its bills. So, I request an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Kotowski, for what purpose do you rise?

SENATOR KOTOWSKI:

Madam President, Ladies and Gentlemen of the General Assembly, I've been working on my voice all day long and I just want to talk about why I'm supporting this bill. It's quite striking to me that the folks from the other side of the aisle and some other people are so very disciplined with their message tonight. I commend them on it. It's absolutely inspiring how disciplined they are on the message. Well, I can be disciplined too. And let's be disciplined about why we're voting for the bill. We're talking about two hundred and fifty thousand jobs are at stake if we don't pay the bills. I will say this a couple more times so people know how disciplined I am with the message. Two hundred and fifty thousand jobs are at stake - two hundred and fifty thousand jobs - if we do not do something about revenue. Our unemployment rate will go up six percentage points. So let's wake up and smell the proverbial coffee here. When you talk about the cap that we're talking spending right now, every year -- to my esteemed colleague from Champaign's point of view, he was talking about the pension costs which go up about six percent every year. That means -- that means -- I'm sorry, eight percent. That means that has an impact on the

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State budget of six percent. That means we're going to have to cut the budget four percent every year. Four percent every year there's a cut. It's built into this. We passed a law in this Chamber a well -- until the Governor signs it, which said this, we will no longer -- no -- no longer spend what we don't have. We just spent it -- we just -- just sent -- signed it -- you got this law passed - identifying a revenue first and then talking about priorities, deducting the cost of liabilities, and looking at what we have left of remaining revenue. That means we're only going to spend what we have. That is a natural spending cap. We got that passed. It's going to be law. And we have an opportunity to end the fundamentally wasteful policies of the past. This is a bipartisan legacy we have in this State. We are going to now, from this time forward - from this time forward - fund budgets based on performance and impact, not politics and special interests. And we're going to be able to make cuts based on that. There's going to be tough decisions to be made, but we had the courage to pass this in the General Assembly. I said this a couple years ago when I was talking about the bill that we passed before. I came from a great family, great family. My father was a Jesuit. My mom was in the convent. How they ever got together, I don't know. But the point is, in our house, we had five kids. We'd sit around the table and we'd talk about how we can make this world a better place. And my dad always said to me, "To whom much is given, much is required." "To whom much is given, much is required." We didn't live in a mansion. We lived in a bungalow. We didn't live in the North Shore. We lived in Rogers Park. My dad's a teacher. My mom worked for the Cook County State's Attorney's

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Office. They worked hard. But the lesson they said to us is, you have an opportunity to help people, to help them lead a better life, to help them be successful. And we have a chance with this bill right here to solve our budget challenges and move a step forward when it comes to providing solutions in our State. I got two boys at home - Nate the Great and Super Cooper - wonderful, wonderful kids. They go to public schools, like a lot of people who have children throughout this State, and they benefit from a wonderful education system. This bill speaks to the fact that we're going to pay our bills. We're going to educate our children. We're going to educate our kids and we're going to make a commitment to them that we need to make, because the time is now to act. The time right now is to act and stop sitting on our hands as we have. People in this Chamber have had the courage to vote for these bills before. They have the courage today. We need to do it. We need to do the right thing. We need to pass this legislation and I need to get my voice back. So pass this bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Wow! Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Indicates he will, Senator Harmon.

SENATOR HARMON:

Thank you, Madam President. For the purposes of legislative intent to -- Senator Cullerton, I want to revisit an issue that's been raised by at least one previous speaker and make sure we have a clear answer. In the bill in the language

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in Section 30 ILCS 25.2 {sic} (105/25.2), does that Section grant the Governor the authority to reduce the annual certified contribution amount of the State Retirement Systems, including the Teachers' Retirement System, the State Employees' Retirement System, the State Universities' Retirement System, the General Assembly Retirement System, and the Judges' Retirement System, as outlined in 40 ILCS 15, the State Pensions Funding Continuing Appropriations {sic} (State Pension Funds Continuing Appropriation) Act?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR CULLERTON:

No. For the purposes of legislative intent, it is not the intent of this legislation to grant the authority to the Governor to reduce any certified pension contribution amounts to be made to any of the retirement systems.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon.

SENATOR HARMON:

Thank you, Senator Cullerton. Madam President, to the motion. To the motion, please.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

I apologize, Senator. To the motion.

SENATOR HARMON:

Thank you, Madam President. A -- a few speakers have said that facts do matter and -- and I -- I want to talk about just one thing. We had a good discussion in committee today about the effective corporate tax rate and I learned some things and I -- I want to share them with you. When this proposal was first

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trotted out, there was a proposal to raise the corporate tax rate from 4.8 to, I believe, 8.4 and we all -- all went home and heard that we were going to raise the corporate income tax rate and Illinois would move from twenty-fifth in the country to number one in the country. And even after that proposal was scaled back to the current proposal to raise it to seven percent, we were told that we would be moving from twenty-fifth in the country to third in the country. Now I had a chance to ask representatives of the Chamber of Commerce and the -- the Taxpayers' Federation to explain this to me. The effective tax rate, in their mind, includes not only the corporate income tax rate but also the personal property replacement tax, which adds 2.5 percent. And I asked, when they compared us to other states, did they factor in that other states still have a personal property tax? They said, "No, we didn't do that." So I asked them what -- what does that mean? Well, it -- it turns out that we're not jumping up from twenty-fifth to -- to -- to -- to number three. In fact, when you compare us on an apples to apples basis, the total tax burden to businesses, we're actually only moving five positions. Now this is not an ideal outcome - I don't want to pretend that it is - but it's not nearly as dramatic as moving from twenty-fifth to the top. So let's be sure that we're comparing apples to apples. I also want to talk a little bit about who pays that corporate income tax at the maximum rate. We had a good discussion of this in committee as well. One of the previous speakers talked about how small businesses are more and more often organized as S corporations or as partnerships or LLCs or LLPs, pass-through entities, and that's in fact the case. But here's something. None of those

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small businesses that are organized as S corps or limited liability partnerships or limited liability companies will be paying the corporate tax rate unless they elect to, and they -- they shouldn't, nor should they be organized as -- as C Chapter corporations. They pay the individual income tax rate. And they don't pay it on their gross receipts; they pay it on the profits that they pay to their members, their shareholders, their -- their partners. The corporate tax rate is paid by C corporations. Those are more often larger, publicly traded companies. But here's the interesting rub, the larger C corporations that are domiciled in Illinois, that are headquartered in Illinois, that are doing business in Illinois, that are making things in Illinois, most often don't pay this notional nominal tax rate. They get tax credits for being here. They get the benefits of the -- the -- the headquarters being here in Illinois. The full brunt of this corporate tax rate that we're so concerned about is being paid by those companies that sell their products in Illinois but don't invest here, that don't locate here, that don't put their headquarters here. I think that's an important fact that's been glossed over. We want to be open for business in Illinois. We want companies to locate here. And when they look at Illinois, they look at a great many things. They do look at the corporate tax rate. They look at the infrastructure. They look at an educated workforce. And we continue to be a desirable place to do business. We have to do better. We have to do better. But stability in our State government is a critical component that businesses will evaluate. This is a step in the right direction and it is not a small step. I urge a Yes vote on the motion.

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Radogno, for what purpose do you rise?

SENATOR RADOGNO:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR RADOGNO:

First of all, I would like to -- appreciate what I do believe is a sincere effort to begin to address this problem, but I think it's an -- an inadequate effort. A couple of specific points: One is a reiteration. I appreciate you reading the intent language into the record, but as Senator Murphy pointed out, intent only comes into play when the plain language of the statute is not clear. The problem is, it's crystal clear in this language that the Governor can skip the payment. So I appreciate the attempt, but I don't think it does the trick. Secondly, I want to address some of the context that was developed to talk about this income tax increase. We've heard a number of times that Illinois is a low tax State, everyone around us is higher, that's part of the reason we're in the problem. But we can't just look at one piece of the tax picture, look only at the income tax. That's -- not comparing apples to apples across the board. In fact, Illinois is, in terms -- is number fourteen in terms of the overall tax burden. So we're not a low tax State because we have so many units of local government, which is frankly something that we, as a General Assembly, need to address if we want real property tax relief - and consequently, real tax relief for taxpayers. They don't really care if it's property tax, State income tax,

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federal tax. They care about the total tax burden and we are not low and we've done nothing to address the mess we have on the local level. In terms of the corporate tax, Senator Harmon, you're right. We only move up a few places, but we move from ninth-highest to fifth-highest. That's nothing to be proud of, as you talked about, and it's not going to help our business reputation. Additionally, most businesses pay through the personal income tax rate, which, of course, is going up by sixty-six percent. You know, another point that's been made is that we're really no different than any other state; we've been through a huge recession. And we are different. We are different because we're in far worse shape than many -- most other states. In fact, I think we rival only California in terms of being worst in the nation. According to Moody's, we have the worst bond rating, the very worst. You know what? They're not political. They don't care. They look at the balance sheet and it doesn't match up. And it is true you're trying to address that. I understand that. But we've been warning about this for a long time, that this problem was coming. And the one thing that's lacking in this bill is any specifics about how we're going to retool State government or government in general in this State, such as reducing the number of units of local government that will reduce the property tax burden. Now the problem is, this bill says it has a spending cap - it's a two percent cap - but there are a million ways around that cap and we raise the base ten percent from last year. Now I understand your explanation as to why we're doing that - because we've not paid the bills. You're now owning up to the fact that we haven't paid the bills. That's progress,

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because, quite frankly, before we've been operating under the illusion that we've been making spending cuts, which is just nonsense. Spending's been going up. We've always had these liabilities and they haven't been admitted to. You're owning that and that's -- that is definitely a plus. But there is no real spending cap. The only real spending cap would be a constitutional...

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The Senate will come to order, please. We were in the middle of Floor action. Senate Bill 2505. Ladies and Gentlemen, we will continue. Senator Radogno.

SENATOR RADOGNO:

Well, thank you, Madam President. I feel like I'm a little off my game right now. I know we certainly all hope Representative Miller is okay. I will -- I know it's very late so I want to wrap up here. I was talking about the fact that this is not a low tax State. In addition to what's being contemplated here on the income tax vote, as you know, we'll also be talking about a bed tax for nursing homes. There is a push to get the cigarette tax passed, even though it didn't pass in the House. I think -- sure that will be back. So there's -- it's the conglomeration, again, of all the different taxes. Again, absent any specific plans to make dramatic changes in State government, I think that the taxpayers are not going to trust that the spending cap, no matter how hard we try, absent a constitutional amendment, will really do what it says. And the final point I'd like to make that hasn't been talked about is, we've talked about all the aggregate numbers, but people don't pay taxes in aggregates, individual families and individuals pay

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them. So I'd just like to tell you all what the actual numbers will be. So for a family of four with an adjusted gross income of fifty thousand dollars, their current tax is twelve hundred and sixty dollars. It will go to twenty-one hundred, an increase of eight hundred and forty dollars for a family making fifty thousand dollars. For a family that's making a hundred thousand dollars, they're going to go from twenty-seven hundred and sixty dollars to forty-six hundred, an increase of one thousand eight hundred and forty dollars. And, honestly, one of the groups that I feel most sorry for are our kids. I've got three kids in their twenties. They're all just starting out. They don't have high-paying jobs. So for an individual, a young person making about thirty thousand dollars a year, their income tax -- that first check they get when they go, "Holy smokes, I thought I was making thirty thousand dollars a year". Well, they used to pay eight hundred and forty dollars to the State of Illinois. They're now going to pay fourteen hundred. So those young people are going to have a tax increase of five hundred and sixty dollars. That's like six months of car insurance for those folks. It's a huge increase that we're putting on real people and I ask that you consider that when you vote for or against this bill. And it's my hope that you'll vote against it. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton, to close.

SENATOR CULLERTON:

Yes, thank you, Madam President. I also hope that Representative is -- has a quick recovery and welcome him back. I'm trying to -- we didn't have the timer on, so I was trying to

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take notes to respond to some of the points that were made. I'll try to do the best I can. First of all, I know it sounds good to say this is the largest tax increase in the history of the State of Illinois. It's not true. Can't say it. Please don't report it. 1969 or '70, Governor Ogilvie proposed a tax. Do we get to count that? My predecessor, Russell Arrington, the Republican President of the Senate, increased individual taxes by 2.5 percent, corporate at four percent. Okay? This is not as high as that. I have to apologize to Senator Lauzen. I said Missouri had an income tax rate of six percent. He pointed out that they have a progressive rate. It goes from one percent -- one and a half percent to six percent. I apologize. He's right. It's one and a half percent if you make a thousand dollars. It's six percent if you make more than nine thousand dollars. I was assuming that we were talking about people who make more than nine thousand dollars in Missouri. They have a six percent tax rate. And if you didn't know that, now you do. They have ten different grades, one for every thousand dollars up to nine, and after that, it's six percent. The -- another Senator talked about the fact that it's temporary. "Oh, yeah, we know what temporary means." It's temporary, just like the one that Governor Thompson passed in 1983, just like the one Governor Thompson passed in 1989. You have to vote, as Governor Edgar - these are all these Republican Governors who supported these tax increases - Governor Edgar then said, "Let's make it permanent." Okay? This is going away unless somebody votes to increase it. I can assure you the spending cap works. If you want to change the cap, you need a three-fifths vote. We're giving that to you. The pension payments - there's a law that

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says you have to pay it and you need a three-fifths vote to change it. So the pension payments are going to be paid. There was a Senator that talked about, oh, there's some emergency rule in here. There's an emergency rule that the Governor can invoke. Yeah, if he gets the approval of either the Treasurer or the Comptroller. That would be the new Treasurer or the new Comptroller. We talked about the big deficit that remains even after we pass this. They're talking about five years from now, when the General Assembly decides whether they want to keep this or not. I think we've kind of debunked the Indiana miracle worker pretty well. But, you know, Navistar moved from there to our State. We gave 'em an incentive. And he did raise the sales tax. The history of the pensions being underfunded is it started in 1982 and it went all the way to 2005. Give credit to the Republican Party in 1995 for saying, "Let's start paying more", but then their ramp didn't start for ten years. That's why we have been spending -- so much more money in those outyears that -- one of the Senator was talking about how we had so much more money we were spending - 'cause it was going into the pension system. So -- and I know that Senator Righter really wanted to talk about that big ten percent jump in the first year. And I -- and I'm really disappointed, because I -- I understand you want to be against the tax increase, but here we make a good-faith effort to really put a strong cap in this bill and you're trying to distort it when you know it's a strong cap and it's -- I'm disappointed. If you want to vote No on the income tax, vote No on the income tax. Say we shouldn't raise it. But we're putting a cap in, and I'm pledging to you now that if you can find some loophole that we missed, we will

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change it. I pledge that to you right now. We will change it. So, folks, the night's late. We still have a few more bills to pass. I know this is not an easy thing to do, but it's necessary. We have to do it.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The question is, shall Senate Bill 2505 pass -- excuse me, shall the Senate concur in House Amendment 1 and 3 to Senate Bill 2505. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 voting Yea, 29 voting Nay, 0 voting Present. Senate Bill 2505 having received the required constitutional majority, the Senate does concur in House Amendment Nos. 1 and 3 to Senate Bill 2505, and the bill is declared passed. Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

Thank you, Madam President. Having voted on the prevailing side, I move to reconsider the vote on Senate Bill 2505.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

I move to table the motion to reconsider the vote by which Senate Bill 2505 passed the Senate.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton moves that the motion to reconsider the vote by which Senate Bill 2505 passed the Senate be tabled. Pursuant -- all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion is tabled. Senator Harmon in the Chair.

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PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen of the Senate, on page 4 of your regular Calendar, on the Order of Secretary's Desk, Concurrences. Senate Bill 3514. Senator Cullerton. Madam Secretary, please read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1, 3, 4 and 5 to Senate Bill 3514.

Filed by President Cullerton.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President, Members of the Senate. This bill would allow issuance of 4.096 billion in bonds for the contribution to the State Retirement Systems. We have a trailer bill that corrects the dates and -- allows for it to be recertified. I would be happy to -- happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Thank you, Mr. President. Will -- will the Senate President yield, please?

PRESIDING OFFICER: (SENATOR HARMON)

Senate President indicates he'll yield. Senator Righter, you seem to be the only speaker seeking recognition. If there are more speakers seeking recognition, we're going to turn on the timer, given the late hour. But...

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SENATOR RIGHTER:

Fair enough -- fair enough. Thank you. Mr. President, some who don't understand State finances as well as others would ask, after the passage of the last bill, why is it necessary to do this borrowing? Can you -- can you just walk through that, please?

PRESIDING OFFICER: (SENATOR HARMON)

President Cullerton.

SENATOR CULLERTON:

Yeah, the money that we raise with the income tax is going to start paying the pension payment for the next fiscal year. For this fiscal year, which is the second fiscal year in a row that we have not had enough money to pay the pensions, we are -- instead of owing it to the pension system from general revenue, we're going to borrow it from a bank and put the money immediately, as soon as we get that -- that bond sold, into the pension systems. And then we are going to have to pay that off over, I believe, an eight-year period. That's what's contemplated by this particular bill. This is the bill that was passed by the House with a -- a three-fifths vote.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

So the -- the motion that we just passed in Senate Bill 2505, that plan did not contemplate paying the fiscal year 2011 pension payment out of the tax increase. It still contemplated this borrowing.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Cullerton.

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SENATOR CULLERTON:

Yes.

PRESIDING OFFICER: (SENATOR HARMON)

There any further discussion? This bill incurs State debt and requires thirty-six votes for Senate passage, pursuant to Article IX, Section 9 of the Illinois Constitution. The question is, shall the Senate concur in House Amendments No. 1, 3, 4 and 5 to Senate Bill 3514. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 voting Aye, 16 voting No, none voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 1, 3, 4 and 5 to Senate Bill 3514, and the bill is declared passed. Ladies and Gentlemen, on your Supplemental Calendar No. 4 is the motion to concur in the House amendments to Senate Bill 1858. President Cullerton. Madam Secretary, please read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1858.

Filed by President Cullerton.

PRESIDING OFFICER: (SENATOR HARMON)

President Cullerton.

SENATOR CULLERTON:

This is a trailer bill to the bill we just passed to allow for the recertification of the 2011 borrowing. We just, in the previous bill, allowed to borrow over four billion. This recertification will save us about four hundred million and it

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changes the -- the dates that were passed by in the previous bill. So I don't think there's any controversy and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates he'll yield.

SENATOR RIGHTER:

Thank you, Mr. President. President Cullerton, just -- just for clarification. After the pension reform bill -- passed last year, there was a deadline, it's my recollection, that was set forth by which the actuaries for the systems had to calculate the new payments. That's not been done yet, so this simply sets another date by which that needs to be done. Is that correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Cullerton.

SENATOR CULLERTON:

You've explained the bill better than I have. You're absolutely right.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any other discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 1858. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On

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that question, there are 49 voting Aye, 7 voting No, none voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 1 and No. 2 to Senate Bill 1858, and the bill is declared passed. Continuing on our Supplemental Calendar No. 4 is the motion to concur in Senate Bill -- the amendments to Senate Bill 2797. Senator Martinez. Madam Secretary, please read the motion.

SECRETARY ROCK:

I move to concur with the House in their Amendments 1, 2 and 3 to Senate Bill 2797.

Filed by Senator Martinez.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President, Members of the Senate. As amended, House Amendment No. 1 and -- and 2 limits an assessor from going back more than three years prior to the current year when assessing previously omitted but taxable property, whether or not the property owner notified the assessor. The bill also makes clear that the board of review may alter an omitted assessment. This provides a clear avenue for a taxpayer to appeal the omitted assessments. The bill also specifies six circumstances when an omitted assessment can't be issued. There are circumstances where the failure of the assessment was the assessor's fault. And I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

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Thank you, Mr. President. This legislation received unanimous support in Revenue Committee. I recommend an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any further discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1, 2 and 3 to Senate Bill 2797. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting Nay, 1 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 1, 2 and 3 to Senate Bill 2797, and the bill is declared passed. Continuing... Continuing on our Supplemental Calendar, Senate Bill 3088. Senator Schoenberg. Madam Secretary, please read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 3088.

Filed by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I urge you to concur in House Amendments 1 and 2 to Senate Bill 3088. Senate Bill -- these amendments do three things. The first is that it extends the hospital assessment that we've all supported through an additional year, through 2014, to enable us to bring in hundreds of millions of dollars

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in new federal Medicaid funds. The second thing it does is allow Secretary Hamos at the Department of Healthcare and Family Services to modify the outlier payments made to hospitals, which will ultimately save the Department a hundred million dollars over the next thirty-six months. And then the third and final variable is that it increases the existing assessment for -- within the -- the long-term care facilities so that it generates -- it pools together approximately 145.7 million dollars, which in turn becomes roughly two hundred ninety million dollars. That in turn pays for the nursing home reforms that we all proudly voted for not that long ago. It also provides increased funds for community-based care in response to the consent decrees that are necessary to move IMD -- IMD patients into community-based settings. I'd be happy to answer any questions. This is an opportunity for us to generate hundreds of millions of dollars in new federal Medicaid money.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Senators Pankau and Righter are seeking recognition and are the only speakers to do so. I'm loath to turn on the timer at this hour if that is the extent of -- of the debate, but I will turn it on if we think we need to. So, Senator Pankau, for what purpose do you rise?

SENATOR PANKAU:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill -- to the motion.

SENATOR PANKAU:

This is the granny tax. It's the same concept we had a number of years ago. And everybody felt this was bad, because

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it basically asked people who could pay for long-term care themselves, who had saved up money, who could take care of themselves, to pay more and, therefore, have to, in essence, spend their money and go on Medicaid sooner. Yes, it will bring in more federal dollars, but it will also hurt the people who are least able to be able to handle this. I ask for a No vote on this bill. When you look at the advantages of it, you also have to look at the fact that there's going to be winners and there is going to be losers. And the nursing homes that are basically Medicaid -- have -- the largest Medicaid population are going to be the winners. And those that try and take care of themselves are going to be the losers. In this -- when we've just added every other tax that we did tonight, we don't need this one on top of it. I urge a No vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Pankau. Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Will the sponsor yield, please, Mr. President?

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates he will yield, though I may need to put on the timer.

SENATOR RIGHTER:

Senator, we all get papers shoved into our hands this time in Session, saying here's a factsheet, vote for this, don't vote for that. In one of the papers that I've had shoved in my hand on this issue is the infamous winners and losers in my district. And I don't want to walk through all of that, although, I -- I mean, I've had some conversations with people about the facts on

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the sheet. Here's what I want to know from you that I think is a relevant question for everyone in this Chamber. How are the winners and losers picked? What's the formula that decides that in my district nursing home "A" will get a hundred and twenty-two thousand dollars out of this, but nursing home "B", right under it, loses almost ninety-four thousand dollars? How's that decided?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Schoenberg, and I'll offer the same warning about the timer.

SENATOR SCHOENBERG:

Well, first of all, I want to reassure you, it's not through a game of chance. And I know that you're intimately familiar with the fact that, just like the hospital assessment, federal law requires a redistributive formula where some institutions, like hospitals, or in this case nursing homes, pay in more than they get back. You can't hold any institution harmless that automatically, according to the federal government, shuts it down. Now, like the hospital assessment plan, this is redistributive to go where the needs are most acute. So, therefore, if an institution has greater needs based on their patient mix, they're going to get more perhaps than they paid in. Similarly, institutions which would tend to have more and require less assistance, namely having more private pay and a more -- having a payer mix skewed towards private pay, would most likely get less. So, in short, the winning formula that we've had with the hospital assessment, those very principles are what apply here. The difference being is that it's long-term care facilities that implement this

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redistributive plan and not hospitals.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Thank you. I mean, Senator, I think I had a basic feel for the parameters of the formula and I thought for a second that you were going to tell me -- I thought for a second you were going to tell me that the formula was based on patient acuity, but then you kind of curved away from that and indicated that it was going to be -- go to the homes with most need and I took you to define that as highest percentages of Medicaid beds. So, I guess, if you could give a little more detail, Senator, so I can relay that on to people who are asking me, what the formula exactly contemplates.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President. Senator Righter, I was remiss in sharing a very key ingredient to this recipe, and that is, this is to -- for rates taking effect April 1, 2011, provides 222.5 million dollars for the completion of the MDS methodology commitment that's used to determine the nursing component of the long-term care reimbursement rate. I should have been more specific as to what constituted the need. Payer mix does indeed enter into it, but what this effectively does is generate the federal resources in order for us to finally, finally, pay the MDS methodology rate that we've long promised these providers, but yet have never delivered.

PRESIDING OFFICER: (SENATOR HARMON)

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Senator Syverson, you've -- you've added yourself to the list of speakers here?

SENATOR SYVERSON:

You know...

PRESIDING OFFICER: (SENATOR HARMON)

I'm going to put on the timer. Senator Syverson.

SENATOR SYVERSON:

Thank -- yeah, just -- it'll be just a brief question of the Senator.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that he will yield.

SENATOR SYVERSON:

Thank you. I noticed when I received -- looking at these lists, our county nursing home, which is obviously Medicaid, is a loser on this by a fairly substantial amount. Can you help explain how that -- how that would -- how that would happen in this particular case?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Schoenberg.

SENATOR SCHOENBERG:

I -- I'd have to check into that. You're saying a public - - you're saying a public facility, a governmental facility, would pay out less -- would pay out more than it receives in return in order to satisfy the MDS methodology there? I think that's a very isolated instance. I don't think that there are many -- I think there's a very finite number of public -- of public institutions. I know, using the hospital -- assessment as an example, public institutions are exempted from it. So I would have to make further inquiry about that specific thing.

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But that's really the exception, not the norm.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Syverson.

SENATOR SYVERSON:

Okay. And maybe this was just a -- maybe this is just an error, because our facilities -- in a community like Rockford, our facilities do pretty well under this formulary. That's why it was just unique that this printout would show this kind of a -- this kind of a loss to a county home. So, I'm not sure who can best check into that, but maybe we can talk about that after -- after the bill. So, thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Senator Schoenberg, do you wish to close?

SENATOR SCHOENBERG:

I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 3088. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 voting Aye, 23 voting No, 4 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 3088, and the bill is declared passed. Continuing on your Supplemental Calendar is Senate Bill 3461. Senator Link. Madam Secretary, please read the motion.

SECRETARY ROCK:

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I move to concur with the House in the adoption of their Amendment 1 to Senate Bill 3461.

Filed by Senator Link.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. House Amendment 1 would -- would extend certain powers given to the Governor in the Emergency Budget Act of FY'11 until the end of FY'11. The powers that would be extended: contingency reserves, programs subject to appropriations, emergency rulemaking authority, and interfund borrowing. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Senator Murphy, for what purpose do you rise?

SENATOR MURPHY:

To the bill, Mr. President. This...

PRESIDING OFFICER: (SENATOR HARMON)

To the -- to the bill.

SENATOR MURPHY:

This is a bill that I -- I'd want to remind those on our side of the aisle we opposed originally for the abdication of our responsibility as a legislative branch that it was and still is. This bill effectively, for budget purposes, crowns the Governor king. It's probably not constitutional. It allows him to interfund borrow without limit, is the way it went in committee. He's already done it to the tune of four hundred million dollars. This will give him six more months of interfund borrowing authority without bringing it to the General

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Assembly. Again, this is an abdication of our responsibility as a coequal branch in this checks and balances system. And I urge a No vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any other discussion? Senator Link, do you wish to close?

SENATOR LINK:

I'd ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR HARMON)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 3461. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 voting Aye, -- 23 voting No, none voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 3461, and the bill is declared passed. Ladies and Gentlemen of the Senate, on page 4 of your regular printed Calendar, on the Order of Secretary's Desk, Concurrences, is Senate Bill 1927. Senator Clayborne, do you wish to proceed? Madam Secretary, please read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 1927.

Filed by Senator Clayborne.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne, to explain your motion.

SENATOR CLAYBORNE:

Thank you, Mr. President. Senate Bill 1927 would allow

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Power Holdings to build a clean coal energy facility that will use gasification process using ninety percent of Illinois coal to produce synthetic gas to be sold to Illinois gas utilities. This will be built near Waltonville and DuBois, in Jefferson County. The facility will capture and sequester at least ninety percent of CO2s that would otherwise be permitted {sic}. It will create -- it will create fifteen hundred construction jobs and two hundred permanent facility jobs. It's an investment of 2.3 billion, with the company investing two billion, with a estimated total impact to the area of eight billion dollars. They have -- they already have their -- their coal permit, their air permit, their water permit. They have land under contract and they're ready to build and they have to have this built -- construction started before February of 2012. I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Senator John Jones, for what purpose do you rise?

SENATOR J. JONES:

Thank you, Mr. President. To the motion.

PRESIDING OFFICER: (SENATOR HARMON)

To the motion, Senator.

SENATOR J. JONES:

You know, I rise in -- in strong support of this. This -- you know, a few days ago, we had the Leucadia bill for -- up in the City of Chicago and Cook County that will take Illinois coal, for the most part, and change it into synthetic gas. You know, in this State, we don't produce any gas in this State. We bring all of our natural gas that we use in this State from

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outside this State. This will be an opportunity for us to create jobs, good-paying jobs. And quite frankly, the tax increase that just went through, these people will be able to pay those taxes, because they'll be having good-paying jobs. This will -- will build the facility in Jefferson County. It will convert coal to gas. The coal mine will be in Senator Luechtefeld's district, in Washington County. So I would just ask that you -- if you're really serious about creating jobs in the State of Illinois and turning this State around, let's start using Illinois coal and let's turn this State around with creating some jobs. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any further discussion? Seeing none, Senator Clayborne, do you wish to close?

SENATOR CLAYBORNE:

For my colleagues, and -- and John Jones said it, Senator Jones said it, this is about jobs and -- and -- and I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR HARMON)

The question is, shall the Senate concur in House Amendments No. 1, 2 and 3 to Senate Bill 1927. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 voting Aye, 21 voting No, 2 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 1, 2 and 3 to Senate Bill 1927, and the bill is declared passed. Ladies and Gentlemen, on page 4 of your printed Calendar, on the Order of Consideration Postponed

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is Senate Bill 2485. This is final action. As bills on the order have already been presented and debated on the Floor, debate on each bill will be limited to one proponent and one opponent, each speaking to the bill. Senator Clayborne, do you wish to proceed? Madam Secretary, please read the resolution -- the motion. Ladies and Gentlemen of the Senate, there has been a sponsorship change on this bill from Senator Demuzio to Senator Clayborne. Senator Clayborne is presenting the motion. Senator Hendon, for what purpose do you seek recognition?

SENATOR HENDON:

On -- on a procedural question, Mr. President. On that last bill that we just voted on, is it too late for a verification or anything of the sort, because I feel we've been hoodwinked here by my esteemed colleague. We just voted on one bill that I didn't have to vote for, but I thought the sponsor wasn't going to call this bill. So, is there any procedural maneuver or whatever we could do on that previous bill, 'cause I'd like to move the previous -- I'd like a roll call verification or something on that last bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hendon, I appreciate your -- your concern and your inquiry. We have turned to intervening business. It's the opinion of the Chair that it would be out of order to seek a verification on the last roll call. I'm sure you can work out with the sponsor of this bill your expectations. Senator Hendon, for what purpose do you seek recognition?

SENATOR HENDON:

Well, Mr. President, you are the Presiding Officer of the day and -- at -- at the moment and you have the power, if -- if

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you so wish, to determine that I do have a right for a verification on the previous bill. We -- he hasn't spoke on this bill and the rules -- say that I can call for a verification on the previous bill, because he hasn't spoke on this bill yet. It is totally up to you.

PRESIDING OFFICER: (SENATOR HARMON)

It's the opinion of the Chair that we have turned to intervening business and that the motion -- or the request for a verification is no longer in order. Senator Hendon, are you still seeking recognition?

SENATOR HENDON:

I am.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hendon.

SENATOR HENDON:

You damn right it's time for some honesty and some integrity around here. Now, I -- on that previous bill, if this bill is going to pass, I want to be recorded as a No on the previous bill. Now, I'm asking you, Mr. President, can you record me as No on the previous bill if this one goes forward. I would like to give the -- the coal industry and my colleague the vote on the previous bill. If you noticed there were a lot of people stayed off that bill, but I gave him a vote. So on that previous bill, if he's going to go forward with this bill, then I don't want to be registered as a -- an Aye on that last bill.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. The record will reflect your intention. It will not, however, disturb the roll call.

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...Hendon.

SENATOR HENDON:

I'd like for you to post that roll call on the board so I can see, because I think he only had thirty.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hendon, we have turned to intervening business. Senator Clayborne.

SENATOR CLAYBORNE:

Thank you -- thank you, Mr. -- Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, please read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 2485.

Filed by Senator Clayborne.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne.

SENATOR CLAYBORNE:

Mr. President, this bill has been debated and discussed. It creates a clean coal facility in Christian County that uses gasification process to produce synthetic natural -- natural gas. It creates -- it -- it creates twenty-seven -- twenty-four hundred construction jobs, a hundred and fifty-five full-time jobs. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hendon, are you seeking -- are you the opponent seeking to speak on this bill?

SENATOR HENDON:

Absolutely. I would like...

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PRESIDING OFFICER: (SENATOR HARMON)

Wait. Wait. Senator -- Senator Hendon, please -- please hold a second. We're just going to check on some paperwork here real quick. Senator -- Senator Hendon, you're -- you are going to be the opponent speaking on this bill?

SENATOR HENDON:

No, Mr. President. There are a lot of opponents on this bill. I would like a roll call. There are two individual amendments. Is that correct? Don't we have to adopt the amendments first?

PRESIDING OFFICER: (SENATOR HARMON)

Senator, there's a motion to concur in House Amendment No. 1 and No. 2 to Senate Bill 2485. I believe it is a single motion, Madam Secretary? It is a single motion. So there is -- there is a single motion on the Floor. This is on the Order of Postponed Consideration. Debate is limited to one proponent and one opponent. Senator Hendon.

SENATOR HENDON:

Senator McCarter is going to speak on the bill. I just wanted to be clear what it was and let me just ask one more procedural question. Is it too late for me to file a motion to reconsider on the previous bill?

PRESIDING OFFICER: (SENATOR HARMON)

It is not too late for you to file a motion to reconsider on the previous bill. You would do that after this order of business is concluded. Senator McCarter.

SENATOR McCARTER:

Ladies and Gentlemen, this bill is one that I've spent a lot of time looking at. I've gone to extreme -- I made an

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extreme effort to really look into this and understand it. This is two hundred and eighty-six million dollars a year that's going to be borne, not just by the taxpayers, but -- not just the cost of the facility, but a guaranteed return for thirty years. Now, being a businessman myself, and I'm sure in your investments you love a guaranteed return for thirty years at -- at around ten/eleven percent, especially today. That's what we're doing on the backs of the citizens of this State. Yes, there's a cap of two percent for residents, but you're talking about increases to -- to commercial and industrial users - that is going to kill jobs in this State. Now if you want to add one more burden to the people in this State, to the employers, the people that are hiring your constituents, you should vote for it, but it's not the right thing to do. In my district alone, ADM will pay five million dollars more. And you say, well, this is three hundred -- this is three hundred jobs. I might lose a thousand jobs right down the road. This is millions of dollars for the -- for school districts throughout this State, millions of dollars for retailers, manufacturers. And why are we doing this? I'd love for somebody to -- to, you know, pay for the warehouse that I've talked about today. That'd be great and just guarantee my return. I wouldn't have to take a risk. We're taking a big risk on the backs of the taxpayers with this bill. You know what they're doing in Texas for the same investment? Nothing. Nothing. We are giving them the cost of the facility and a guaranteed return for thirty years. This is the wrong -- this is bad policy. In a State where deregulation has worked, we're going in the opposite directions. Don't do this to your schools. Don't do this to your businesses. You

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might as well just add another tax, 'cause that's exactly what we're doing by increasing the cost of doing business to them. I -- I urge a -- a No vote, please.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Given the hour, the confusion -- Senator Clayborne, do you wish to close?

SENATOR CLAYBORNE:

I would just ask for your favorable vote for jobs, jobs, jobs.

PRESIDING OFFICER: (SENATOR HARMON)

The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 2485. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 18 voting Aye, 33 voting No, 4 voting Present. Having failed to receive the required constitutional majority, the motion fails. Ladies and Gentlemen of the Senate, President Cullerton in the Chair.

PRESIDENT CULLERTON:

Ladies and Gentlemen, we are prepared to adjourn. I just wanted to thank everyone for their attention tonight, till two o'clock in the morning. We will be back here. There's an election tomorrow. I hope everybody remembers to come. We -- the Constitution says we have to be here by noon. And -- as soon as we leave here, the florists are coming in tonight. They're coming in, in about fifteen minutes. So, Senator Clayborne, for what purpose do you rise?

SENATOR CLAYBORNE:

A point of -- point of a motion. I move that the Senate of

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the 96th General Assembly stand adjourned sine die.

PRESIDENT CULLERTON:

Senator Clayborne moves that the Senate adjourn sine die.
All in favor will say Aye. All opposed, Nay. The Ayes have it.
And the Senate stands adjourned sine die.