

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

5/9/2012

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PRESIDING OFFICER: (SENATOR CROTTY)

The regular Session of the 97th General Assembly will please come to order. Will the Members please be at their desks? And will the guests in the galleries please rise? The invocation for today will be given by Pastor Andrew Fitzgibbon, West Side Christian Church, Springfield, Illinois. Pastor Fitzgibbon.

PASTOR ANDREW FITZGIBBON:

(Prayer by Pastor Andrew Fitzgibbon)

PRESIDING OFFICER: (SENATOR CROTTY)

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

SENATOR MALONEY:

(Pledge of Allegiance, led by Senator Maloney)

PRESIDING OFFICER: (SENATOR CROTTY)

Mr. Secretary, Reading and the Approval of the Postponed Journal.

SECRETARY ANDERSON:

Senate Journal of Tuesday, May 8th, 2012.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter moves to approve the Journal -- to -- moves to postpone the reading and the approval of the Journal, pending arrival of the printed transcripts. There being no objection,

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so ordered. Senator Duffy, for what purpose do you rise?

SENATOR DUFFY:

Purposes of announcement, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

State your announcement.

SENATOR DUFFY:

Senator Lauzen is back in his district taking care of some constituent services, so he'll be back again tomorrow.

PRESIDING OFFICER: (SENATOR CROTTY)

The record will so reflect. Senator Murphy, for what purpose do you rise?

SENATOR MURPHY:

Purpose of announcement, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

State your announcement.

SENATOR MURPHY:

The Senate Republicans request a twenty-three-day caucus, or one-hour - or one-hour - at the discretion of the Chair.

PRESIDING OFFICER: (SENATOR CROTTY)

We'll hold on to that motion for just a few minutes. Thank you. While I ponder which decision I need to make - the twenty-three-day or the one-hour. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Resolution 748, offered by Senator Murphy and all Members.

Senate Resolution 749, offered by Senator Annazette Collins and all Members.

They're both death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

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Senator Sandack, for what purpose do you rise?

SENATOR SANDACK:

Good afternoon, Madam President. A point of personal privilege, please.

PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR SANDACK:

Thank you. Good afternoon, Ladies and Gentlemen of the Senate. Behind me are some distinguished guests - visitors from Divine Providence Grade School. There's an eighth -- eighth-grade class here from Westchester. I would just ask that we give them a warm welcome. Maybe they could rise and we could say hello the Springfield way.

PRESIDING OFFICER: (SENATOR CROTTY)

Will our guests in the gallery please rise? And welcome to the Senate. Mr. Secretary, Resolutions Consent Calendar. Committee Reports.

SECRETARY ANDERSON:

Senator Noland, Chairperson of the Committee on Criminal Law, reports House Bills 4081 and 5606 Do Pass; and House Bills 2582, 3825 and 5280 Do Pass, as Amended; Senate Amendment 2 to House Bill 5289 recommended Do Adopt.

Senator Garrett, Chairperson of the Committee on Environment, reports Senate Amendment 1 to House Bill 4526 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR CROTTY)

Senate -- Senator Annazette Collins, for what purpose do you rise?

SENATOR A. COLLINS:

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Thank you, Madam President. For a point of personal privilege.

PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR A. COLLINS:

I would like everyone in the Senate Chamber to know that today is Greek Day; that is, all of "The Divine Nine" are here. So all of the Greek and -- fraternities and sororities are here in Springfield today celebrating with us. So they're down here lobbying us. So make sure that we say hello to them. So, in the gallery, we have some of them. Would you all like to stand? And so, I see our AKAs are here - Alpha Kappa Alpha - and the Delta Sigma -- Delta -- Delta Sigma Theta, Sigma Gamma Rho. And we have Phi Beta Sigma. The Alpha -- Alpha Phi Alpha is up there. And so all of -- all of our Greek sorority {sic} and fraternities are in the gallery. And we also have some of our young ladies who are in training that are here today. So give them a warm round -- welcome and say hello to them today.

PRESIDING OFFICER: (SENATOR CROTTY)

Will -- will our guests in the galleries rise again and be welcomed by the Senate? Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Madam President, for the purpose of an announcement.

PRESIDING OFFICER: (SENATOR CROTTY)

...your announcement.

SENATOR TROTTER:

Yes, for Members of the Senate, immediately upon recess, the Senate Democratic Majority will be caucusing in the

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President's Room for approximately one hour.

PRESIDING OFFICER: (SENATOR CROTTY)

Thank you. Senators Murphy and Trotter has moved that the Senate recess for the purposes of a one-hour Senate Republican and Democratic caucus meetings. Seeing no objection, the motion is granted. The Senate now stands at recess to the call of the Chair. After the caucus meetings, Senate committees will meet. The Senate will reconvene after caucus meetings to conduct Floor actions and other business. The Senate stands at recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR CROTTY)

Senate will come to order. Will all Members please be at their desk? We're going to -- going to 3rd Readings, Floor action. While the Senators are making their way back to the Senate Floor, the Senate will stand at ease for just a few minutes to allow the Committee on Assignments to meet. The members of the Committee of {sic} (on) Assignments will come to the President's Anteroom immediately. The Senate will stand at ease. (at ease) Mr. Secretary -- Senate will come to order. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Energy Committee - Floor Amendment 3 to House Bill 5814, Committee Amendment 1 to Senate Joint Resolution 72; refer to Executive Committee - Floor Amendment 1

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to Senate Bill 282, Floor Amendment 2 to House Bill 506, Committee Amendment 1 to House Bill 1157, Committee Amendment 2 to House Bill 1489, Committee Amendment 3 to House Bill 1981, Committee Amendment 1 to House Bill 2842, Committee Amendment 1 to House Bill 2891, Committee Amendment 1 to House Bill 2896, Committee Amendment -- Committee Amendment 1 to House Bill 3881, Committee Amendment 1 to House Bill 4148, House Bill 4445 and House Joint Resolution 84; refer to Insurance Committee - Floor Amendment 2 to House Bill 4096; refer to Licensed Activities Committee - Floor Amendment 2 to House Bill 4076; refer to Local Government Committee - Floor Amendment 4 to House Bill 4753; refer to Revenue Committee - Committee Amendment 1 to House Bill 1645, Committee Amendment 2 to House Bill 1645, Committee Amendment 1 to House Bill 4110 and Floor Amendment 1 to House Bill 5111; Be Approved for Consideration - Senate Bill 2979, House Bill 503 and House Bill 1237.

Signed, Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR CROTTY)

Ladies and Gentlemen, the following committees will be meeting to take up Floor amendments: Executive will meet in Room 212 at 3 p.m. today. Revenue will meet in Room 400 at 3:20 p.m. today. And Licensed Activities will meet in Room 409 at 3:20 today. Insurance will meet in Room 400 at 3:31 p.m. today. And also, for tomorrow, Energy will meet in Room 212 at 9:31 in the morning. The Senate will go to final action. If you will turn to page 7, on the bottom, we have Senate Bill 3564. Senator Forby wishes to proceed. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

Senate Bill 3564.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Forby.

SENATOR FORBY:

Thank you. Senate Bill 3564 gives the General Assembly a say in facility closing. Right now, COGFA, the committee that gets -- recommend to the Governor a facility to keep it open, but the Governor can ignore the recommendation. What this bill does, require the General Assembly to vote to accept or reject COGFA recommendation in a blind {sic} joint resolution. It tells the Governor he can't do -- tells the Governor he can {sic} do anything to close a facility until the General Assembly votes on it. This is important to me and my district -- in my district, because the Governor wants to close Tamms Correctional Center. Tamms is one of the biggest employees {sic} in Alexander County. Alexander County has already a 12.1 unemployment rate. We're going to put three hundred people out of work. There is nowhere for them to go find a job. Tamms is also a prison to hold the worst of the worst - murderers, rapists, cop killers, gang leaders, and people who has attacked prison guards and other inmates. Our prisons is already overcrowded. Where are these dangerous people going today? And Tamms isn't the only State facility the Governor's wanting to close. He's wanting to close dozens of others all over the State. I believe the General Assembly, the people who represents the people -- works in these facilities, should have a say-so. That is why I'm running this bill today. I'll try to ask {sic} any questions.

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PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. I understand where Senator Forby is coming from and we all try to protect our districts, but this is bad policy. And as someone who has worked for a couple of Governors, they need flexibility as the Chief Executive of the State to be able to make tough decisions. The Chicago Tribune - and I don't want to criticize our colleagues - but they had an editorial the other day entitled "Cold Feet". And I don't always agree with Governor Quinn, but I do commend him when he's making tough and difficult decisions. And I didn't sit through all of the hearings, like the folks who voted to keep these facilities open did, but the Governor needs flexibility. COGFA has a procedure that takes input from us and from our local constituents. And I just do not believe, whether it's Pat Quinn or future Governors, that they ought to have their hands tied. These are decisions - these closures - that are difficult. I've been there when Governors have made - that I worked for - these decisions and they don't make 'em lightly. And I know that Governor Quinn probably personally agonized, like the gentlemen I worked for, before he did this. But COGFA has a procedure, we already take input, and I don't think that we should be tying the hands of the Chief Executive Officer of the State, whether it's today or fifteen years from now, to be able to make difficult choices. And, as we all know and are going to find out painfully in the next five weeks, we're all going to have to make some real, real painful choices. And, you know, I -- certainly, there's no better member at -- at -- at

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trying to protect his district than Senator Forby, but this is just simply bad public policy. And Governors, no matter what party, today or in the future, deserve the flexibility to do what they think is right to make our State have a balanced budget. And I reluctantly have to oppose Senator Forby's legislation.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Raoul.

SENATOR RAOUL:

To the bill, Madam President. I'd like to echo some of the sentiments of the previous speaker. I -- I want to commend the sponsor for advocating for his district and for the employees that would be potentially impacted by such facility closure and for his district with regards to economic development generally. But this touches upon the philosophy of looking at correctional facilities as economic engines. And to the extent that that is the underlying purpose we look at correctional facilities for, we will never approach criminal justice policy in the appropriate way. If it's all about preserving the jobs and -- not in my backyard, we will never approach criminal justice policy in an appropriate way. There are the fundamental civics -- there's a fundamental civics lesson that we often forget here, about the separation of powers. Just like Senator Dillard pointed out, the Governor has to have that autonomy and that authority. Then, finally, there's the underlying facility that we're talking about, which is Tamms, and the history of -- at Tamms. Yes, we have to have a place to put the worst of the worst, but some of the occurrences at Tamms are unconscionable and we ought to be embarrassed by it. And I could not with good

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conscience advocate for continuing the operation of that facility. We do have to look at economic development, and I -- I would love to support efforts for alternative employment, alternative economic development in that area, but we cannot just base it on keeping open a correctional facility that ought to have been closed some time ago. I urge a No vote.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez, for what purpose do you rise?

SENATOR MARTINEZ:

To the bill.

PRESIDING OFFICER: (SENATOR CROTTY)

To the bill.

SENATOR MARTINEZ:

I, too, echo the same sentiments about trying to make sure that we keep employment, that we keep economic development in some of these districts where some of these facility closures, you know, can occur. But I -- I want to just stand and speak about Tamms. And the last few years, I sat on a committee that dealt with the Tamms issue and what was going on there. My biggest concern is, you know, in closing a facility -- I mean keeping it open is one thing, but if it was to close, what happens with the resources that are needed to now take a situation like the Tamms inmates that have been there -- that should have only been down there for two or three years, and some of them have been down there for ten years, living in a -- being in a facility where they are, you know, twenty-three hours in solitary confinement to one hour of some time off. So, I -- I'm -- I'm concerned, you know, in -- in keeping a facility open where this type of human problems that -- have occurred. I've

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talked to many family members that have -- that have inmates -- family members at Tamms and they have, you know, really demonstrated that we do have a problem in keeping a facility of that nature open, because of the fact that we -- you know, there is just some issues there - mental health issues - that we have to face. You know, while I think that, you know, Senator Forby's idea of -- of wanting to keep it open for the reasons -- for the right reasons - for the reasons of jobs, for the reasons of economic development, for the reasons of making sure that people have, you know, quality of life, especially people that work there, I have to stand up and -- and -- and -- and I'm going to vote No, but I'm going to vote No because of the fact that we have some real serious issues with what's going on at Tamms. And moving, you know, these folks out of there if the facility was to close down, I also do feel that we have a bigger issue as far as what's going to happen with them. Is the resources going to follow? What happens also to the families that have been involved in this committee? So I -- I just want to encourage some of the Members to really look at this and -- and see that this is a human rights -- human fracture that has occurred there far too long and it's time -- and it's time for us to start looking how -- how to change the mentality of the way Tamms continues to operate. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Thank you, Madam President. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR CROTTY)

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Sponsor will yield.

SENATOR RIGHTER:

Thank you, Madam President. Senator Forby, it's my understanding that this bill would prohibit the closure of a facility unless the General Assembly signed off on the proposal from the Governor. Is that fair to say?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Forby.

SENATOR FORBY:

Yes.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

Now, if this becomes law and let's say that the Governor wants to close a facility and the General Assembly won't sign off on it, so when the Governor gets the budget, he simply says, "I'm not spending the money on the facility. We're just not going to spend it." Does this bill, in your mind, create any right of action for someone in the General Assembly, in any way, to object to the Governor's decision, based on the fact that the General Assembly expressed its will they didn't want to close the facility?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Forby.

SENATOR FORBY:

You know, one of the things is we cannot tell the Governor how to spend the money. As legislators, I think we ought to be able to say something, where the money goes to and where it's spent, 'cause we vote on a budget. And today is, I think -- why

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I'm running this bill is because I think with the budget problem in the State of Illinois and I think one of the things is that we can balance the budget in the State of Illinois is -- by putting people to work. But when you lay people off, you put 'em out of jobs; it costs a lot of money. So I think this is a -- a budget problem -- that will help the budget problem.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. I want to be clear. Senator Forby, I think I just heard you say that -- that this bill will help our budget problem, and I want to be clear on why you think that's true.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Forby.

SENATOR FORBY:

Well, as you know, I've been up here several years, and most bills that I run is trying -- I think the major issue in the State of Illinois is putting people to work. And here is -- what we're doing today is we're putting people out of work. You know, I think you can look at a budget and with one hand - and just for example - say, I'm cutting four hundred million dollars out of there, but in the other hand, it might be costing you more money - then what it does, it looks good. By the time -- by the time you take these people, change 'em, move 'em and go someplace else, and it's still going to take the same -- as many people to operate. You're going to shut a building down. We got one building now shut down, where -- costing us over a million bucks a year just to keep it going. We're going to have

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another building shut down too, so that's another million bucks a year. So, the bottom line, as a business person, you know, I like to see the bottom total, the -- the money that is saved and what you're going to do. So -- but, you know, this district alone is like fifty million dollars, I think. You take fifty million dollars out of this little county, so when it's all over with, you're going to have stores, you're going to have grocery stores, you're going to have filling stations, you're going to have people get their houses repossessed, and you're going to have people -- probably more people in jail. So, I'm not sure this is the right thing to do, so that's why I'm fighting for this facility to stay open.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. Senator Forby, I was just told by our staff that House Bill 1157, of which you are the sponsor, that's posted for hearing in Executive Committee today, has an amendment pending that has exactly the same language as Senate Bill 3564 that we're talking about on the Senate Floor today. I'm -- is it -- is it in anticipation that this is going to go down, so you can take another swing today at 2:30 or 3 o'clock? Just curious.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Forby.

SENATOR FORBY:

You know -- you know, I'm not go -- about amendment on that bill, but right now this is the bill we're working on.

PRESIDING OFFICER: (SENATOR CROTTY)

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Senator Righter.

SENATOR RIGHTER:

I'm -- I did not understand his answer. Could you repeat it, please, Senator Forby?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Forby, could you please repeat that?

SENATOR FORBY:

The bill you're talking about is going to become a shell bill, so there's nothing on that amendment.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

Now, Senator Forby, I know that you did not vote for the tax increase that your party passed and Governor Quinn signed a year ago January, which tells me that at least somewhere in you there's a sense that balancing the budget doesn't necessarily involve a massive tax increase, it -- it involves reducing spending. So, if you're not for reducing spending by the facility closures, then how are you for reducing spending? Tell me what you would do.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Forby.

SENATOR FORBY:

You know, what you're saying is, is not with -- this bill, but I'm going to say exactly what I said a while ago, is putting people to work and then tighten your belts.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

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To the bill, if I might, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

To the bill.

SENATOR RIGHTER:

I -- I appreciate some of what Senator Forby is saying, but, Madam President, you can't not be for new taxes and not be for cuts. And the sponsor's trying to have it both ways. That's what the sponsor's trying to do here. With all...

PRESIDING OFFICER: (SENATOR CROTTY)

Are you...

SENATOR RIGHTER:

...due respect...

PRESIDING OFFICER: (SENATOR CROTTY)

Please, to the bill. I -- I don't know if you're questioning me or making a statement, but to the bill, Senator Righter.

SENATOR RIGHTER:

...the bill. Didn't I say to the bill? I -- I'm sorry. I think I said to the bill. No, I'm not asking you a question, Madam President. If I do that, I'll -- I'll -- I will -- you'll know I'm asking you a question. Senator Raoul...

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter, to the bill.

SENATOR RIGHTER:

Senator Raoul is exactly correct - you have a separation of powers problem here. And why -- while this bill may look good in some parts to -- of the State to certain constituents, maybe even groups who wind up giving political contributions, in the end, it's not an answer. Vote No, please.

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PRESIDING OFFICER: (SENATOR CROTTY)

Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR CROTTY)

To the bill, Senator.

SENATOR TROTTER:

Madam President and Members of the Senate, I sit on -- on -
- on the COGFA committee, which had the responsibility of
traveling throughout the State to visit the various facilities
that the Governor had proposed to close. And Tamms - no
different from the other places that we visited. I heard a lot
of compelling stories of why it should stay open, but it also
takes me back to - since I have been here for a while - why we
opened it. We opened it because we were, one, trying to make
jobs, or at least try to deal with some economic development.
And -- but that was the beginning of our problem. Because the
State of Illinois, when we talk about economic development, it
doesn't mean that we have to become the employer. And that's
exactly what we did. So, when we had money, we became an
employer, which means we had to have employees, which we had to
pay for their pensions and had to pay for their health benefits
as well. Well, to me, economic development is -- is building
those small businesses that are there which will sustain the
community. This prison is not sustainable for the community or
even is it healthy for those individuals that we've
incarcerated. Back in the nineties when we did this, we also
said - our mantra then was - we were going to get tough on
crime. We're going to build the super prison for the worst of

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the worst. Well, believe it or not, going down to Tamms, the worst of the worst are not there. Some of 'em are short-timers. So if they're the worst of the worst, why are we letting 'em out in seven and ten years? So it's a place - basically, what it has turned into - a place of punishment, place -- place where we send prisoners, those who are incarcerated, who have really made someone in the system so mad that they're going to send you to a place where -- and torture you for twenty-four hours a day - twenty-three hours of sitting in a cell with -- with no kind of human contact, one hour in another isolated place with no human contact - for as long as they deem they want to. We don't do that anymore, not only in this State, but in this country. Facilities -- those supermax prisons have been closing, falling like dead flies, all over the country. So this is nothing new. Everyone realizes that we have to do something. That's been the mantra of -- of that side, it's been the mantra of the people of this State - that the State of Illinois has to do business differently. Well, sometimes when we do things differently, we also do it correctly. The correct thing is to close this prison. We have places in which those, who are not the worst of the worst, can be transferred and integrated into. We've had that system for years and years, before we built this - our own personal crime scene. If these individuals are the worst of the worst, we have Chester for the criminally insane. These people are not criminally insane. We have institutions for that kind of prisoner. This place creates insane people, and it's the wrong thing to do. It's -- it's -- what we should be back into, and that is, doing the business of the State and not making ourselves employers for people of this State. So I ask

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wholeheartedly for a No vote on this -- on this bill and any other bill -- subsequent bills that may or may not come before us this Session.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR CROTTY)

To the bill.

SENATOR SULLIVAN:

I stand in support of Senator Forby's bill. And I know there's been a lot of discussion about Tamms' facility and I'm sure that we could debate and discuss Tamms for a long time, but this bill goes -- is much broader than that. It includes many facilities -- any facility, really, around the State of Illinois that the Governor takes the initiative to close. Another facility that hasn't been talked about is Jacksonville Developmental Center, which also is slated to be closed as well. Many of the -- I don't know how many have -- of you have been and visited the facility. I did recently and talked to -- and have talked to a number of family members that have individuals there in Jacksonville. And those -- many of those family members had the individuals with severe developmental disabilities in Lincoln Developmental -- Developmental Center before it closed. And they went from that facility into a residential setting, and it was a disaster. It was chaos. And many of those individuals committed crimes. They were out on the street. They were out of control. They need that type of a setting where they have care around the clock and the support

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that they need. Many of those individuals, after trying a residential setting, ended up over in Jacksonville. That's where they are now. They get the care -- the quality of care that they need. If Jacksonville closes, the -- and -- and a residential setting doesn't work - and I would be supportive of moving some of those folks into a residential setting, but it's not for everybody - and if that facility closes, the -- the family members that live in western Illinois are going to have to drive hundreds and hundreds of miles to a State-operated facility so that they could -- they could visit their loved ones. I stand in support -- Oh! And the other thing I want to say about the residential homes - those settings right now, we aren't paying them for the services that they are providing. Why would other people want to come and -- why would they want to accept other individuals into their home -- homes when we aren't even paying -- the State of Illinois is not paying -- paying them for the services that they are providing now? I stand in support and I ask for an Aye vote on the Senator's legislation.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? Senator Forby, would you like to close?

SENATOR FORBY:

Thank you. We've heard a lot from everybody here today and I appreciate what everybody said, and everybody's got their mind made up or -- or what they think what's going on. But for the person that's living down there and been in Tamms and looking at it, and going back, we heard that people in the nineties -- what they've done. These people that went to Tamms is not the people

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out on the streets. They go to a prison first, and in a prison, they rape guards - women. They murder. They're cop killers. They're gang leaders. And back in the nineties, when all this was going on, and believe it or not, I don't know exactly how to say this, but they was running girls, they was running drugs, and one of the prisons even had -- they told me - I ride a motorcycle - said one of the prisons even had a motorcycle in it. So, when Tamms was built, that's what this was for. The State of Illinois has took the prisons back over. And the people that goes to Tamms don't stay there all their lives. There might be some that might. But I get calls every now and then. It was like three weeks ago I got a call. Said, "Gary, we're moving ten people out of Tamms." He said, "We move people out of Tamms all the time." They do not stay there in that one facility. And another thing about the Governor - Governor is not a king. He's only one person. So I don't know why the Governor has a say-so over everybody in the State of Illinois. So I just think this is a bill that we really, really need to look at. I think we need to think about it. Most everybody in here has got people in their district -- mental hospitals in my -- in the districts down there close to me. If you move these people to Chicago or someplace up north, we have people that does not have cars that -- able to go see their loved ones. And we're letting this Governor do this. So if you have a facility close in your district and they move them people out of your district, and these people - I'm going to say low-income people - cannot afford to drive there - cannot afford to go see them. And these people needs their family. This is part of their training, part of their education, part of healthcare. You're

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going to destroy some of these peoples. What I'm saying today, now, this Governor is not doing the right thing. And we got a way of balancing the budget and this is not the way to balance the budget. If you want to do something with the people in Tamms, I -- you know, I think this is more about prisons. I think there's an issue on Tamms. They think we're mistreating people. I've been with a State Senator -- I mean a federal Senator. He came to Tamms. Me and him toured it. And first, we went into a press meeting before we went into the prison. "Why are you here today?" "Well, the story is that I've heard that we're mistreating these people, so I want to go there today and see what happens." So we went in and up and down the prison. We went into the med -- the med part of it, asked prisoners, "Are you being mistreated? Is this -- are guards -- are they mistreating you?" We never got an answer like that. We got answers like -- one guy, for example, he said, "I've been in California, I've been in another prison in another state, this is the best one that I've ever been into, if you have to be in a prison. They treat us right here." And as far as, you don't get to talk to everybody, whatever, they got eight cells, they're telling me, that people talks back and forth all the time. The cell rooms -- they -- they -- they get exercise. It's not like you're just throwing 'em in a hole and forgetting 'em. We are human people, our corrections people are human people. They're not going to do that. We're -- we're not them kind of a people. Them people that -- at corrections are not that way and they're not going to treat that way. Talk to people that works in corrections and see what they say. I've got letters in my office today from Tamms - "If you let me out

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of here, if you put me in a prison, I'll guarantee I'll be the first one to kill somebody. So just keep this letter and remember that." You let me in someplace else -- "Tamms has saved my life because I've tried to kill myself in other prisons." So today I'm just asking you, give the Legislature a chance to keep these places open. Legislators have voted before to close places. It's not like they're not going to close anything. I'm just asking you for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

The question is, shall Senate Bill 3564 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 29 voting Aye, 23 voting Nay, 1 voting Present, 6 not voting. Senate Bill 3564, having -- having failed to receive the required constitutional majority, is declared failed. Senator Forby? Senator Muñoz, for what purpose do you rise?

SENATOR MUÑOZ:

Thank you, Madam President. For purpose of announcement.

PRESIDING OFFICER: (SENATOR CROTTY)

Make your announcement.

SENATOR MUÑOZ:

Just want to let everyone know in the Chamber, Madam President, today one of our colleagues, it is her birthday - Senator Lightford. If we can wish her a happy birthday today.

PRESIDING OFFICER: (SENATOR CROTTY)

Happy birthday, Senator Lightford. Senator Clayborne, for what purpose do you rise?

SENATOR CLAYBORNE:

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For point of personal privilege.

PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR CLAYBORNE:

I have my twenty-year-old son, who's home from college, here with me today, Justin Clayborne.

PRESIDING OFFICER: (SENATOR CROTTY)

Welcome to the Senate Floor, Justin, and you're the same age as Senator Lightford. Now, if you go to page 6, on Senate Bill 2491. Senator Hunter. Senator Hunter wishes to proceed. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

Senate Bill 2491.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 2491 grants the -- the IDOT the power to enter into agreements to make low -- low-interest loans to minority-owned businesses, female-owned businesses, and disadvantaged business enterprises certified by the Department for participation on Department-procured construction and construction-related contracts. Basically, many disadvantaged businesses, better known as DBEs, lack the financing or the ability to obtain capital equipment financing and working capital and et cetera. Their inability to obtain lines of credit severely hinders them from becoming prime contractors and

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obtaining bonding. This legislation will allow IDOT to provide both financing opportunities to a DBE who has already been selected by a prime to complete a contract and an educational component allowing the DBE to work with the capital fund agent in order to -- to further develop their business management aptitude. And also, the Secretary of IDOT will have the authority to transfer moneys from the Road Fund into revolving {sic} when a fully vetted applicant has been approved for a line of credit by an established loan committee.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator McCarter, for what purpose do you rise?

SENATOR McCARTER:

Questions of the sponsor, please.

PRESIDING OFFICER: (SENATOR CROTTY)

Sponsor says she'll yield.

SENATOR McCARTER:

Senator, explain to me why one of these selected contractors would need a loan.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

Senator, these contractors will need a loan because some of them simply do not have the working capital in order to purchase supplies or equipment required by the contract to fulfill the obligations of their contract.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator McCarter.

SENATOR McCARTER:

Is there -- are there not provisions made to obtain an

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early payout for materials used on a construction project?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

I'm not aware of any, Senator.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator McCarter.

SENATOR McCARTER:

I -- I believe there is a way. You -- you know, I understand how difficult it is to find these -- these DBEs, and it's -- and it's a good thing that we set aside work for them, but why would one job keep them from not being able to obtain capital? I mean, would this be one job that they couldn't get the -- enough working capital for or -- or are they going to be so new that they don't have equipment, that they haven't accumulated from past profits? Why do they need this?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

Senator, it depends upon the requirements of the -- of the contract that's signed. Some contracts will require that particular type of equipment or supplies are required under that contract. And if a subcontractor has been granted this grant -- this contract, rather, they may not have the starting capital to purchase the equipment or the supplies, and therefore, needing a loan.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator McCarter.

SENATOR McCARTER:

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We -- we probably wouldn't pick a prime contractor that didn't have enough equipment to complete the job, nor would we pick a prime contractor who didn't have enough capital to buy the materials to complete the job. Why would we choose -- a DBE that was not well -- well enough funded and had not accumulated enough profits to have capital to stay in business? Wouldn't this be a risk?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

No -- no, there is no risk, Senator. These are already approved DBEs by the Department. They're already approved by -- by the Department and they're already approved by the prime contractors. And -- and these are small businesses who do not have the working capital. They've -- already qualify by -- by IDOT to become a DBE. They've already jumped through the loopholes and everything, Senator.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator McCarter.

SENATOR McCARTER:

I -- I understand how difficult it is to go through that process, 'cause I've got people in my district that I've been trying to get approved for years, but nowhere in that process does it say you have to prove you have adequate working capital. And -- and -- and I -- and so I guess my question is, how much is this going to cost the State?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

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This will be a ten-year pilot program, Senator. And what we're looking at doing is drawing -- pulling out about three million dollars of -- a year - no more than three million a year. That's what it costs.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator McCarter.

SENATOR McCARTER:

So what happens if they're not able to pay us back?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

In -- in the event of -- of -- of a -- well, first of all, that's why we're setting up the revolving loan fund. You have a fund agent who is receiving the funds and they are paying all the bills, thereby allow -- not allowing the contractors to receive any of the dollars. The invoices are submitted by DBEs to the loan fund. The loan fund pays all the bills. And the only dollars that the -- the DBE receives are basically those dollars after all bills are paid. And also, Senator, to clarify one point, in terms of -- of the -- the -- the grant -- or the loan, rather, that the DBE receives, it's -- it's the revolving loan program. So the moneys, as they're coming in, they're going right back into the fund, and they're just circulating around and around and around. So -- so, therefore, there's really no moneys taken out of the fund.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator McCarter.

SENATOR McCARTER:

So, what you're telling us is, the bank sees these people

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as too high a risk to give them money, so instead we, the State, are going to take the risk and possibly not get paid back. Is that correct?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

There is no risk, Senator. For whatever reason -- I have no idea what the guidelines are that the banks have. However, I know that under this particular fund -- under this particular fund, they will be able to provide the loans to DBEs based upon their contracts received. Some of the businesses who are not approved by the banks may have late payments and maybe they're -- they are -- sometimes they have slow payments on paying their bills and the banks have problems with that, and you know it. So what we're basically doing under this fund is -- is working with the contractors to strengthen them, because they have slow pay or -- or they're just very small businesses. That's one of the problems that you have with small businesses; they do not have the working capital needed to fulfill obligations of the contract.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator McCarter.

SENATOR McCARTER:

To the bill.

PRESIDING OFFICER: (SENATOR CROTTY)

To the bill.

SENATOR McCARTER:

To say there are no risks is just not right. There are risks. And if the banks aren't willing to loan these people the

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money, why should we? There are risks, and you're taking away money from the Road Fund when the Road Fund is as small as it's ever been and possibly even smaller with this next budget. We are putting the taxpayers' hard-earned tax money in jeopardy. There are ways to get advanced -- advances through contracts, through IDOT, from prime suppliers, already, with the understanding that there, typically, are materials that are a large component price of the contract. That's available now. There's no need to go out and purposely target businesses that have -- don't have that much ability to pay us back. I think this is just wrong. I urge a No vote.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

To the bill, and -- and also have a couple questions for the sponsor. The way I've read the bill and have looked at this, and the way I view government, this is how we're supposed to be using taxpayer dollars, not building sites and hiring people, becoming employers, but building the community, building that infrastructure, utilizing those entrepreneurs, those individuals who just need an opportunity to grow. That's how we invest our taxpayer dollars to make Illinois strong. This bill, as I've read it, does just that. There is no risk here, because the dollars themselves that come out of the -- the Road Fund go into a fund and those spent come right off the top. Before there is any accumulation of profit, the loan is repaid first, before the contractor, these small DBEs, see a single dollar. It comes off the top. This is just, again, assisting people become self-sufficient to help build this State, not becoming

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employers. And -- and questions to the sponsor. These loans can only be given to disadvantaged business enterprises who have already received contracts in the past - so there's already a history with these individuals - but because of their lack of capacity, they have not been able to get larger contracts, because, again, they're -- they're just small businesses attempting to grow?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Trotter.

SENATOR TROTTER:

Thank you. The DBE will only be permitted to use the line of credit to pay for supplies for a current job and certified payroll. Is that correct?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

Yes.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Trotter.

SENATOR TROTTER:

So, with that being said, these dollars are not for if they have multiple projects going that they can use on another project. Essentially, any line of credit that is extended to these subcontractors will only be used on an IDOT road project in one of our districts in the State of Illinois. Is that

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correct?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

Yes, that's correct, Senator.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Trotter.

SENATOR TROTTER:

To the bill: I just want to reiterate, this is how our taxpayer dollars are supposed to work for the little man, as well as the big man. And -- and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR CROTTY)

Says she will.

SENATOR ALTHOFF:

Thank you. Senator Hunter, I really do commend you for trying to find a way to help these DBEs out, particularly in this hard economic time, but I heard Senator Trotter state during his questioning that these -- that this program can only be used for road projects. Obviously, you know, I'm extraordinarily concerned about all the diversions with our road money. And I noted in several of the fact sheets that I've received, it actually says that the moneys can be used for transportation construction and construction-related purposes. So that gives me a little bit of pause. I want to make sure that if we're taking money from the Road Fund that it is only

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going for road projects.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

Are you referring to a letter that you received from the Secretary of IDOT?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Althoff.

SENATOR ALTHOFF:

No -- no, ma'am. I'm -- I'm referring to several pieces of information I've received, as we typically get from numerous sources in support of this legislation, and I just want to clear that up on this Floor that this program can only be used for projects associated with road construction here in Illinois.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Althoff.

SENATOR ALTHOFF:

And, again, Senator Hunter, how -- how -- I -- I know that Senator McCarter was asking several questions and I, too, am still not clear. How is the State of Illinois protected so that in the event that one of the subcontractors does experience a bankruptcy issue? How are we protected that we are not on the hook for all of those moneys that have already been lent?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

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SENATOR HUNTER:

Some of the safeguards, Senator, to prevent default and to protect the State is, the loan will provide the security necessary to protect the State's interest, and it may include withholding the payments due under the contract accepted for the loan assistance under the program. IDOT is uniquely situated to be able to require the DBE -- the DBE loan applicant to agree to have all of his checks paid by the prime to be signed over to the fund control agent prior to receiving any profit from the project in order to allow the fund control agent to make repayments to the fund and account for all other debt accumulated under the current contract. Essentially, the DBE will not handle any money, including payments from the prime, until all debts are repaid. And loan funds can be used for current liabilities or working capital expenses associated with the contract procured by IDOT for transportation construction and the construction-related projects -- purposes.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Sandoval, for what purpose do you rise?

SENATOR SANDOVAL:

To the bill, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

To the bill.

SENATOR SANDOVAL:

Ladies and Gentlemen of the Illinois Senate, I -- I -- as I stand here, listening to the question on some of the Members of this side of the aisle, as well -- as well as the other side of the aisle, I am very disappointed at the pointed questions as it relates to the merits of this bill. It is very simple. You

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know, we've all heard that it's a basic premise in this country that a government should be representative of the people it serves. It makes no difference whether you're in elected office or whether you're a contractor; there is a moral obligation if - - when the taxpayers' funds are being used to build and invest in public improvements, we are to give opportunities to all Illinoisans, and that includes Black, Latino, Asian and women and veterans and disabled. And this bill falls in line not only with the Civil Rights Act of this -- of this great country, the affirmative action laws of this State, it falls in line with the corporate policies of the business world in America - Coca-Cola, John Deere, Caterpillar, a number of firms that have spent their entire business existence developing diversity, developing subcontractors. It is to our best advantage, it is in our best interest, that we, as the elected officials that represent Black, Latino, Asian and women, we invest in people that we represent so they have an opportunity to become general contractors. If we require our contractors to mentor, to -- to develop subcontractors, we will have greater pricing and greater savings for the people of Illinois. If there are more people building roads, there are more people providing supplies. If there are more people doing design, an architect, then we will have greater pricing, then there will be greater savings and we will build our roads at a cheaper cost to the taxpayers. But that is only when and if we decide to invest and provide equal opportunity to Blacks, to Latinos, to Asians, to women and to veterans and disabled community in Illinois. If you have any of these demographics in your district, I would urge you to vote Yes for this bill, 'cause it gets at the core of why we are here

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and it gets at the core of who sent you here. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Koehler, for what purpose do you rise?

SENATOR KOEHLER:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR CROTTY)

To the bill.

SENATOR KOEHLER:

If -- if any of you have sat and listened to some of the stories of the small contractors that are included in this program and listened to how hardworking they are and the fact that they have invested their life savings into their business, I think you'd have to be very sympathetic. Number one, if you believe that small business is the backbone of this economy and, number two, that disadvantaged businesses ought to be given every opportunity to participate in that, then this is a good bill. I see no reason why we should not vote this out and have all unanimous votes on this. I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Will the sponsor yield, please, Madam President?

PRESIDING OFFICER: (SENATOR CROTTY)

Says she will.

SENATOR RIGHTER:

Thank you. Senator Hunter, I remember our discussion from Executive Committee about the issue of interest and whether or not these businesses, were they to get what you've characterized

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basically as a loan from the Road Fund, whether or not they'll be required to pay interest, like anyone else who goes to a bank and get -- get an operating loan. Can you tell me where we're at as far as interest being charged?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

Senator, the interest will be tied to the interest the Treasurer's Office currently receives as a holder of the Road Fund.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

You know, Senator Hunter, I've looked at the bill, and I must have missed that. Can you tell me what page and what line that language is on?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

Senator, you will not find that information in the bill. If you can recall in committee, and I'll repeat it again here today, that JCAR will set the rules. They will make all the rules for the -- the implementation of this program.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

Well, with all due respect, Senator Hunter, and Madam President knows this, because she's a co-chair of JCAR, JCAR will not set the rules. The Department will write the rules and

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then JCAR will look to see whether or not they pass on the rule, but we don't have - JCAR - and I'm a member as well - we don't have the right to draft anything. So if the Department comes back and says, we don't want to charge interest, JCAR is not in a position - elected legislators are not in a position - to write interest into it. Now, let's move on to the next issue. What if there is a default? I mean, you've -- you've provided some pretty strong - verbally, anyway - assurances here that this is not a Road Fund diversion; that this money will be repaid back. What if it's not paid back? What if there's a default by the business entity? What -- what happens? What are the ramifications?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

Senator, they -- the businesses cannot default on this bill because the -- there are safeguards already put into place so that the prime transfers -- the -- the funds over to the -- the fund manager and the fund manager pays all the bills. So there is no room for default, Senator. And just to clarify, in terms of JCAR - I used to sit on JCAR as well - and the -- and -- and the bill very clearly states that IDOT intends to outline the following to JCAR: qualifications for applicants, including two rejection letters of a conventional lender. They will also set the -- the interest rates, as well as the guidelines and the role of the committee. It's in the bill, Senator.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

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Okay, the interest rate's not in the bill. But, now, at some point, Senator Hunter, the business gets the money and then the business has to write a check to pay someone. Okay, what I'm -- I mean, there's always room for a default. I don't care how tightly you write a transaction. So at some point between getting the money and paying the money to someone else, the money goes away. They don't have the money. That's a default. What happens if the business doesn't pay the money they're supposed to pay? What are the ramifications for that?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

Senator, the prime transfer the funds to the Road Fund -- to the fund managers and they pay the bills. So how can you default on the bills when the bills are already being paid by the fund manager? Do you understand that?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. Senator Hunter, I have in front of me, I think it was a flow chart - which looks a little like the Affordable Care Act - that you handed out in Executive Committee, and I want you to lay out for me where the process is - and I apologize to both Madam President and the Parliamentarian, 'cause I'm referring to a document that you don't have, but I'll do best I can for the transcript - where on here is that security where there'll be absolutely no default? Can you point that out for me?

PRESIDING OFFICER: (SENATOR CROTTY)

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Senator Hunter.

SENATOR HUNTER:

Senator, if you look on the flow chart, and maybe -- maybe the second line, depending upon how you look at it, there is a fund control agent - a fund control agent. They control the funds, Senator, and they pay all the bills. They pay all the bills. I mean, it's right here in front of your face. They -- the -- the -- the -- the DBEs do not hold any of the dollars. The dollars are -- are transferred from the prime to the fund control agent, and they pay the bills.

PRESIDING OFFICER: (SENATOR CROTTY)

Okay, I'm starting to feel left out, because I don't have that document. Senator Righter, do you have any other questions?

SENATOR RIGHTER:

Madam President, my biggest regret today will be that you feel a little left out. I...

PRESIDING OFFICER: (SENATOR CROTTY)

Thank you.

SENATOR RIGHTER:

You know, Senator Hunter, I -- I appreciate you raising your voice and you getting a little emotional here. I'm just trying to get my -- I'm just trying to get my questions answered. With all due respect, this isn't the clearest chart I've ever seen, so let's just -- let's walk through this. Let me ask you a different question. What if the project -- what if they don't complete their portion of the project? What if they don't complete their portion of the project? Since it's not their money to start with, then how -- how would the Department

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deal with that issue?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter.

SENATOR HUNTER:

Okay, Senator. So this is what happens if the DBE leaves before the contract is complete. Subcontractors are progressively paid throughout the course of the project. Normally, if a subcontractor leaves a job before it has been completed, the subcontractor's paid for the work and supplies that he or she has contributed to the completion of the project and a substitute DBE is paid for the work that they can finish on the project. That fact will not change in this program. The prime will make these payments to the fund control agent in accordance to the contract. And the fund control agent will pay the creditors accrued during the course of the current project and the line of credit before the subcontractor receives any profit or final -- final payment from the work that has been complete. This program will decrease -- it will decrease the chances of a subcontractor leaving in the middle of the job, because he/she does not have the finances to wait for progressive payments from the prime and make payments for supplies or certified payrolls.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

To the bill, if I might, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

To the bill.

SENATOR RIGHTER:

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Thank you. Ladies and Gentlemen, I -- I don't think there's anyone here who doesn't have a sincere appreciation for what Senator Hunter is trying to do, but here's the problem with this kind of setup, is -- is that these -- these businesses have the opportunity to go to a commercial lender - I'm assuming that they've done that - but now, since there's no interest in the bill, why would they? Why wouldn't they just come to the Road Fund and borrow it from there - interest free or tied to a Treasurer -- well, we're not really sure about that. JCAR won't write the rules; the Department will write the rules. The Department, that works for the Governor's Office, will write the rules and JCAR will pass on them. If the project isn't finished, what are the ramifications? We know what it would be for a normal contractor or sub; here, it's not so clear. This is the challenge when you are trying to reach out and assist people and your -- don't -- you don't have moneys available like you otherwise would - you go to the Road Fund. The Road Fund is already struggling. For those of you, particularly, who represent downstate areas and have railed against Road Fund diversions for, oh, so many years, a vote for this is a message to the voters and your constituents back home that, well, you're against Road Fund diversions depending on who the sponsor is. Don't fall into that trap. Please oppose Senate Bill 2491. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

To speak to the bill, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

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To the bill.

SENATOR HARMON:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I want to commend Senator Hunter on advancing this bill and I rise in support. It is a complicated bill. As one of the prior speakers mentioned, the flow chart that describes it is a little bit complicated and it requires you to take a little time to get familiar with it. I was confused early on too. The bill came through the Executive Committee and I had to spend some time with it. Now that I understand the program, I'm -- I'm concerned that it is so alarming to so many. This is really a very simple and good program. And I'd like to try to just amplify a couple of the points, so that folks can take some comfort. First of all, this is not a diversion from the Road Fund in any way. It's a closed system. It's essentially a cash management tool. All the money being advanced to pay vendors' bills are for inputs to the road projects. This is money that would be spent on building the roads. It never leaves the road system. So it is not a diversion; it is simply an advanced funding cash management tool. Second, as Senator Hunter has said many times, there -- there are no greater risks, because the money does not pass through the subcontractor. It is paid directly by the -- the paying agent, and it purchases the raw materials that go into the roads and associated costs. That material is always available for the roads regardless of a default. The subcontractors would have a performance bond. If they don't perform, the bond becomes available and any offsetting cost can be recouped. This is a closed system. It's not about when -- where the money is spent; it's only about when

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the money is spent. This is a tool for DBEs that don't have access to traditional capital, not because they aren't able to do the work, but because the systems aren't designed to provide them with that capital. This is what IDOT should be doing. We are coming up with a system that allows them to perform their obligations with the resources and the cash necessary to do so to get on their own feet, so that the next time they go to a commercial bank, they'll be able to get one of those loans. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Hunter, do you wish to close?

SENATOR HUNTER:

Thank you, Madam President. You know, we've been working on this bill for over a year. There were hearings held throughout the State of Illinois - Peoria, East St. Louis, Chicago, to name a few - regarding the target market program. And so many DBEs - some of them said they drove one hundred miles to come and testify at a hearing. And these DBEs stated that they cannot get loans. They -- they receive a contract from IDOT, prime selects them, and they have no working capital, so some of them wind up turning their contracts back in. We're always talking about jobs. We need jobs. We need to strengthen and expand small businesses. Well, guess what, this is an opportunity to do so. This is the opportunity -- this is an opportunity to put moneys back into the economy, in the hands of subcontractors. They hire people, and folks work. This is not my money, this is not your money, this is not the Road Fund - this -- this is the people money. This is the people's money. And I ask for an Aye vote. Let's -- let's -- let's -- let's do

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the right thing today. Today is the -- is the day that we can turn things around in terms of small businesses and how we really feel about the disadvantaged businesses in this State. Let's do something about this today. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR CROTTY)

The question is, shall Senate Bill 2491 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 31 voting Aye, 20 voting Nay, 1 voting Present. Senate Bill 2491, having received the constitutional -- required majority, is declared passed. Ladies and Gentlemen of the Senate, I'd like to inform everyone that the Senate President has announced that we will be canceling Session scheduled for this Friday, May 11th, and -- and for Monday, May 14th. After we adjourn tomorrow, the Senate will reconvene on Tuesday, May 15th, at 12 p.m. But we're not finished today yet. Senator Sandoval, for what reason do you rise?

SENATOR SANDOVAL:

Madam President, I was -- like to inquire of the Chair. I was -- had some guests in from the City of Berwyn on a resolution.

PRESIDING OFFICER: (SENATOR CROTTY)

What's your inquiry?

SENATOR SANDOVAL:

Will there be an opportunity to present the resolution and pass the resolution?

PRESIDING OFFICER: (SENATOR CROTTY)

Which resolution? Do you have a number? Senator Sandoval,

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we will be moving to that. Senator Lightford, for what purpose do you rise?

SENATOR LIGHTFORD:

Thank you, Madam President. Point of personal privilege, please.

PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR LIGHTFORD:

Ladies and Gentlemen of the Senate, I have a gentleman here with me, who has enjoyed observing how we do things here in the Senate. Perhaps he can take notes over to the House, as he's the new Senate Democrat nominee for the 7th District. He will be my Representative. Chris Welch. Please welcome him to the Senate Chamber.

PRESIDING OFFICER: (SENATOR CROTTY)

Welcome to the Senate Floor. We're going to go to Senate Resolutions on page 27. Up toward the top is Senate Joint Resolution 62. Senator Sandoval, you wish to proceed? He says he does. Mr. Secretary, read the resolution.

SECRETARY ANDERSON:

Senate Joint Resolution 62, offered by Senator Sandoval.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Madam President, Members of the Illinois Senate. Today I am joined by two respected Illinoisans. I am -- we are joined by "Tony" Umberto Turano, President of Turano Bakery, as well as his brother, the Chairman of the Board, Renato Turano, who is also a fellow colleague. He is a Senator in Italy. They

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are from the province -- the region -- State of Calabria. Today they are joining me because Turano Bakery has been synonymous with some of the finest bakery in the State of Illinois. I'm honored that they have -- celebrating their fifty-year anniversary of doing business. They are an immigrant family that came from Italy in 1958 and arrived here in this great country and are truly reflective of the entrepreneurial spirit of the immigrant community of Europe. They founded Turano Bakery in 1962 and, thus, have expanded it to be one of the finest bakeries - not only in this country, but in this world. And so, with that said, and their -- on their fiftieth anniversary, we have this resolution. And in Berwyn, we have redeveloped and invested through the capital program the revitalization of Roosevelt Road from Cicero through Berwyn through Oak Park, area that Senator Harmon and myself have represented for a number of years. And so as a result of this great honor, their employment of thousands of residents of our region, today, on their anniversary, we would like to pass this resolution that bestows and designates the south side of Roosevelt Road between Ridgeland and East Avenue in the City of Berwyn as "Mariano Turano Way" by the Illinois Senate. And I'd ask a warm welcome for the Turano family, our colleague, Senator Turano, and passage of this resolution naming that designated State road as "Mariano Turano Way".

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. I, too, want to rise to congratulate the Turanos. They have a facility and invested

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heavily in the Bolingbrook community, in Senator McGuire and in my area. And Ron Turano and his family, if you come from northeastern Illinois, you know, you know their bread and you know their product. In fact, I think Marty Sandoval and I show that we eat their product from time to time, but they are the American dream. They are a tremendous, tremendous family, who employs Illinoisans for years in this State. And I welcome Senator Turano and his family to the Illinois State Senate and say thank you for employing Illinoisans. Keep doing it for the next fifty years. Grazie.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Haine, for what purpose do you rise?

SENATOR HAINE:

For a -- on a point of personal privilege and to the resolution. Madam..

PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR HAINE:

Madam President, Ladies and Gentlemen of the Senate, I, also, rise -- we don't have any of your bakeries here, Senator, but we - my wife and I - still appreciate what you did for us in Rome three years ago. And I can say that this man is held in great stature in the Eternal City, as well as in the Second City. Thank you so much.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Sandoval, to close.

SENATOR SANDOVAL:

It's a great day for the Turano family and it's a greater day for the people of Illinois and its economy. God bless the

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Turano family. And I'd ask an Aye vote.

PRESIDING OFFICER: (SENATOR CROTTY)

As this resolution requires the expenditure of State funds, a roll call vote will be required. The question is, shall -- shall Senate Joint Resolution 62 pass. All those in favor will vote Aye. Those opposed, vote 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 55 voting Aye and none voting Nay. Senate Joint Resolution 62, having received the required constitutional majority, is declared adopted. Now we're still on page 27. At the top, we have Senate Resolution 742. Senator Collins, do you wish to proceed? Senator Annazette Collins. Do you wish to proceed? Thanks. Mr. Secretary, read the resolution.

SECRETARY ANDERSON:

Senate Resolution 742, offered by Senator Annazette Collins.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Collins.

SENATOR A. COLLINS:

Thank you, Madam President. We had our -- today is Greek Day, when our National Pan-Hellenic group comes down every year. That was started back in 1932 or so. But they're all gone now and we wanted to say just congratulations to all of them and honor our Members that's on the Floor that are also Greek. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

I see no discussion. The question is, shall Senate Resolution 742 pass. All those in favor will vote Aye.

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Opposed, Nay. The Ayes have it, and the resolution is adopted. Now we go to Senate Joint Resolution 63. Senator Forby. Senator Forby wishes to proceed. Mr. Secretary, read the...

SECRETARY ANDERSON:

Senate Joint Resolution 63, offered by Senator Forby.

PRESIDING OFFICER: (SENATOR CROTTY)

Will -- will everyone please give Senator Forby your attention? Thank you. Senator Forby.

SENATOR FORBY:

Thank you. I'd like to have a point of personal privilege first.

PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR FORBY:

Today this resolution is about Travis Picantine and I have his mother and his sister, Tammie Goessman (Severs) and Megan Bowlin, right behind me in the gallery. Can we give them a good Senate hand today?

PRESIDING OFFICER: (SENATOR CROTTY)

Will our guests in the gallery please rise? Welcome to the Senate. Senator Forby.

SENATOR FORBY:

Thank you. Senate (Joint) Resolution 63 -- 63 is honoring a soldier who grew up in my district, Travis Picantine. Travis tragically lost his life in defending our country in -- in 2009. He had only served in the infantry for two short years. He died with high decoration -- soldier. He won the Army Commendation Medal, two Achievement Medal with Oak Leaf, the National Defense Medal, the Afghan Campaign Medal with Stars, the War of Terror

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-- Terrorist with {sic} (War on Terrorism) Service Medal, the United Nation {sic} (Nations) Medal, the Basic Training Service Ribbon, Overseas Medal, the Army President {sic} (Presidential) Unit Ribbon with a Bronze Oak Star {sic} (Leaf), the -- the Marksman Badge, the Combat Infantry Badge, and the Infantry Cord. Travis enlisted in 207 {sic} (2007), completed his Basic Training and his Army training at Fort Benning, Georgia. And he was stationed at Fort Drum, New York with the 10th Mountain Division. He served with the I-32nd {sic} (1-32) Charlie Command {sic} (Company) in Afghanistan. At the request of his family - his mother, Tony {sic} (Tammie) Goessman (Severs), and his sister, Megan Bowlin, and his niece, Lily Bowlin, and his nephew, Travis Ryan Bowlin, and his grandparents, Harold Dean and Margaret Goessman - we would like to rename a stretch of Illinois Route 148 the Army Specialist Travis Picantine Memorial Road -- Memorial Road {sic} (Highway). The part of -- of Route 148 would remain -- run between Christopher and Sesser, where Travis lives. This is a little bit more than ten miles. I urge you to vote to honor this fallen soldier and his family. Please give -- give us an Aye vote on this. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

Thank you, Senator. Now, the question is, shall -- shall Senate Joint Resolution 63 pass. As this resolution requires the expenditure of State funds, a roll call vote will be required. 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 53 voting Aye and none voting Nay. And having -- Senate Joint Resolution 63, having received the required constitutional majority, is declared adopted. The

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Senate will stand at recess to the call of the Chair. After committee -- meetings, the Senate will reconvene to receive committee reports. The Senate stands at recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ANDERSON:

Senator Hutchinson, Chairperson of the Committee on Revenue, reports House Bills 1645, 4110 Do Pass, as Amended; Senate Amendment 1 to House Bill 5111 recommended Do Adopt.

Senator Harmon, Chairperson of the Committee on Executive, reports House Bills 1157, 1489, 2842, 2891, 2896, 3881 and 4148 Do Pass, as Amended; Senate Resolution 690 Be Adopted, as Amended; Senate Amendment 1 to Senate Bill 282 recommended Do Adopt.

Senator Martinez, Chairperson of the Committee on Licensed Activities, reports Senate Amendment 2 to House Bill 4076 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Mr. Secretary, Messages from the House.

SECRETARY ANDERSON:

Message from the House by Mr. Mapes, Clerk.

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

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Senate Bill 1313.

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 Amendments No. 8 and 9 to Senate Bill 1313.

We have received a like -- a like Message on Senate Bill 1691, with House Amendments 1 and 2. Passed the House, as amended, May 9th, 2012. Timothy D. Mapes, Clerk of the House.

Message from the House by Mr. Mapes, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 5073.

Passed the House, May 9th, 2012. Timothy D. Mapes, Clerk of the House.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Mr. Secretary, Introduction of Senate Bills.

SECRETARY ANDERSON:

Senate Bill 1319 {sic} (3918), offered by Senator Kotowski.

(Secretary reads title of bill)

1st Reading of the Senate bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Mr. Secretary, House Bills 1st Reading.

SECRETARY ANDERSON:

House Bill 5073, offered by Senator Forby.

(Secretary reads title of bill)

House Bill 5761, offered by President Cullerton.

(Secretary reads title of bill)

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1st Reading of these House bills.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, there being no further business to come before the Senate, pursuant to the adjournment -- no. There being no further business to come before the Senate, the Senate stands adjourned until the hour of 12 p.m. on the 10th day of May, 2012. The Senate stands adjourned.