

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

12th Legislative Day

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PRESIDING OFFICER: (SENATOR LINK)

The regular Session, 98th General Assembly, will please come to order. Will the Members please be at their desk? Will our guests in the gallery please rise? The invocation today will be given by Paula Gentry, Athens Christian Church, Athens, Illinois.

PASTOR PAULA GENTRY:

(Prayer by Pastor Paula Gentry)

PRESIDING OFFICER: (SENATOR LINK)

Please remain standing for the Pledge Allegiance. Senator Jacobs.

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, Reading and Approval of the Journal.

SECRETARY ANDERSON:

Senate Journal of Wednesday, February 13th, 2013.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hunter.

SENATOR HUNTER:

Mr. -- Mr. 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 LINK)

Senator Hunter moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

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Senate Resolution 88, offered by Senator Hastings and all Members.

Senate Resolution 89, offered by Senator Haine and all Members.

They are death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary -- or, Resolutions Consent Calendar.

SECRETARY ANDERSON:

Senate Joint Resolution Constitutional Amendment 13, offered by Senator Raoul.

It is substantive.

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Jones, Chairperson of the Committee on Local Government, reports Senate Bill 1204 Do Pass.

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Mr. President, for purposes of an announcement.

PRESIDING OFFICER: (SENATOR LINK)

State your announcement.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. The Senate Democratic Majority will meet for thirty minutes in the President's Office for purposes of a Democratic Caucus.

PRESIDING OFFICER: (SENATOR LINK)

The Senate now stands -- stands in -- Senator Trotter moves that the Senate recess for the purpose of a Democrat Caucus for

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thirty minutes. Seeing no objection, the motion is granted. The Senate stand -- now stands in recess to the call of the Chair. After the Senate Democratic Caucus, the Senate will reconvene for -- for Floor action. The Senate now stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The Senate will now come to order. The Senate will stand at ease for a few moments to allow the Committee on Assignments to meet. The members of the Committee on Assignments will come to the President's Anteroom immediately. The Senate will stand at ease. (at ease)

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Sullivan in the Chair. (at ease) The Senate will come to order. Senator Harmon in the Chair.

PRESIDING OFFICER: (SENATOR HARMON)

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

SECRETARY ANDERSON:

Senator Harmon, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Agriculture and Conservation Committee - Senate Bill 1329, 1341 and 1470; refer to Criminal Law Committee - Senate Bills 1269, 1322, 1331, 1332, 1333 and 1497; refer to Education Committee - Senate Bills 1248, 1274, 1307, 1362 and 1397; refer to Energy Committee - Senate Bills 103, 1458 and 1469; refer to Executive Committee - Senate Bills 1289, 1290, 1342, 1343, 1354,

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1361, 1367, 1370, 1371, 1393, 1415, 1436, 1442, 1459, 1471, 1472, 1473, 1493 and 1516; refer to Higher Education Committee - Senate Bill 1398; refer to Insurance Committee - Senate Bills 1253, 1273, 1411, 1422 and 1457; refer to Judiciary Committee - Senate Bills 1280, 1284, 1285, 1286, 1287, 1330, 1340, 1358, 1377, 1378, 1382, 1399, 1414, 1428, 1444 and 1500; refer to Labor and Commerce Committee - Senate Bills 1190, 1429 and 1466; refer to Licensed Activities and Pensions Committee - Senate Bill -- Senate Bills 1293, 1366, 1447, 1455, 1495 and 1496; refer to Local Government Committee - Senate Bills 1344, 1407, 1408, 1409, 1410, 1417, 1430, 1456, 1474, 1475 and 1499; refer to Public Health Committee - Senate Bills 1292, 1303, 1321, 1373, and Senate Resolution 75; refer to Revenue Committee - Senate Bills 1308, 1309, 1379, 1403, 1404, 1405, 1432, 1448, 1518 and 1519; refer to State Government and Veterans Affairs Committee - Senate Bills 1251, 1323, 1352, 1353, 1376, 1449, 1498, 1506, 1515, 1517; refer to Transportation Committee - Senate Bills 1294, 1299, 1310, 1346, 1381, 1383 and 1439; Be Approved for Consideration - Floor Amendment 2 to Senate Bill 10 and Floor Amendment 2 to Senate Bill 622.

Signed, Senator Don Harmon, Chairman.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen of the Senate, there's a significant number of media outlets requesting permission to either videotape or take still photographs of the proceedings. They are the Illinois Information Service, WEEK-TV, WAND-TV, Gay Chicago TV, WICS-TV, WCIA-TV, all requesting permission to videotape or live broadcast the proceedings. We also have requests from Go Chicago -- or, GoPride.com, ChicagoPride.com,

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the State Journal-Register and the Windy City Times, requesting permission to take photographs of the proceedings. Seeing no objection, leave is granted. Senator Radogno, for what purpose do you seek recognition?

SENATOR RADOGNO:

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

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point, Senator.

SENATOR RADOGNO:

You know, before we get to our legislative business for today, the Senate President and I have an important housekeeping matter that we need to discuss. As you all know, accidents happen. Senator Rose had an accident with his computer. And we had to come up with some sort of policy to deal with this type of thing. So what we came up with is a second chance, or trainer computer. And the Senate President was able to secure this Tandy. So, Senator Rose, we want to present this to you, and if you take good care of this one, then you will be eligible to get an IBM ThinkPad.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen of the Senate, on page 2 of your printed Calendar, on the Order of Senate Bills 3rd Reading, we're going to work down the -- the list. Senate Bill 9. Senate Bill 10. Senator Steans, you ready to proceed? Senator Steans seeks leave of the Body to return Senate Bill 10 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 10. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

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Floor Amendment 2, offered by Senator Steans.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans, on the amendment.

SENATOR STEANS:

Thank you. Yes. This amendment is what we've been working on with all four caucuses to define a parish hall exemption for the marriage -- for the Religious Freedom and Marriage Protection {sic} (Fairness) Act.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans moves for the adoption of Floor Amendment No. 2 to Senate Bill 10. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 10. Senator Steans. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 10.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Thank you, Mr. President, Members of the Senate. In January, members of the Executive Committee heard from Theresa Volpe and Mercedes Santos, who live with their seven-year-old daughter, Ava, and four-year-old son, Jaidon, in my district.

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When Jaidon was hospitalized, near death, for kidney failure, hospital administrators barred Theresa from entering unless she identified herself as a stepmother, since Mercedes was already with Jaidon, and he could only have -- had one real mother. Two years ago, when we passed the civil unions, we marked couples like Theresa and Mercedes as different and worth less than other Illinois families. Disturbingly, it is not surprising that they are treated this way. It is, however, a violation of all of our interests in promoting stable two-parent families and the American belief in equal treatment under the law. Senate Bill 10, the Religious Freedom and Marriage Fairness Act, corrects this fundamental injustice by ensuring that same-sex couples and their children are treated with equal dignity and respect, with access to civil marriage. Same-sex marriage -- same-sex couples want to marry for all the same reasons all couples do - love, for commitment, shared responsibility with that one unique irreplaceable person. As noted in the Goodridge opinion of the Massachusetts Supreme Court that ruled same-sex couples have the right to marry, "Marriage is a vital social institution. The exclusive commitment of two individuals to each other nurtures love and mutual support; it brings stability to our society. For those who choose to marry, and for their children, marriage provides an abundance of legal, financial, and social benefits. In return it imposes weighty legal, financial, and social obligations." Ted Olson, the conservative attorney who represented George Bush in Bush v. Gore, further notes that "same-sex unions promote the values conservatives prize." They are "one of the basic building blocks of our neighborhood {sic} (neighborhoods) and our nation". This is why every editorial

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board who has opined on this bill has been in support of it. Most of us who will vote on this bill today personally endorse the value and responsibilities of marriage and have taken this step in our own lives. We can appreciate why individuals would value equal access to this institution we take for granted. It is time Illinois get rid of its second-class status for a segment of our residents and allow everyone the opportunity to reap the emotional, social and economic benefits and obligations of marriage. It is time we in the General Assembly catch up to our neighbors. We can confidently and proudly vote for this bill today, because voters in the nation and our State understand and endorse this basic tenet of fairness and equality. As in the nation as a whole, the majority of Illinoisans support same-sex marriage. Fifty-four percent in one poll show they favor marriage, up significantly from just two years ago, and with only thirty-four percent opposing it. It is time we ensure our same-sex couples have access to the eleven-hundred-plus benefits that come with marriage in the event the U.S. Supreme Court overturns the federal Defense of Marriage Act. These benefits include things like -- that married same-sex couples will have access to, are things like filing tax joint -- filing tax returns jointly, avoiding estate taxes on death, accessing social security benefits, and providing access to help with immigration status by your married partner. Couples with civil unions will not gain these benefits. And it is time we stop having to explain to our children and grandchildren why somebody should be treated differently under our laws. While providing fairness to all couples, Senate Bill 10 also protects religious freedom. This

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bill does not redefine religious marriage. Just as Americans believe in equality under law, we also believe that religious freedom demands that no faith can be forced to perform, solemnize, or recognize same-sex relationships. From our discussions with close to three hundred diverse religious institutions in Illinois, it's clear that many places of worship will choose to perform same-sex marriages, but none will be required to do so. We have worked with representatives from all four caucuses to ensure that no church hall or other religious facility will have to be used for the solemnization or celebration of a same-sex marriage. This exemption is a result of hours of negotiation and makes it clear that these facilities are exempted from being required to be used for these ceremonies. Everyone in this Chamber appreciates our ability, on a regular basis, to sort of affirm the basic tenets of equality and American family values. Today each one of us has a unique chance to actually do so. I am truly humbled by the opportunity to bring this simple and profound legislation before this Body and am confident that those of us voting Yes will account it among our most fulfilling votes, and I think a real vote for history books, where it's one of the few votes that we'll really remember where we are and what we did. We have the opportunity today to welcome all families in Illinois as equally valued, to enable Theresa and Mercedes, who have been together twenty-one years, to marry so that everyone knows they are both their children's real mothers. When voting for the civil rights bill, Republican U.S. Senator from Illinois, Everett Dirksen, quoted Victor Hugo's line that there's nothing so powerful as an idea whose time has come. The time has come for Illinois to

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provide freedom to marry to gay and lesbian couples. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Senator Hunter, for what purpose do you seek recognition?

SENATOR HUNTER:

Thank you, Mr. President. Questions for the sponsor.

PRESIDING OFFICER: (SENATOR HARMON)

The sponsor indicates that she will yield.

SENATOR HUNTER:

Senator Steans, two to three weeks ago, you and your House sponsor met with a group of ministers from my district. And as a result of that meeting, a number of questions have been raised, and I'd like to ask some of those questions in regards to looking for an answer. The first question, Senator Steans, is, how does Senate Bill 10 protect the freedom of religion?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

The intention of this law is to recognize, protect, and maintain the rights of freedom of religion guaranteed by the U.S. and Illinois Constitutions, as well as the Illinois Religious Freedom Restoration Act.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter.

SENATOR HUNTER:

Second question: Will a religious denomination be forced to solemnize a same-sex marriage?

PRESIDING OFFICER: (SENATOR HARMON)

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Senator Steans.

SENATOR STEANS:

No. The intent of this law is to recognize and preserve the rights of freedom of religion guaranteed in the U.S. and Illinois Constitution and to ensure that nothing in the bill interferes with or regulates the religious practice of any religious denomination or Indian Nation or Tribe or Native Group. This bill expressly states that no religious denomination, minister, clergy, or officiant acting as a representative of a religious denomination will be required to solemnize any marriage and they are free to choose which marriages to solemnize. If a religious denomination refuses to perform a marriage, it will not be liable for any civil, administrative, or criminal penalty, claim, or cause of action. At the same time, any religious denomination that allows same-sex marriage is free to solemnize such marriage.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter.

SENATOR HUNTER:

The third question is, and this was a huge controversial issue at the meeting so I'd like to know, will a church hall or other religious facility be forced to be used for the solemnization or celebration of a same-sex marriage?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

No. We worked closely with Members of both sides of the aisle to address previous concerns about the use of religious facilities and carefully crafted language to ensure that the

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freedom of religion is protected in this regard. No religious facility will be required to be used for the solemnization ceremony or celebration associated with a solemnization ceremony of a marriage. The bill also contains language that protects religious entities from litigation based on their decision to refuse the use of their facilities for solemnization ceremonies or celebration associated with those solemnization ceremonies of a marriage. The exemption for religious facilities, such as parish halls, is absolute. Even if some other portion of the building is used for other purposes, it would not jeopardize the protection afforded to sanctuaries, parish halls, fellowship halls, and similar facilities that do not have to open up for the solemnization or celebration of a marriage in violation of its religious beliefs.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter.

SENATOR HUNTER:

Senator, I have two more questions. The next question is, can an individual or business refuse to provide facilities for the celebration of a same-sex marriage?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

No. The bill carves out a specific exemption for religious facilities, such as sanctuaries, parish halls, and fellowship halls. However, the definition of religious facility does not extend to businesses, health care facilities, educational facilities, or social service agencies. The bill preserves the non-discrimination provisions of the Human Rights Act, including

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the prohibition of unlawful discrimination based on sexual orientation. However, the bill preserves the freedom of religious exercise as provided by the First Amendment and the Illinois Religious Freedom Restoration Act; therefore, this bill does not disturb any freedom of conscious rights an individual or business would have under the First Amendment or the Illinois Religious Freedom Restoration Act.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter.

SENATOR HUNTER:

Thank you, Senator Steans. I have one final question. How does Senate Bill 10 change current human rights and religious freedoms in relation to public accommodations, housing, and employment?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Nothing in this law changes any provision of the Human Rights Act or the Religious Freedom Restoration Act. Therefore, this bill does not change the status of an entity that is currently subject to or exempt from the requirements of the Human Rights Act. However, the bill clearly provides that religious entities can deny the use of their religious facilities, such as sanctuaries or parish halls, for the solemnization ceremony or celebration associated with the solemnization ceremony of a marriage if such solemnization or celebration is contrary to the religious entity's religious beliefs. Again, this bill does not hinder the protection of religious exercise under the Religious Freedom Restoration Act

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and would not prevent any individual or entity from pursuing a claim or defense pursuant to the Religious Freedom Restoration Act.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter.

SENATOR HUNTER:

Thank you, Senator Steans.

PRESIDING OFFICER: (SENATOR HARMON)

Further discussion? Senator Bivins, for what purpose do you seek recognition?

SENATOR BIVINS:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR BIVINS:

Someone once said, and actually I believe it was Robert Frost said, "before we knock down a fence, we better ask the question why it was put there in the first place." "Before we knock down a fence, we better ask the question why it was put there in the first place." I think that is the question we need to address today. Since the Netherlands was the first country, twelve years ago, to redefine marriage, what have we found on the other side of the fence? Many churches in the Netherlands no longer perform any marriage ceremonies. In 2005, in Sweden, a preacher, Ake Green, was preaching from the Bible in his own church, about homosexuality. He was arrested for hate speech and spent thirty days in jail. In 2008, the website eHarmony was sued for refusing to match same-sex couples on their dating website. In May of 2010, Dale McAlpine, a preacher in the U.K.,

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was charged with causing "harassment, alarm and {sic} (or) distress" after a homosexual police community support officer overheard him reciting a number of "sins" referred to in the Bible, including blasphemy, drunkenness, and same-sex relationships. He spent seven hours in jail. July 2012, Mayor Rahm Emanuel makes his now famous quote that "Chick-fil-A values are not Chicago values" and vowed to block efforts to allow the business to locate in the City. A judge ruled last Wednesday that a Miami girl is allowed to grow up with three legal parents. A married lesbian couple and a gay man who donated sperm now share the birth certificate of their twenty-three-year -- twenty-three-month-old daughter. The gay man's lawyer said, "We're creating entirely new concepts of families. If you have two women seeking to be listed as Parent One and Parent Two, that does not exclude listing a man as father." The lawyer for the donor said that now that the state recognizes her client as the baby's father, he is allowed to visit her twice a week. Overnight visits will be discussed after she turns four. And these next few paragraphs are attributed to Congressman Randy Forbes. Catholic adoption agencies have been forced to close their doors in Illinois, Massachusetts and Washington, D.C., because their religious beliefs about marriage were deemed unacceptable by their jurisdictions. A graduate student in Michigan was expelled from a counseling program because her religious beliefs about marriage were deemed unacceptable by school officials. Pastor Louie Giglio did not deliver the closing prayer at President Obama's inauguration ceremony because his religious beliefs about marriage were deemed unacceptable by the administration. In January, our nation

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celebrated Religious Freedom Day, commemorating the anniversary of the passage of the Virginia Statute for Religious Freedom, in which Thomas Jefferson wrote, "Be it enacted by the General Assembly, that no man shall...otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion..." Two hundred years later, this important concept of religious freedom has been distorted into a tool used to sanitize school classrooms, war memorials and courtrooms of references to faith. Its misapplication has led the public to believe that Jefferson's intent was to confine religion to the four walls of church. Context reveals, however, that Jefferson's wall of separation actually was meant to constrain the government, ensuring religious freedoms are treated as inalienable rights, rather than favors granted. The Religious Freedom and Marriage (Fairness) Act is saying we will allow churches freedom, or favors granted, from performing same-sex marriages, an inalienable right they already possess and cannot be taken away by law. Before the civil unions legislation passed, supporters said it wasn't the precursor to some -- to same-sex marriage and that was not their agenda - but here we are. We are knocking down one of the central foundations of society with this bill. We are creating a new class of citizens, elevating their rights over those of others. And, finally, we must look at the moral fence that has been established. Recently, two hundred and sixty ministers, pastors and rabbis, in a press release, stated that same-sex marriage "is the moral thing to do." According to whom? Who is the author of morality? Is it the General Assembly? The group of

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ministers? Who decides what is right and wrong? There are, in fact, moral absolutes. They are found in the best-selling book of all time, to which the Governor himself referenced last week in his State of the State address, when he referred to "principles as old as the Bible" and quoted the Prophet Jeremiah. From Old Testament to New, there is nothing that supports same-sex marriage. Just the opposite is true. Since the Governor is fond of quoting scripture, I thought it appropriate to conclude with a couple of quotes. The Prophet Elijah said, "How long will you waiver between two opinions? If the Lord is God, follow Him". Joshua said, "But if serving the Lord seems undesirable to you, then choose for yourselves this day whom you shall {sic} (will) serve.. But as for me and my household, we will serve the Lord." And finally, the words of Jesus Christ, "If you love me, keep my commands." Before we knock down a fence, we better ask the question why it was put there in the first place. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR DUFFY:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

...the bill, Senator.

SENATOR DUFFY:

You know, first of all, I would like to thank Senator Hunter for asking those questions, because I won't repeat those questions and I think it's very important that any church or religious organization is not forced by the State to perform

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same-sex marriages, nor are they required to rent out their facilities. I understand that the bill has been modified and changed from its original form, and I appreciate that very much. What I think is very telling and scary to me, though, is the way this bill was originally drafted and debated in committees. This bill originally ignored the Constitution and trampled on our religious liberties. Even though wording was eventually tweaked to garner additional votes, I know the way Springfield works and I'm concerned that this bill, once passed, will be amended in the future. The supermajority will then use their power again to change the wording back to the original version. Civil unions is already a law in Illinois. When discussing and debating the civil unions bill, the sponsor and other supporters promised they would not pursue a marriage bill if the civil unions bill passed since it addressed all their concerns and -- and gave gay couples all the same legal rights as any other married couple. What happened to those promises? Why have you now brushed aside those promises and pursued this marriage bill? The Majority party has once again shown their awesome power in Springfield. You have the power to set the agenda and, for the past several months, you have focused on this same-sex marriage bill. You have relentlessly pursued it and have worked every detail - even picking Saint Valentine's Day to vote on the legislation. You have certainly shown how quickly you can move an important piece of legislation. However, this is not our top priority. Our State is falling into a financial abyss. While working on this marriage bill, our bond rating has hit an all-time low. Our pension debt is exceeding ninety-six billion dollars and we are adding about seven hundred thousand dollars

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in new debt and interest payments onto our pension obligation every hour. Our unpaid bills are compiling, exceeding nine billion dollars, putting small business owners - who provided services to our State - out of business. Our State's most needy organizations, who are supporting citizens with services that'll make the difference between life and death, are going without money and turning away people who are depending on our State for their survival. Our State has become a punch line for late night comedians and companies are now looking for -- are not looking for ways to expand here - instead, they are looking for the right time when they can flee this State. You have the supermajority. You can pass any bill any time you want and you can set the agenda. How have you managed this immense responsibility? You have spent months, while the Illinois ship is sinking, focused on this same-sex marriage bill. How is this bill going to bring jobs back to Illinois? How is this bill going to stop the exodus of Illinois residents to all surrounding states? How is this bill going to guarantee our hardworking teachers that you are not going to raid their pension funds? How is this bill going to protect our most needy citizens in this State? The pension debt must be our number one focus. You should be taking this same energy and use your immense power to present a pension reform bill immediately. The civil unions bill has already passed and is -- in Illinois and is giving couples all the same legal rights as every married couple. This marriage bill is a distraction which is diverting attention away from the -- this State's top priorities. Let's move past this bill and get to work solving our financial crisis. Thank you.

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PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. I -- I did not interrupt you during your remarks. I would ask the rest of the speakers to confine their remarks to the -- to the bill being debated before the Senate. Senator Haine, for what purpose do you rise?

SENATOR HAINE:

To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR HAINE:

Mr. President and Ladies and Gentlemen of the Senate, I want to read here some remarks by religious leaders. I'm not doing it to convince any person who doesn't share their denomination or beliefs. To convince them, I'll get to my point after I read them. The first is a quote as follows: "What does the family as an institution expect from society? First of all, it expects a recognition of its identity and an acceptance of its status as a subject in society." Curiously, that's, in a way, what the Senator's bill does, my distinguished colleague. This quote goes on, this individual, "this social" -- this institution "is bound up" - or this recognition - "with the proper identity of marriage and the family. Marriage, which undergirds the institution of the family, is constituted by the covenant whereby 'a man and a woman establish between themselves a partnership of their whole life', and which 'of its (own) very nature is ordered to the well-being of the spouses and to the procreation and upbringing'" - or the adoption - "'of children'." Such a -- "Only such a union can be recognized and ratified as (a) 'marriage'... Other interpersonal unions which do

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not fulfill the above conditions cannot be recognized," - actually, he should say should be recognized, because, of course, we have the power here to recognize what we wish - "despite certain growing trends", he says, "which represent a serious threat to the future of the family and of society itself." Now, that's the Pope -- that -- this is from a Letter to Families from Pope John Paul II, the late Pope, certainly not a purveyor of racism or discrimination, a man who was the -- who was marked for death by the two great tyrannies of the age, National Socialism and Marxist-Leninism. So I think he's got some gravitas to remark on a matter of public policy. The second quote from a religious leader is that -- is as follows: "Of course, we understand the wish of people who are in love that their love be recognized." However, "'marriage for everyone' is only a slogan", because all marriage law, including this proposed bill, has restrictions in it that discriminate against people who are not included in the parameters of the law - polygamists, bigamists, those who wish to be married, brothers, sisters, et cetera. Those are -- that's my addition to this -- this scholar's quote. He remarks that marriage "is the institution that articulates the union between man and woman as part of a {sic} (the) succession of generations", which we all are a part of here. "It is the establishment of a family - that is, a social cell that creates a set of parent-child relationships {sic} (relations) among its members. Beyond the common life of two individuals, it organizes the life of a community consisting of descendants and ancestors", including adopted children. "So understood, marriage is a fundamental act in the construction and" -- "and the stability of individuals as

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well as of society." This scholar goes on to say, for the child in a marriage to -- in a family must establish his or her own identity only by a process of differentiation, which presupposes that he or she knows whom she resembles, and needs to know the love of a mother and a father. He goes on, but I'm not going to read all of what he said. This is from a work by Gilles Bernheim, the Chief Rabbi of France, who wrote this two months ago on the same issue in France. Now, my -- my point is -- is -- and we also have letters from the Illinois Baptist Church, stating similarly to many members of the clergy of all denominations. And we have even the comments made two -- two months ago to many of us by the Reverend James Meeks, a former distinguished Member of this Chamber. Now, the point is this, that we are embarked on a profound change in the fundamental institution of society, and we are doing it on the basis of emotion and the -- the needs of citizens who -- who vote. All of that is true, but we are changing an institution which is revered and held sacred, whether it's civil or in church, by thousands of people, whose leaders, two of which, I've just cited to you. I -- in my opinion -- have looked at this bill -- whatever the -- the merits of it, it has two fundamental flaws, one of which it does just what I said -- it is a strike at the heart of a fundamental societal institution without clear thinking as to the ramifications of that. It is not analogous to the civil rights struggle, which was waged by people of faith. Indeed, "The Battle Hymn of the Republic" itself is a Pentecostal evangelical hymn. A Pope in Rome wrote a letter condemning American slavery in 1830. It was not read in the American churches by defiant priests. In 1926, on the steps of

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the Cathedral at Birmingham, Alabama, the Monsignor who was going to perform a marriage sacrament for a mixed-race husband-to-be and a white bride-to-be was gunned down by the bride's father on the steps of the church. And he was acquitted by an all-white jury, thanks to an inflammatory anti-Catholic and anti-African-American argument. That shows just a sidebar that the history of the Christian-Jewish synagogues and churches in the United States has been four-square for civil rights - but they draw back in fear of this step. Now, these thousands of people who adhere to these faiths, and they recoil at what we are -- are -- are doing, are not denominations. They're not churches. They're individuals. They're citizens. They do not subscribe to this sudden change of ten thousand years of a day in Springfield. So I'm referring to a letter from four law professors, one of which -- and all of them say they're for the idea of same-sex marriage, but all of them state that this proposal in Illinois lacks the protections afforded in other states with same-sex marriage laws. They say that the legal recognition of same-sex marriage places a real burden on individuals whose objection arises not from anti-gay animus, but from a sincere religious belief in traditional marriage. They cite -- this is a letter dated December the 18th, to the Illinois State -- us, the Members of the Illinois Senate and House. Those are the two objections to the bill for me. The -- the -- the amendment that we attached today doesn't do it. It doesn't protect the licensee, the Catholic hospital, the -- the church and its employees, the -- the Catholic charities, the Lutheran charities and their employees. It doesn't protect them from entering to -- being forced to accept in what their mind is

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a sacrilegious and scandalous act. And that, Ladies and Gentlemen, violates religious freedom. So when we take this step, we are taking steps which I believe on both counts we should draw back from. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Senator Sandoval, for what purpose are you seeking recognition?

SENATOR SANDOVAL:

Purpose of the bill, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR SANDOVAL:

You know, you could almost hear a pin drop here in the Chamber this afternoon as we celebrate Saint Valentine's Day, a -- a Hallmark holiday. 'Cause I don't know of anyone who I've run into today that's gone to church today. You should have been to church yesterday. It was a holy day of obligation in the Roman Catholic faith. You know, it's a day of celebration. It's a day to rejoice. It's a new day in the State of Illinois. You know, we're about to vote on a decisive decision to break down barriers to a group of people that have been disenfranchised by our own laws. It's a great day any day when you can show up as a State Senator and represent two hundred and ten thousand people or -- or so and be able to bring justice back home to some of our children, to bring justice to some of our partners, to our aunts, to our uncles, to bring justice and quality of life to even many of our members of our staffs. In this Chamber today are families and members who work for us day in and day out so that we can accomplish the work of the people

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of the State of Illinois, right here in this Chamber. Today is a day for them, because their lives could be remarkably changed and improved like no other day in their lives. We have an opportunity to make that happen as Senators. I remember the advice that was provided to me by the late Vince Demuzio, and I've been reminded by many Senators on both sides of the aisle, who have said to me - 'cause I tend to be very parochial sometimes - they remind me that, "Marty, remember when you got elected to the Illinois Senate, you are not only representing the two hundred and ten thousand people of your district, you're representing all the people of Illinois", from Rockford to even Gary Forby's people down in Benton. And they're right. We represent all the people, no matter what race, creed, color, sexual orientation. We represent all the people. This is a bill that is a defining moment here in the State and a defining moment back home, even under our roofs. You know, why is it so wrong, why is it so wrong today to be able to share life insurance with your life partner? Why is it so wrong to be able to share your life benefits with your life partner? Why is it so wrong to want to share retirement with your life partner? You do. Why can't everybody else share in the same benefit and right and entitlement afforded to all Americans? You -- we have a chance to make that happen today here in a few minutes. You know, I listen to the rhetoric on both sides of the aisle - I was a former seminarian - talking about the moral fence, the authors of morality. I -- they must be alluding to the Roman Catholic faith perhaps, who - has anyone read the papers? - have this stellar record of morality and example. Quite the contrary, my fellow Senators, quite the contrary. I experienced

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personally and witnessed personally in my eight years in seminary, you know, homosexuality, alcoholism, and even men that were pedophiles. The lives that those men, no fault of their own, fault of the church and its leaders who did not provide any support to these -- to these good men of faith, allowed them to ruin the lives of many of our loved ones, and today, today, have done very little to bring justice to those lives and to those families. The moral fiber of our faith leaders - that's why we have today some of the issues that abound us in society. Because even our leaders today, our religious leaders, have failed us by example. Some would say that we have failed them as political leaders. Well, you know what? There's a lot of failure to share and our faith leaders have a lot to bear for some of the failures of society. And what do they choose to do? Put their heads in the sand and do nothing, and walk away. We even have one church leader who gave us his two-week notice just a couple days ago. He's moving on. You know, talking about the greatest commandment. The greatest commandment that Jesus left us was "love one another". That means everyone, whether you're gay or lesbian. This is a day -- this is a day where you and I can send a message to our faith leaders that we will live the greatest commandment of all, and that is, love one another. Vote Yes. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR RIGHTER:

Thank you, Mr. President. To heed the advice of the Chair and try to get back to the subject matter of the bill, I'd like

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to ask Senator Steans a few questions.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans indicates that she will yield. Senator Righter.

SENATOR RIGHTER:

Thank you. Senator Steans, first I want to thank you for the conversation that we had over on your side of the aisle before the bill was called and the conversations we've had about this issue before. And I know that you have spent a lot of time, and probably more time than some people think that you needed to, as a political matter in order to try to accommodate different viewpoints. The bill, as amended now, contains a definition of religious facility. And I want to talk a little bit about that definition. It includes, as I think you mentioned in your legislative intent, sanctuaries, parish halls, fellowship halls, and similar facilities. It specifically excludes education facilities, businesses, health care facilities, and social service agencies. Now, to be clear, a parochial private school would fall under the exclusion of educational facility. Would that be fair to say?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Yes.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Now, Senator Steans, let's dig a little bit deeper onto that issue of educational facilities. Does that mean any room

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or portion of a church facility that is used for educational purposes would then fall out from underneath the protection that you've tried to provide here?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

No.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Then give me a little guidance - and, therefore, the people back home, who are going to be trying to figure out what they can and can't do in their churches in order to qualify for this protection - about the degree to which a room or a portion of a church can be used for educational purposes, as opposed to religious instruction purposes. Where's that line?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

This bill provides a very clear exemption for church sanctuaries and parish halls and all those kinds of facilities from having to provide space for solemnization or celebration of solemnization of marriages. We're not changing any other laws here. Religious facilities do not need to make themselves available. That is very clear. Ten years of experience with this law nationally, with same-sex marriage laws in other states - nine other states have it - there's not been a single case where a same-sex couple has had a lawsuit with a religious facility for wanting to use that facility for the purpose of a

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same-sex marriage that church did not wish to open itself up to. This is a red herring.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Okay. I do want to talk about others states, but I want to do that here in a moment. Let's go back to the very real, the very real example of the church somewhere in Illinois, a small church, an old church, not a wealthy church, that has a facility -- a room, a large room in its basement, that it uses for its youth group instruction and also lets -- uses for educational purposes. In that situation right there, Senator Steans, tell me is that an educational facility or is that a religious facility?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

It's a religious facility that has other things that happen there, Senator Righter. This is not going to be opening up these facilities for the solemnization of these same-sex marriages.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Okay, now -- and, Senator, I -- I appreciate that you and others will view this as nitpicking, but let's -- let's put this -- these questions in context. These are the questions that are going to be asked, and have to be answered, by the clergy and the church boards everywhere in Illinois, if this becomes law.

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This is exactly the kind of detail into which they are going to have to delve in order to have a feel for what they can and can't do. Now I'm going to go back to that room in the basement. The educational class is held there once a month. The youth group meetings are every Sunday night. Are they still on a safe ground, or do they still qualify as a religious facility? And if they do, how far can they move into that educational realm before they lose that protection?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Private schools and private clubs that are only for their - - for their own members are -- have total control over their own property. There's never any risk of them having to ever provide these ceremonies.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

If the educational program that the church offers in that basement is open to the public, does that change that answer?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

No. That church is still primarily a -- it's a religious facility, Senator Righter.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Okay. At one -- does that -- is that protection provided

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by the fact that it's in the church building or because it is primarily used -- because primarily is not, I don't think -- maybe I'm wrong; I need to look at the amendment again -- I don't think "primarily", the word, is -- that's even in the bill. So is it based on the location of that room relative to the rest of the church or the purpose for which it's primarily used?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

No. We took out the word "primarily" 'cause -- for exactly that concern. There's nothing like that in there. These are religious facilities and they do not need to be made available for solemnization of same-sex marriages. And I just want to go back again. We've had -- this is a further protection that we've had even since civil unions passed two years ago. And, again, in Illinois, not a single case where some same-sex couple has wanted to go and have a civil union ceremony in a church facility that was not welcome to it. This really is a red herring.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

I'm going to continue down the line, if I might. Thank you, Mr. President. Let's expand that example and go across the street. There's a private school two blocks from my district office. The church building is on the south side of the street. Part of the school is in that church building and the rest of the school is across the street in another building. In -- across the street in that other building, there's a multipurpose

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room that that school, which is run by the church, opens to the public on occasion for anniversary parties or other events like that. Would -- now that's an educational facility. Would that room still qualify as a religious facility under the language of this bill, or would it be an educational facility?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

That facility would not need to be made available for anything it chooses not to be. Private schools and private clubs always have control over the -- the use of their facilities.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Even if it's a facility that's used for educational purposes like a private school's facilities?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Yes.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Then tell me what educational facilities you have in mind when you're exempting out educational facilities from the protection. I mean, you're saying basically that parochial schools are out. They're protected. So, what are we talking about when you move an educational facility out from underneath

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that protection?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Yeah, the -- the -- there's public universities that are -- have facilities on their campus that may be open, and we're not doing -- in the public realm changing that. So these are universities and whatnot. We're not doing anything that impacts what private schools or private clubs are able to do, Senator Righter. And we're also not changing any of the protections that we have under the Illinois Human Rights Act or the Illinois Restoration Freedom {sic} (Religious Freedom Restoration) Act. We are not opening up -- we've been very clear on making sure that religious facilities do not have to be used to solemnize or have celebrations of solemnization ceremonies.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Senator Steans, in your answer, I -- I don't think you meant to say this, but you -- the -- the answer you gave was public universities. Did you mean private universities, just to be clear?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Yeah.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

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Let's walk to health care facilities. A religiously affiliated hospital, a hospital room in that hospital, is that a religious facility or a health care facility?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

The -- the chapel would be a -- and -- if there's a hospital chapel and it's holding -- holding, you know, ceremonies in it, that would be a religious facility. The hospital bedroom would be a health care facility.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Okay, now, let's go to a health care facility again, because this is where we're going to run into problems with this, is rooms that are used for more than just one purpose, of which there are a lot. And so, you have in a health care facility a room that maybe is rented out by the religiously affiliated hospital to the public for different events and is also, on Sunday mornings, used as a chapel. Is that a religious -- is that room a religious facility or is that a health care facility?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

That would be a religious facility.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

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Is there any minimum degree of religious activity or instruction, whether it's in that room in that health care facility or in the basement of that church that I talked about before, below which if that -- if that church dips in terms of the level of activity, it -- it -- it loses its exemption? In other words, how often do you have to have that service in that room in the hospital or the health care facility or how often do you have to have that youth group meeting in the basement in the church in order to maintain that protection? Is there some point in which they lose that protection?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

If it's a religious facility, a sanctuary, a fellowship hall, a parish hall, there's no -- there's no criteria.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

So if the church that I referred to earlier hangs a little sign on the hallway right outside the room that says fellowship hall, it doesn't matter what goes on in there, they are immune from lawsuit. Is that -- I want to be clear, because obviously, at some point, there's a chance that a judge is going to be looking at this exchange between you and I, trying to figure out what we were doing here. And so, if they hang that sign, does that maintain their protection?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

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I'm not going to speak to the case of some hypothetical case, Senator Righter.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Senator, you've answered several of my hypotheticals before and I respect your right to say, you know what, I'm not answering this one. And -- and that's fine that you -- you can stop there. The -- now, the Illinois Human Rights Act, you've referenced in the bill. What's the point of referencing the Human Rights Act?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

We also reference the Illinois Restoration Freedom {sic} Act and we're leaving in place the basic tenets of both those Acts.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Okay, what was the point of mentioning the Human Rights Act? What's -- if -- if you say, well, this doesn't have anything to do with the Human Rights Act, most commonsensical people back home would say, "Well, then why are you mentioning it?" That's the question I have for you: Why is it in the bill?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

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Again, I can say, it was making clear that we are leaving in place the current rubric under which our laws here are -- are in -- in place, the Human Rights Act and the Illinois Religious Freedom Restoration Act. This was done in concert with working with all four caucuses.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

To the bill, if I might, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR RIGHTER:

Thank you for your indulgence, Mr. President. Thank you, Senator Steans, for your answers. There are two issues presented by this bill. One is same-sex marriage. And everyone's got their own view on that. The other one is the issue as has been mentioned by at least a couple of Senators on this Floor already, and that is the degree to which we value the principles of religious freedom set forth in the Constitution, both here in Illinois and the federal Constitution. This bill doesn't strike that balance, and here's why - and -- and I -- I appreciate that Senator Steans was giving me not only her best answers, but her most sincere answers - is that -- and this is why, is because the religious organizations back home that we all represent - I mean, I can't imagine there is a single Member of this Chamber that does not have at least a handful of religiously affiliated parochial schools back in its district or religiously affiliated health care facilities - the people who run those facilities on behalf of the people who depend upon

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those facilities - the children who go to school there, the parents who pay the tuition so their kids can go there - are all going to be -- have to be asking these so-called red herring questions. They're not red herring questions. They're very real questions. The pastor back home in the small church that's got the room in the basement is going to have to ask himself or herself and their board, what keeps us clear in the category of a religious facility as opposed to an educational facility. Is it hanging the sign on the door? Now we don't know now. Is it having the youth group meet in there at least once a week or once a month? Does it matter if they meet for thirty minutes or an hour or two hours? Does it matter what kind of classes we have that make it an educational facility? Does it matter how broad our invitation is to the public? I don't know. I don't know that you know. I don't think Senator Steans knows. Therein lies the problem. Referencing the Illinois Human Rights Act in this legislation opens the door to a phrase known by most lawyers and is the subject of at least one hundred and sixty-five State and federal court decisions, and that is what is and what is not a place of public accommodation. So, the clarity that's being advertised by the proponents here is not clear, because all of those decisions talk about what may be a place of public accommodation. Is that room in the basement of the church a place of public accommodation? Well, I don't know. Let's look at the hundred and sixty-five cases, or let's look at the, literally - and I have the information from the Legislative Reference Unit, for any of you who want to check - the ten thousand cases filtering through the Illinois Human Rights Commission. That's the clarity that's being offered up by this

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bill to the clergy and the private school principals and the administrators of the religiously -- religiously affiliated health care facilities in every single one of our districts. And here's going to be the impact. May there -- will there be lawsuits? I suspect there will, but maybe Senator Steans is right. Maybe, because in the eighteen months of its existence, which is not a very long time in terms of lawsuits, our -- what's happened with the civil unions law will happen here. I doubt that, but maybe -- maybe that's instructive to us. But even if there's not a single case filed in any courtroom anywhere in the State or with the Human Rights Commission, here's what will happen. Every religion that I know of views its mission to one extent or another, in one way or another, to reach out and spread its word. Its job isn't just to minister to the people who are already going to church there; it's to go out and convert more souls. That's always - that's always - been religion's mission. The people who wrote the text of the First Amendment to protect the free exercise of religion knew very well that that was the mission of religions in this country. Fear of what may happen will cause churches, to one degree or another, to pull back, to pull back on that outreach to people that spend time in places beyond the walls of their church. It will abrogate the mission of the church and that is violative of the principle of the free exercise as a religion. That is the problem with this bill. The other states that Senator Steans referred to - they're right, maybe there hasn't been litigation there. Maybe there hasn't, but those bills are drafted differently. This one's drafted in a complex manner built upon a set of already complex laws in Illinois. And I

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don't blame Senator Steans for that, but that's where we're at. And that's the danger that's presented to the people that we represent and who go to church and who go to school back in every one of our districts. For that reason, Mr. President, I urge a No vote.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR DELGADO:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

...the bill, Senator.

SENATOR DELGADO:

Ladies and Gentlemen of the Senate, actually, I don't get out to the movies very often and I just watched Lincoln, and for the love of God, I feel like I'm sitting in 1865, where similar debates were created on why slavery should continue in this country. Actually, it was an economic foundation of this country. Now I know why I saw the movie Lincoln just recently, because I could relate and feel as a minority male born here in the United States of Puerto Rican parents. And we've heard a lot of legalese. I feel a bill was just read here. But this is about human dynamics. It's about family. And it's truly about the dynamics of humans evolving. But I rise, Mr. President, in support of the lady's motion, the legislation, which, of course, I'm a chief co-sponsor, because as our colleagues have done great work around civil unions, our gay and lesbian communities, LGBTQ, continues to suffer in second class, but not only in benefits, but the body, the mind, and the spirit of those

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individuals continue to be second class under our current laws. I commend all of us who sponsored the civil unions, but we didn't go far enough, as we have learned from listening to particular populations of our citizenry, the many whom have quietly and publicly have suffered through this prejudice - name-calling, gay-bashing, harassments on the job. These and many other of the stigmas must stop. No different than when we talk about trying to control a population and not give women the right to vote, to say that the woman's place is in the home and the house, but not the House of Representatives. But now we have another group, another people, of many walks of life and religions, but they're acting out a human reality of themselves. This isn't a condition you get counseled. You're born in this way. The many who continue to cry and know that it's people like us that have to rise in honor of those silent tears and broken hearts. And, Ladies and Gentlemen, you know me. You know my struggles. You know I stand for in human rights, public health. And I'm a fifty-six-year-old man, who -- I rise not only in support of legislation, but a way of life, a way of bringing communities and people together under one -- one heaven where there is no prejudice, where we're all equal, where there is no immigration, we're all citizens of the same place under the Lord's eyes. I rise in honor of my son, Ruben, whose struggles were not with his partner or his -- with his parents - we loved him as he loved us. His struggles was with the blatant dehumanizing, the comments, the looks that he gets -- got from society. My son is free of this human indignation of our inability to see through the eyes of Jesus. Because Daniel -- want to talk Christianity or man-written religion, then we could

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talk about Daniel, because Daniel was one who walked with Jesus during his crucifixion {sic} walk and he asked him, why do you have -- I thought you had forsaken me. But Daniel, as we know, and a few others were better than close friends. So when we hear these biases -- and I, too, served in the altar, as an altar boy. My sons studied in the Catholic faith from grammar school to their going into high school. We send messages to our citizens as government. We create the mold. We create the compartment. We create and -- and we help gauge the moral turpitude of our citizenry. They look to us, many times in shame. Today, we hope and pray that they will look at us as courageous and people who really understand that Illinois is coming together as one State. And let me tell you, let me say, history of the ancient Indians, of the Taíno Indians of the Caribbean, when you research the Indians and how they looked at the gay community, they actually elevated 'em, because they believed they had two souls. They could see through the eyes of both female and male - the Taíno Indians of the Caribe of Puerto Rico. But that doesn't stop with the Indians of my -- of my island. They go through history and any of 'em - look it up, you don't have to believe me - from the smallest tribes to the most sophisticated societies. So history and that ancestry is really clear, as they understood who they were and what they do. And I urge you all, as -- and I want to say, someone wrote -- and I want to quote someone from the Daily Herald. Actually, I believe it's a gentleman who -- and I'm sorry, I'll go back and say it's from the Southtown Herald -- Southtown Star. And I quote, there are some lawmakers - and I'll paraphrase, because he talks about his own Southland lawmakers - "who may not be

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comfortable voting for a law that gives same-sex couples the right to marry. I would urge them to think hard about their position and contemplate that history shows that discrimination, intolerance, fear and ignorance are rarely the {sic} paths to spiritual fulfillment." I urge you all to make sure that we're making sure we deal with the body, mind, and spirit. And, Mr. President, I just want to close with saying a quote from another great person who walked this earth and fought discrimination and actually was a role model for me, as I quote him quite often, and that's Dr. King, who said, and I quote - Never, never be afraid to do what is right, especially if the -- if -- if the well-being of a person or animal that {sic} is at stake. Society's punishments are small compared to the wounds that we will inflict on our soul when we look the other way. And as my son, Ruben, would say if he was here, free my people. And I ask for an Aye vote. And I urge that from the deepest parts of my heart. And understanding the ramifications and the technicalities of the legislation, that's what we're here for, but let's move this forward. This is the time. This is the place. This is the moment. (Remarks in Spanish) We are one people. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR McCARTER:

A few questions of the sponsor, please.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that she will yield. Senator McCarter.

SENATOR McCARTER:

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Senator, how -- how will Illinois change as a result of the passing of this bill and it becoming law, specifically in regards to education in schools? What will change in regards to what our children are taught?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

This bill makes no change to any curriculum in any school.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

That -- that really doesn't answer my question. I said, how -- how will this bill change -- we know it's going to have great effect throughout the State. Would it -- will it do what it's done maybe in other states, like Massachusetts? Will -- would it have similar effects to what's taken place in that state?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

This bill makes no change to educational curriculum in any school.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

So, what you're saying is, this will not have any effect in schools in Illinois. Schools -- what children are taught will stay the same and will not change at all. Is that what you're saying?

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PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Not -- because this bill makes no change to any educational policy or any curriculum in any school.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Okay, I'm only going to ask one more time. Is it possible that the passage of this bill and it becoming law will have any effect on schools and what is taught to our children?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans, would you like to answer that for a fourth time?

SENATOR STEANS:

It's the same answer. This has no impact on any school curriculum in any school.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter, do you have another one?

SENATOR McCARTER:

Well, I don't know. I -- I -- you know, as -- I guess I could keep asking until I get an answer. But, what about public health? What about libraries? What about hospitals and what about businesses? Will it have any effect on those?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

I -- this bill does not impact. This bill is straightforward about what it's doing. It's not impacting all

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those institutions.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

To the bill. I'm -- I'm tired of asking questions.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR McCARTER:

You know, the truth is, it will. It will have an effect on what our children are taught. It will be confusing to them. I expect that we -- what will happen to our State will be similar to Massachusetts; that it will change the curriculum. Some will feel obligated and we will even, through some of our agencies, mandate that we make sure to redefine the definition of marriage within our schools. Businesses will be affected. Bed and breakfasts, florists, all those that are wedding related will be affected. They will choose to, most of them, dissolve their businesses. That's what's happened in other states. And, too, people will be discriminated against. You know, these promises from -- from the proponents that the -- that this bill will not discriminate, that's not true. History has proven it. You remember the debate on civil unions, when Senator Koehler, Senator Haine had a very nice discussion. Senator Koehler replied, quote, certainly the intent of Representative Harris and I is not at all to {sic} (to at all) impede the rights that religious organizations have to carry out what their duties and religious activities are. Immediately following passage of the bill and -- and being signed by the Governor, the rights of Catholic Charities and Lutheran Services were taken away from

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them to adopt children into homes with a mother and a father and to place needy children into foster care - immediately after that. So whatever is said on this Floor means nothing to me. You can talk about how wonderful it is. History has proven this is a discriminatory bill. People have the right to live as they choose. They don't have the right to redefine marriage for all of us. You know, what -- what's the issue at hand? It's more than special rights. Seeing that I might not be back tonight with my sweetheart for dinner, we went out early. We went to a place that we like going to, owned by a gay couple. And, you know, they're -- I don't -- I don't understand the response to that. I don't understand that response. These are friends of mine. And, you know, one of 'em sat down at the table after we had sat down and pulled the chair out, sat with the two of us, and I thought, well, what does he want to talk about? You know what he wanted to talk about - the burden of workers' comp, the burden of unemployment insurance, the -- the raising costs, the fact that his -- his business is struggling. He didn't say one word about this. One, he knows I'm not going to judge him, 'cause he's my friend. But that's what he wanted to talk about. And here we spend all this time not dealing with what has been done over the last ten years in this State, which is truly fiscally immoral. We are jeopardizing freedom, rather than expanding it. And I want to -- I want to mention briefly what Bishop Tyson has said. This "endangers our religious liberty and (the) rights of conscience". "Once marriage is redefined as a genderless contract, it will become legally discriminatory for public and private institutions such as schools to promote the unique meaning of marriage . . . This law will challenge our

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right to educate about the unique value of children being raised by his or her own mother and father in a stable home". Cardinal Francis George says this, "Sexual relations between a man and a woman are naturally and necessarily different from sexual relations between same-sex partners. This truth is part of the common sense of the human race. It is -- "it was true before the existence of either Church or State, and it will continue to be true" about marriage in civil law -- I'm sorry, it'll "be true when there is no State of Illinois and no United States of America. A proposal to change this truth about marriage in civil law is less a threat to religion than it is an affront to human reason and (the) common sense {sic} {good) of society. It means we are all to pretend to accept something we know is physically impossible. The Legislature might (just) as well repeal the law of gravity." In closing, to redefine the definition of "marriage" is discriminatory towards those who hold a sincerely held religious belief that man is -- that marriage is meant to be between a man and woman. As well, the optimal place to raise and nurture children is the institution of marriage between a man and a woman. Using the words like "fairness" and claiming human rights for a few, if passed, this bill will take away the rights of many. Today a vote has been scheduled on the holiday to -- holiday to celebrate love to disguise what is truly a devaluing of traditional marriage.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR BISS:

Thank you, Mr. President. To the bill.

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PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR BISS:

A month ago, after this issue was last debated in this Chamber, my wife and I sat at our kitchen table talking about it, and our four-year-old son, Elliot, overheard us, and he asked, "What are you guys talking about?" And I said, "We were talking about a bill in Springfield." And he responded the way he always does in that situation. He asked if it had more green lights or red lights. And I said, "Well, it didn't have enough green lights to pass." And he asked if I was happy about that. And I said, "I wasn't. I -- I'd hoped the bill would pass; I thought it was a pretty good idea." And he asked, "Why?" So I said, "You -- you know our friends, Mark and Neal, right? This is just a bill that says that Mark and Neal can be together in the same way that Mommy and Daddy are together." And he paused for a minute and looked sort of puzzled, and after a while he said, "But -- but, Daddy, they already are!" And, for a second, I was proud of him. I thought, you know, that's really -- really enlightened for such a small child. Then I thought about it a minute and I realized there's nothing surprising about a small child feeling that way. There's nothing surprising about a small child looking at a caring, loving couple who have committed to be with each other in sickness in and in health, and in good times and in bad, and seeing a marriage just like any other. We're not born differentiating based on race and creed and color, religion, sexual orientation. No, those are learned behaviors. It's not impressive for a four-year-old to see all couples as equal. But what would be impressive would be

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if he still feels that way when he's fourteen, because in the next decade of his life, Elliot is going to be bombarded with messages that tell him that same-sex couples aren't truly legitimate or entitled to equal rights. These signals are going to come from his peers in school, they're going to come from adults, and at least, as of this moment, they're going to come directly from the State of Illinois. And that brings me to the question before us today. The question is whether Illinois, which is the land not only of Abraham Lincoln, but also of Jane Addams, of Richard Wright, Studs Terkel, Aaron Swartz, and Barack Obama, a State with a proud history of social action for openness, equality, and civil rights, will continue to enshrine discrimination in its law, and, in so doing, send a signal to all citizens that discrimination is appropriate. Or, instead, will we make a stand for justice and grant all couples equal access to the rights and responsibilities of marriage? On behalf of all of my many gay and lesbian constituents, who have waited quietly and patiently for far too long for the right to simply be treated about -- like everyone else, I ask you to vote Yes. And on behalf of my children, I ask you to push that green button to light up that board full of beautiful green lights so that we can show the world and teach all of our children that the State of Illinois stands for equality. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR MARTINEZ:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

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To the bill, Senator.

SENATOR MARTINEZ:

Today I rise in a very strong support of this bill. And I do it for my family members that are gay. I have many family members in my immediate family that are gay. And they have been with their partners for the longest time, waiting, waiting today for something like this. They thought about going to another country, to another state, that accepts gay marriages so they can get married. And let me -- and let's talk about -- a little bit about some of the things I heard on the other side, about having a mom and a dad raise our children. Today in my family, many of my children in the family are all very stable young men and women that were raised by gay parents, because we have a very loving family and we don't discriminate. I am happy when I hear people out there talk about the rights, justice, guilt -- you know, the -- the -- the judgmental issues that are out there, about how it is. I grew up in the Catholic religion. I always believe that we should never be judgmental, that we should never discriminate against any individual, that we should love our brothers and sisters like we love ourselves. I don't love my -- my family members, because they're gay, any less. I love 'em even more, because, you know what, the idea to know that right now, in our orphanages, we have children that are not able to be adopted by same-sex couples, which is, to me, inhumane and really unjust. Those children were placed there because parents could not take care of them, because -- you know, by no fault of their own. They're there waiting for a loving family to go ahead and adopt them. And it doesn't matter, men or women, gay couples, hetero couples, who can adopt

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these families -- adopt these children, because, you know what, they are going to be loved. They're going to be cherished in a household. Doesn't -- doesn't -- I've seen it with my own eyes when I see my family members love their children the way they do. To see that they are stable, they are professionals, and they're willing to open up their homes to children. It's a matter of just waiting. So, I want to just commend Senator Steans for the hard work, because today I vote for my family. Today I vote for hopefully being able to embrace more children, adoptive children, into my loving family. Today I -- I -- I vote for all -- for all human beings out there, regardless of who they are, where they come from, and what religious belief they believe in. I am very proud of my family. And today it is an historic day for me, because I won't have to go to Canada or somewhere else to have a wedding, but I can -- I can do this right here in my own State with my family. So, I commend you and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Martinez. Senator Hutchinson, for what purpose do you rise?

SENATOR HUTCHINSON:

To the bill -- to the bill, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR HUTCHINSON:

My husband's -- my husband Paul's parents got married in 1960 and I discussed this when we debated the civil unions bill. His father was black, his mother was white. When his parents were dating and they made their vows to one another, the country

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was in a very serious debate about whether interracial marriage should be legal, and at that point, forty states banned their marriage. From the vantage point of 2013, we look back on that as unacceptable. Of course, all people should be able to love who they -- who -- be able to marry who they love. And, of course, if two people want to make a commitment to one another and to society, we should let them. If two people want to take on the responsibilities and commitment of family, government should not stand in their way. This is a question about whether all of our citizens are afforded equal protection under the law, a defining component of our democracy. For all of the families who want their families to be recognized like any other family in the community, for all of the children of gay and lesbian parents who know in their hearts that their parents are no different than any of the parents of their friends, and to all of the parents of gay and lesbian children who love their children so desperately but know they can't do much to stop the discrimination they face once they leave the house, please know that there are people of faith who see you and hear you. Please know that we understand that a threat to justice anywhere is a threat to justice everywhere. This is about equal protection under the law. And we're clear that this bill is about the rights and responsibilities that are recognized and afforded by the State, not the sacraments that are conferred by a religious institution. Martin Luther King once said that the moral arc of the universe is long, but it always bends towards justice. And today we have an opportunity in here, each and every one of us, to put our hands on that arc and bend it a little bit further toward what's fair and what's right - equal protection under the

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law. That's who we are. That's what this bill is about, and I commend Senator Steans for all the work that she's done on this. I'm voting Yes. And I urge an Aye vote from everyone in here.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Hutchinson. Senator Raoul, for what purpose do you rise?

SENATOR RAOUL:

Mr. President, I rise to allow everybody to feel secure that the sky is not falling. The sky is not falling. You know, it's been alluded to that we passed civil unions a couple of years ago and the thought was that we wouldn't be back here dealing -- amongst some, that we wouldn't be back here dealing with gay marriage, but evolution is part of what we do as a Body and, in fact, our -- my predecessor, the President, talked about his evolution, how he's evolved on this issue where he once advocated for civil unions and he talked about how he's evolved to embracing gay marriage. And I personally involved -- evolved. You know, I can -- I can confess that, as a boy, I didn't even believe this was a question of sexual orientation. I believed it was a question of choice and I was -- I discriminated against people based on their sexual orientation. And even when I got the news that a cousin of mine was gay, I and other family members initially did not want to accept that, as a boy. And then I evolved to realizing that my cousin was no different than the cousin that I had loved before he had announced to the family that he was gay, and that he was no less worthy of the family's love than he was before he made that announcement. You know, we've heard a lot about different religious beliefs and the historical perspectives on religious

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beliefs regarding how homosexuality ought to be treated. You know, my pastor has said that the temple of God is open to all who come to worship - to all who come to worship. However, I cannot, in this Chamber, impose my pastor or my own religious beliefs on others. And I believe that Senator Steans, particularly with the recent amendment, has put safeguards in this bill where she is not doing that either. This is not going to infringe upon the religious freedoms, as many have characterized. And we've seen evidence of that, not only with civil unions in our State, but with what has occurred or not occurred in other states. The sky is not going to fall. It's - - after we pass this and hopefully after the House passes it and the Governor signs it, we're going to go about our days the same way as we are now. Now, I've talked a little bit about my personal evolution, but we've also evolved as a country. And, you know, it's been said that we ought to be careful about what walls or fences we knock down. Well, we've knocked down some walls in this country. You know, there was a time when, for counting purposes, I would only be considered three-fifth of a man. But we've knocked down that wall. And, you know, it's been said that, you know, the church and Christian men have been on the right side of issues, but Christian men have also been on the wrong side of issues in this country. Christian men have stood by while slavery has taken place. Christian men have stood by while lynchings took place, because, as Senator Hutchinson referred to, interracial relationships, and it wasn't until 1967, in Loving versus Virginia, that this country finally said that banning interracial marriages is unconstitutional. So we've knocked down walls and we should be proud of the fact that

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we've knocked down walls. We knocked down that wall in Loving versus Virginia because the feeling was that the state shouldn't be dictating who one should love and marry based upon race. And the state should not be dictating who one should love and marry based upon gender or sexual orientation. So, I urge you, let's knock down this wall. Let's knock down this wall because it's the right thing to do. And let's feel comfortable that we can continue to have our own religious beliefs. We can continue to worship as we personally wish to worship and the heads of our respective religious institutions will be allowed to dictate what goes on under the roof of their house of worship. The sky is not falling, Chicken Little. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR FRERICHS:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR FRERICHS:

I've heard a lot of arguments during this debate and I wasn't planning on speaking today. I've heard a lot of things taken to logical extremes to make it look bad. I -- so I've asked myself some questions, if we're going to take things to logical extremes. And I've heard a lot of talk about how the purpose of marriage is for procreation, to raise children. You know, but I personally know senior citizens who have become widowed and later in their lives have chosen to remarry. They chose to remarry without any possibility of procreating children

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and we as a society accept that. I've heard a lot of arguments that somehow this is weakening marriage; that we can't harm marriage. It's -- it's causing to weaken our marriages, but, yet, I've served here for six -- six years, I've not seen a single bill introduced to do away with divorce in this State. That's -- that's really something that is very dangerous towards traditional marriage. It's -- it's taking it to the extreme here. But I ask myself, so, then, why -- why is it we allow those senior citizens to remarry if they can't have children? Why is it there are some people who choose to enter into marriages who have no intention of having children? It's because we acknowledge their desire to come together and to be with someone else and love them. And for those people who are concerned about the ability to raise children, I want to tell a little story. Other people have told personal stories, so I feel I have license to tell a story, and I don't think he would -- he would mind me telling this story because he has lobbied me several times on this. There is a young man who worked on my first campaign. He came out and worked very hard, became a good friend of mine. There's some people who wouldn't like him because he helped get me here today. But, Zach, soon after meeting him, told me about his two mothers. He was raised by two mothers. Now, Zach is not a perfect person, but Zach is a smart, intelligent, hardworking member of our society. And he was raised by two mothers without a father in his life. They didn't raise him to be gay. They raised him to be an intelligent, loving person that he is today. And for those of you who have concerns, I'll just tell you, there are many other people who could come forward and talk about how they were

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raised in nontraditional families and that they have been productive members of society. And so I think for those of you who are worried about that, I think there's ample evidence in our State that that should not be a concern. So, I also encourage you to join in putting many green lights on the board today. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR KOEHLER:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR KOEHLER:

Mr. President and Members of the Senate, it was just a little more than two years ago we were in this Chamber and we passed the civil unions bill, and I was very proud and pleased to be the sponsor of that bill, which is a bit unusual as a relatively new legislature -- legislator from the downstate area to carry something that was so controversial and so enormous. But I did so. And for the new Members who weren't here in the Chamber that day, I talked about really two reasons why I felt it was important I do that - the first being that I have a gay daughter. And so I see this issue through the eyes of a parent. And having three daughters, I very quickly understood that two of my daughters have rights that my one daughter did not have. And so through the civil union bill, we were able to make that correction. Secondly, is that I'm an ordained clergyman with United Church of Christ and I think it's important that we

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understand that there is not a singular view of the Christian church or any faith on this issue. You know, my own faith journey, growing up as a minister's kid, PK, in South Dakota, I began to -- to see a lot of what Senator Hutchinson talked about. I'm old enough to be her parent, so I actually lived through some of the discussion about whether we ought to have interracial marriage. And if you go back far enough into the history, even in California, where they had anti-miscegenation laws, which prohibited people to marrying outside their race, you had a whole generation of Filipino men, who were brought to California to work in agriculture, that never had the opportunity to have a wife and family. In my own situation, growing up in South Dakota, my dad was a Protestant minister, a German church. Gave one sermon in English, one sermon in German every -- every Sunday. We had a Catholic community that was removed from the town that I grew up in, because there was really a separation between Protestants and Catholics. In fact, I was told at one point when I was in high school, by a woman in the church, that "it was best to stick with our own kind". And, of course, in my defiance, I went out and immediately fell in love with Nora Sullivan, who was raised as an Irish Catholic, girl from the west side of Cleveland. By the way, happy Valentine's Day, dear. But I'll tell you this, especially again to the -- to the newcomers in this Chamber, I just went through a, you know, a pretty tough election this past year. Again, this was headline news when -- when it came out in the Peoria papers that I was the sponsor of the civil union bill. And let me tell you how many times this issue came up in the course of the campaign. Zero. The arc of history does bend towards

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justice. And we look at our own country to understand that. And I was even elated at the news I heard on the radio on the way down here today that, in Saudi Arabia, starting in 2015, women have the opportunity to vote. And so things do change. Things do change. So just take a moment and kind of absorb all this, because we are a part of history today. And I ask you to join me in voting Yes on this bill.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Koehler. Senator Barickman, for what purpose do you rise?

SENATOR BARICKMAN:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR BARICKMAN:

Like others here today, I am certain we have heard from many of our constituents on this issue. I certainly have. And they, like me, believe that the protection of religious freedoms must be incorporated to this legislation as it moves forward today. I've read the original bill. And the original bill did not include those protections. I raised my concerns to the sponsor and appreciate her willingness to address them. Because of the amendment to the bill, this bill now protects the religious freedoms of people around our State. Along with these religious protections, I believe -- I believe that the people of Illinois want our government to give individuals freedom over their life decisions. We want fairness under the law. And so, for me, this is simply the right thing to do. I will be voting Yes on Senate Bill 10. Thank you.

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PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Barickman. Senator Steans, to close.

SENATOR STEANS:

All right. Well, thank you for the very respectful debate. I know this is a very emotional and -- issue for folks. There was a -- just a couple things I want to refer back to that had been raised in some of the arguments. One really has to do around this notion that somehow we -- continuing to discriminate doesn't help our fiscal situation; you know, that we can't handle both these things at the same time. I just want to quote from a letter that business leaders wrote supporting this bill. At least fifty business leaders signed onto this. "To be competitive, a state must create an equitable, fair, (and) respectful environment for all of its citizens. For this reason - among others - it is vitally important that Illinois lawmakers enact marriage equality soon. . . . Marriage equality promotes economic development, too." We expect marriage to generate, itself, a lot of dollars here in the State of Illinois. And the -- many advocates -- there are so many advocates here, I really just want to thank. It's really their years, hours, so much work that's gone -- I know there's many of them up in the -- in the balconies today. Many folks have been working for a long time to bring this bill forward. We did get civil unions two years ago. We have seen that, clearly, it does not provide equal. The freedom to marry for all same-sex couples is a fundamental right. It's something that's a baseline of our institution - marriages. And it's all these advocates here who have brought us to this point. I'm incredibly humbled and honored to be able to be a small part of this effort to really

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be bringing full freedom to marry for our gay and lesbian Illinoisans and residents here today. And I really want to thank my partner in crime in all this, Representative Greg Harris, who -- he's really first among equals. He's got the tenacity and wisdom and heart to really have brought us here. And going through this, you -- you sort of heard, you probably all know, and -- and hear stories about the haters out there and what that's like. But having to walk through this bill with him, I felt it myself. And it's very humbling to see what kind of discrimination really is put on people and the kind of hatred that can be there for no choice of that person's own. And it's been a real honor to be able to work on this bill and be a part of this moment in time. And I want to just close with a -- a quote, you know, that -- from Edmund Burke, who said, "The only thing necessary for the triumph of evil is for good men to do nothing." Today, we have such the opportunity to do something and to really move and continue to bend that arc forward towards justice and to really bring marriage equality, freedom to marry to all our gay and lesbian friends, relatives, residents of Illinois. And it's an honor for me to be here today. And I please urge an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Steans. The question is, shall Senate Bill 10 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 34 voting Aye, 21 voting No, 2 voting Present. Senate Bill 10, having received the required constitutional majority, is declared passed. Senator Raoul, for

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what purpose do you rise?

SENATOR RAOUL:

Mr. President, having voted on the prevailing side on Senate Bill 10, I move to reconsider the vote.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

I move to table the motion to reconsider.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans has moved to table the motion to reconsider. On that question, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion to table carries. Continuing on the Order of Senate Bills 3rd Reading, Senate Bill 622. Mr. Secretary, please read the bill. ..Cullerton seeks leave of the Body to return Senate Bill 622 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 622. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR HARMON)

President Cullerton, do you wish to proceed? Do you want to give it a moment for the Floor to settle down? Let's go. Mr. President -- President Cullerton.

SENATOR J. CULLERTON:

Thank you, Mr. President. I move for the adoption of the amendment. I'd be -- amendment becomes the bill. I'd be happy to debate the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR HARMON)

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President Cullerton has moved the adoption of Floor Amendment No. 2. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. Have there been any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 622. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 622.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

President Cullerton.

SENATOR J. CULLERTON:

Thank you, Mr. President, Members of the Senate. We have a issue we have to address immediately. It deals with the Medical Disciplinary Fund, which is unable to hire enough folks to provide for the basic licensing of physicians in this State. And this bill does that. The first part of the bill immediately transfers 6.6 million dollars from the Local Government Tax Fund into this Illinois State Medical Disciplinary Fund so that they can rehire some eighteen folks who've been laid off. And that money will be repaid back to that fund beginning July 1st, 2014, so that that fund would be repaid. The third part of the bill would be to increase license fees for licenses issued under the Act. The fee for initial licenses would be increased from three hundred dollars to seven hundred dollars. That will be for four

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and a half years. In which case, at the end of which, it will be lowered to five hundred dollars. And the annual fee for renewal licenses will also be increased and also respectively be lowered at the end of that four and a half years. It's supported by the Department of Financial and Professional Regulation, the Illinois Hospital Association, and AFSCME. I'd be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR MURPHY:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR MURPHY:

This -- this bill had much discussion yesterday in committee. Mr. President, I appreciate your efforts in trying to get this significant problem solved. Unfortunately, we came away -- from yesterday's committee with a lot of unanswered questions from the Department. There's a fundamental trust issue, I think, with the people who pay the fees into this fund. This fund was swept previously to the tune of close to twelve million dollars. The Department says they're only 9.6 million short, which of course begs the question, if they'd have never been raided in the first place, they probably wouldn't need the fee increase. They claim that they still would. I guess what's frustrating is, after multiple attempts by multiple people on both sides of the aisle, the Department still can't explain how much money they actually need to -- to -- to -- to administer

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this program and they give blanket statements about having enough with this number. There were suggestions that other numbers were agreed to. They said they needed 9.6 at one point. Now it's down to 6.6 for a fund that was raided and swept in the past. For the purposes of trust, it is extremely important for the people who are going to pay these fees that they know that the amount that they're being asked to have their fee increased by is only the amount necessary to run this Department and not - - not some other vehicle for -- for raising funds that will be, yet again, swept. Until we get some clarity out of the Department on exactly what it is they need and why they need it, I think this needs to be held up. If the Department needs more latitude to be able to take employees -- they have over five hundred employees. They say they can't move 'em over to this critical department. If they need the latitude to do that, maybe we ought to give 'em that latitude on an emergency basis. But to raise fees like this without having clear answers from the Department on why they need this money, whether this is the amount of money they actually need, just does not represent or recognize the level of distrust that currently exists for the people paying those fees. So until that's addressed, I encourage a No vote.

PRESIDING OFFICER: (SENATOR HARMON)

President Cullerton, did you wish to respond?

SENATOR J. CULLERTON:

Eventually.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter, for what purpose do you rise?

SENATOR McCARTER:

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To the -- to the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR McCARTER:

Well, I -- I agree with a number of the things the previous speaker just said. There -- there is an issue with trust. You know, I -- I -- I've talked with the Director about making this bill better by adding some language in there that assures us that no more sweeps would take place. I would still like to see a bill pass that includes that language. This doesn't -- you know, if this bill passes, it doesn't mean that we can't come back with something better. But I'm telling you what, this problem, even though it's huge, pales in comparison to the other problems that our docs have in this State in regards to medical malpractice. It is difficult to get docs to come to our State and we've got to do something to protect 'em. So we need to act on this now. I encourage an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR MUÑOZ:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR MUÑOZ:

Ladies and Gentlemen of the Senate, in committee yesterday, for those of you that weren't in committee, our former colleague, Senator Wilhelmi, who's now the Director of that, he urged the importance of this, because a lot of the residents are

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graduating next month. And a lot of 'em that do want to come are probably not going to come because of the eighteen employees that were laid off -- cannot do the paperwork. So a lot of doctors that would be coming to our State, if we don't do something to get this done now, we're not going to have the pick from these doctors. They're going to leave to go to other states, because they're going to -- they're not going to wait the ten -- ten months or a year to get their license. So, please, I urge an Aye vote for this.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Muñoz. Senator -- President Cullerton, to close.

SENATOR J. CULLERTON:

Yes, thank you very much, Senator Murphy, for your comments. I appreciate the fact that it was a little frustrating to follow the finances of this board. It's in part because of the past sweeps that you were talking about and also because the funds that are paid are paid over a three-year period. And I think I have narrowed the objections of the Medical Society and I've tried to address them as best I can. The real frustration is that, in the past, we have swept money from their fund. And they would rather have us take money from the General Revenue Fund in order to repay it. My response to that is that there's been many, many funds that have been swept, and I -- I'm warning all of us that we are going to have to have a discussion about this whole concept of these "other State funds" that we have - almost half of our budget - that no other state has anything like this, and we are going to talk about that issue in this Session when we get to our budget. But, for

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now, the doctors agreed to a fee of five hundred dollars. This is a seven-hundred-dollar fee for four and a half years. That is a fee that's paid once every three years. So we're talking about like less than seventy dollars a year that we're disagreeing with the doctors on. And I get their point, but we have a potential crisis here, because we have a number of doctors that may truly not come to this State because of this relatively small number of folks that need to be rehired. So, this is the way I think is the best way to do it. We have to act today. We have to have the House pass on -- pass this next week, get it to the Governor. I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

The question is, shall Senate Bill 622 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 38 voting Aye, 19 voting No, none voting Present. Senate Bill 622, having received the required constitutional majority, is declared passed. Turning to page 3 of your printed Calendar, on the Order of Secretary's Desks -- Secretary's Desk, Resolution is Senate Resolution 54. President Cullerton, you wish to proceed? Mr. -- Mr. Secretary, please read the resolution.

SECRETARY ANDERSON:

Senate Resolution 54, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR HARMON)

President Cullerton, on the resolution.

SENATOR J. CULLERTON:

Thank you, Mr. President, Members of the Senate. We are amending the Rules of the Senate of the 98th General Assembly.

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We have, I believe, bipartisan support for these Rules. This amendment changes the appointment process by establishing a new process for rejecting Appointment Messages. It clarifies that Appointment Messages committees, other than Executive Appointments, are also subject to the six-day posting requirement. It clarifies that Appointments Messages cannot be placed on Postponed Consideration. The amendment also establishes a process by which residents of Illinois can submit petitions containing legislative ideas to the Senate for consideration, where there'll be hearings and potential legislation. This will give greater access to residents and citizens and create another avenue for vetting legislative ideas. Be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR MURPHY:

To the resolution, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

To the resolution, Senator.

SENATOR MURPHY:

The -- on our side of the aisle, we appreciate consultation with the President on this amendment and particularly the consideration of leaving out the things that we objected to. So, with that, we encourage an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

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

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SENATOR ROSE:

Thank -- thank you, Mr. President. Will the President yield?

PRESIDING OFFICER: (SENATOR HARMON)

Senator indicates he will yield. Senator Rose.

SENATOR ROSE:

Thank you, Mr. President. In my previous assignment, the only rule was there were no rules, despite the fact that they were printed. I think -- I echo Senator Murphy. We appreciate your willingness to work with us on a few of these. My only question is one of procedure. Will we get a copy of these, a bound copy? 'Cause in the House, we always had a -- a copy once these are done. It's very important if we're going to...

PRESIDING OFFICER: (SENATOR HARMON)

President Cullerton.

SENATOR J. CULLERTON:

Yes. Well, first of all, you'll find the Rules on your new computer that we gave to you, if you want to light that up. It's not actually in black and white. It's in black and white; there's no color there. But I think you can read 'em. And the answer is, yes, we will -- you'll get a bound copy of the Rules, and I also want to welcome you to the Senate from the House.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Rose, do you have another question? Mr. President, do you wish to close? The question is, shall Senate Resolution 54 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 57 voting Aye, none voting No, none voting

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Present. Senate Resolution 54, having received the required constitutional majority, is declared adopted. Continuing on the Order of Secretary's Desk, Resolutions is Senate Resolution 65. Senator Collins, do you wish to proceed? Senator Collins. Mr. Secretary, please read the resolution.

SECRETARY ANDERSON:

Senate Resolution 65, offered by Senator Collins.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President. And may I have the attention of my Members of the General Assembly? Especially on a day when we've heard the terms of freedom, justice, equality, fairness, I'm proud to stand up and ask for your support for Senate Resolution 65, which urges the Senate to designate the month of February 2013 as Thirteenth Amendment Ratification Month in the State of Illinois, and encourage schools, civic organizations, and other institutions to study the ratification of the Thirteenth Amendment, both from the American and State perspective. I'm proud to be a Legislator in Illinois. Illinois is the home state of President Abraham Lincoln, who issued the Emancipation Proclamation a hundred and fifty years ago. And Illinois was also the first state in the union to ratify the Thirteenth Amendment on February -- 1865. The adoption of the Thirteenth Amendment did more than just abolish slavery in our nation. It also outlawed the existence of "involuntary servitude" and gave Congress the authority to determine what qualifies as "involuntary servitude" over time. The United States Supreme Court has explained that the

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Thirteenth Amendment is intended "not merely to end slavery but to maintain a system of completely free and voluntary labor through the United States". As President Lincoln envisioned it, a system of completely free and voluntary labor means not simply the ability of a person to consent to work for a wage, but rather the opportunity to rise above wage-earning status to self-employment and independence. As we recognize the significance of Illinois' adoption of the Thirteenth Amendment this month, let us all keep President Lincoln's vision firmly in mind and know that we all have much more to ensure that our economic system allows all workers and what they can achieve is economic independence. I would ask for a strong bipartisan vote since this was pushed by the Republican House in 1865 and a Republican President, the sixteenth President of the United States. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR HAINE:

Mr. President and Ladies and Gentlemen of the Senate, I -- I'm just overjoyed that this distinguished Senator has brought this resolution in here today to celebrate this great act by the United States Congress and ratified subsequently by the sufficient number of states. I do want to -- call to the attention of the Body the fact that the Thirteenth Amendment, as well as the Fourteenth and Fifteenth Amendments, were written by Senator Lyman Trumbull, Chairman of the Senate Committee on the Judiciary, a Madison County lawyer, who at that time was living three blocks from where I live in Alton, Illinois. Trumbull was

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a close friend of Abraham Lincoln. Lincoln stayed at the home. He wasn't -- he didn't have any part in the movie, because this -- this movie took place with the House vote. The Senate had already passed it. I also want to note that my great-grandfather at the time was a seventeen-year-old drummer boy in General Sherman's army, marching through the South burning plantations. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Professor Haine. Senator Collins, do you wish to close? And I would also say that this -- this bill does not require a roll call vote. If you would like a roll call vote, you may request one. Thank you. Senator Collins has requested a roll call vote, so the question is, shall Senate Resolution 65 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 56 voting Aye, none voting No, none voting Present. Senate Resolution 65, having received the required constitutional majority, is declared adopted. Turning to the Order of House Bills 3rd Reading on your printed Calendar, on page 3, is House Bill 156. Senator Jacobs. Mr. Secretary, please read the bill. There's been a change in sponsorship, Senator Jacobs. I believe Senator Kotowski is now the -- the sponsor, if that's -- we'll let the paperwork catch up, if that's all right with you. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 156.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR HARMON)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you very much, Mr. President. House Bill 156 move the -- moves the date of the Governor's budget address to March 6, 2013.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 156 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 53 voting Aye, 2 voting No, none voting Present. House Bill 156, having received the required constitutional majority, is declared passed. 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. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY ANDERSON:

No objections filed, Mr. President.

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, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the resolutions are adopted. There being no further business to come before the Senate, the Senate stands adjourned until the hour of 12 noon on the 27th day of February, 2013, pursuant to House Joint Resolution 11. The Senate stands

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adjourned.