

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
THIRD SPECIAL SESSION
SENATE TRANSCRIPT

1st Legislative Day

1/8/2015

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PRESIDING OFFICER: (SENATOR SULLIVAN)

The Senate will please come to order. Mr. Secretary, Communications from the Secretary of State.

SECRETARY ANDERSON:

A letter dated January 7th, 2015.

Dear Secretary Anderson - Enclosed please find a copy of Proclamation No. 2015-001, filed in my office on January 7th, 2015, by the Legislative Leaders, calling for a Special Session of the 98th General Assembly, to begin at 11 a.m. on January 8th, 2015. Enclosed with this letter is a copy of the notification letter and Proclamation for the Members of the Illinois Senate. Due to the emergency nature of the Proclamation, this notice shall suffice as notice to your membership.

Sincerely, Jesse White, Secretary of State.

(Secretary reads Joint Proclamation No. 2015-001)

Issued, January 7th, 2015, and signed by John J. Cullerton, President of the Senate, and Michael J. Madigan, Speaker of the House.

PRESIDING OFFICER: (SENATOR SULLIVAN)

The Senate of the 98th General Assembly is convened in its Third Special Session. Under the -- under the practice of this Body since the 88th General Assembly, the rules adopted in the 98th General Assembly and its officers and committees are in effect for the continuous period of the 98th General Assembly, including any Special Sessions. There are three organizational resolutions that will be adopted today. These resolutions inform the House that the Senate is ready to conduct business, create a Senate Committee of five to wait upon the Governor, and create a Senate Committee of three to approve Journals for the Senate for all days

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of the Special Session. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Resolution No. 1 of the Third Special Session, offered by Senator Harmon.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Harmon moves to suspend the rules for the purpose of the immediate adoption of Senate Resolution 1. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution -- and the rules are suspended. Senator Harmon now moves the adoption of Senate Resolution 1. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Resolution No. 2 of the Third Special Session, offered by Senator Harmon.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Harmon moves to suspend the rules for the purpose of the immediate adoption of Senate Resolution 2. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Harmon now moves the adoption of Senate Resolution 2. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Resolution No. 3 of the Third Special Session, offered by Senator Harmon.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Harmon moves to suspend the rules for the purpose of the immediate adoption of Senate Resolution 3. All those in favor

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will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Harmon now moves the adoption of Senate Resolution 3. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Rodney Correll with WLS-TV Chicago requests permission to videotape. Joseph Lyon {sic} (Lynn) with WGN-TV requests permission to video and audio tape. Ted Shultz {sic} (Schurter), maybe, State Journal-Register requests permission to take photographs. Amanda {sic} (Armando) Sanchez with the Chicago Tribune requests permission to photograph. And Paul Elders with WICS requests permission to video/audio. Seeing no objection, leave is granted. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Harmon, Chairperson of the Committee on Executive, reports Senate Amendment 2 to House Bill 4576 Recommend Do Adopt.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

Purpose of an announcement.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please make your announcement, Senator Silverstein.

SENATOR SILVERSTEIN:

Announcing a Democratic Caucus - everyone except Senator Sullivan is invited - sixty -- for about sixty minutes after -- upon recess.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Thank you, Mr. President. We also will have a caucus the

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same time as you do. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senators Silverstein and Syverson move that the Senate recess for the purpose of Senate Democratic and Senate Republican Caucuses, lasting one hour. Seeing no objection, the motion is granted. The Senate now stands in recess to the call of the Chair. After the Senate Democratic and Republican Caucuses, the Senate will reconvene for Floor action. The Senate stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR SULLIVAN)

The Third Special Session of the Senate will come to order. Ladies and Gentlemen, if I can have your attention. Will all Members within the sound of my voice please come to the Senate Floor immediately? We're ready to take up final action. All Members within the sound of my voice, please come to the Senate Floor immediately. Kelsey Gibbs with WCIA requests permission to videotape. Seeing no objection, leave is granted. Ladies and Gentlemen, if you'll turn your attention to the regular Calendar, on page 2 of the regular Calendar, on the Order of House Bills 3rd Reading, we have House Bill 4576. I understand paperwork has been filed to change the sponsorship to President Cullerton. Mr. Secretary, is that correct? Indicates that it -- that is correct. Ladies and Gentlemen, this is final action. This is 3rd Reading. President Cullerton seeks leave of the Body to return House Bill 4576 to the Order of 3rd Reading. Seeing no -- to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the

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Order of 2nd Reading, we have House Bill 4576. Mr. Secretary, are there any -- Floor or committee amendments filed?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR SULLIVAN)

President Cullerton, on Floor Amendment 2.

SENATOR J. CULLERTON:

Yes, thank you, Mr. President. I wanted to adopt the amendment on 2nd Reading..

PRESIDING OFFICER: (SENATOR SULLIVAN)

Mr. President, one -- Mr. President, one second, please. Ladies and Gentlemen, shh, please. This is final action. We are on the order of final action. Excuse me, Mr. President. Please proceed.

SENATOR J. CULLERTON:

Thank you, Mr. President. I believe the -- the bill is on 2nd Reading. Is that -- the amendment is on 2nd Reading, so I'd like to move for the adoption of the amendment and debate the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion on the amendment? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. There any -- Mr. Secretary, there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. 3rd Reading. Now on the Order of 3rd Reading is House Bill 4576. Mr. Secretary, please read the bill.

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SECRETARY ANDERSON:

House Bill 4576.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Mr. President.

SENATOR J. CULLERTON:

Yes, thank you, Mr. President, Members of the Senate. I don't know how many of you were able to attend a -- a memorial service for Judy Baar Topinka, but it was -- was a very moving experience for me and for many -- everybody that was there. It obviously was a shock, because we had served with Judy. She's been a Member of this -- this Chamber and it -- it's obviously very, very sad and unexpected. But as a result of her death, we were called into Special Session by the Governor and then the Speaker and myself expanded that Special Session purpose to deal with the situation where we have a vacancy in the office of Attorney General, Secretary of State, Treasurer, or Comptroller. And the bill that I present to you is a bill that says that if that office becomes vacant and there's more than twenty-eight months remaining in the term, then the Governor shall fill the appointment until the next general election, at which time the voters will elect an office holder at a special election; if a vacancy occurs prior to petition filing, then candidates for the office will be required to file petitions and run in a primary; if the vacancy occurs after the first day to file petitions, the State parties would choose the candidates for the general election. This is similar to the current method that we have to fill vacancies in the office of State Senator. So we know that we have, over a ten-year period,

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two four-year terms. Sometimes Senators don't fill their four-year term. In fact, we have three Senators sitting here right now who are here by a special election. We did some research on the history of our Constitution. It's very, very clear that the people, when they passed the Constitution, contemplated the ability of us to do this and pass this law. So I would be happy to answer any questions and I would urge all of us to pass this bill. Keep in mind that when Judy died, there was -- much confusion about who it was that could fill her vacancy, because I think that the framers of the Constitution hadn't really thought about what -- what would happen under these circumstances. There was some question whether or not Governor Quinn could appoint someone for four years and a month. There was some question as to whether or not he couldn't do that and that the Governor-elect Rauner would appoint someone once he became Governor. Governor Quinn, to his credit, decided that he wasn't going to appoint someone past his own term - even though he may have the legal right to do so - but at the same time he said that, he said he wanted to have a special election. Even if he had appointed someone, he said he wanted to have a special election so that an Executive Branch person doesn't appoint somebody for over four years. And so this is not meant to be partisan. We happen to have a Republican Governor who's going to appoint the Comptroller, but it could have just as easily been a Democratic Governor. In either case, we should have a special election so that the people can decide who that -- that Comptroller or any other of the Constitutional Officers, other than Lieutenant Governor, should be. For that reason, I'd ask for an Aye vote and be happy to answer any questions. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR MURPHY:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield for questions. Senator Murphy.

SENATOR MURPHY:

President Cullerton, we had a lengthy discussion in committee about this bill. And I -- I don't necessarily want to go through all of that again, but there's one thing, it occurred to me, we didn't really cover. You had brought up in committee extensively and brought up here again, Governor Quinn's potential argument that he could make a four-year-and-one-month appointment, and you recognized that he didn't do that and that he's making an appointment of Jerry Stermer through this coming Monday and that Bruce Rauner will make an appointment on Monday. Is there anything in this legislation that undermines that circumstance and Governor-elect Rauner's ability to make an appointment to fill a vacancy in Comptroller on Monday?

PRESIDING OFFICER: (SENATOR SULLIVAN)

President Cullerton.

SENATOR J. CULLERTON:

The answer is no. Whatever the status of that legal situation, that remains the same. We had a statement by the Attorney General as to her opinion - not a legal opinion, but a press release sort of. We don't really know what the courts would say about that, but that's become moot by the Governor's decision to appoint someone just until the time the new Governor comes in.

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Senator Murphy.

SENATOR MURPHY:

To the amendment, Mr. President. Again, we had a lengthy conversation about this in committee. I personally think we offered an alternative that would have guaranteed no legal ramifications, no legal challenges, would have been a constitutional amendment to create special elections in the circumstance like we're in now. The only difference in effect between that amendment and this bill, other than the fact that this bill will result in litigation and the constitutional amendment wouldn't, is that a Republican appointee would've remained in an office for two more years, an office to which a Republican had been elected by the people just a few months ago. If this weren't about power and who gets to make an appointment or who gets to control this office, the reasonable thing to do would have been to not do this, do it the proper way, the constitutional way, and do the constitutional amendment. Unfortunately, the Leadership has chosen to go in a different direction. It sets this new day in Springfield off on a disappointing foot and poisons the well, frankly - hopefully not for long, because we've got big problems to solve. But this is a naked power grab. It's not the right approach and it's not respectful of the will of voters who just said they wanted a Comptroller for four years in November. For those reasons, I urge a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR RAOUL:

A question for the sponsor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Indicates he will yield for a question. Senator Raoul.

SENATOR RAOUL:

Just -- just for clarity, Mr. President. The previous speaker asked you whether anything in this bill undermines the Governor-elect from making an appointment - could it? It -- it's obvious that -- from the explicit language -- language that it allows for a special election. So the Governor-elect's ability to make an appointment for four years would be undermined by this -- by this legislation. Right?

PRESIDING OFFICER: (SENATOR SULLIVAN)

President Cullerton.

SENATOR J. CULLERTON:

Because it calls for a special election in 2016, obviously Governor Rauner cannot make an appointment for four years. But I would emphasize, the reason why we chose 2016, rather than have a special election in thirty days or ninety days, is because of the cost of a statewide election could be over fifty/sixty million dollars. So we decided the best way to do this would be to have this come at a time when there's already a general election, in 2016. So, yes, the Governor's appointment powers would be limited because there is going to be a special election in 2016. And we have to do it before that person -- or I should say -- put it this way, it's better that we do it before that person is sworn in, because there might be another costly litigation by the -- person who was appointed to say that they had some kind of a property right to a four-year term. That's why we're here on this Special Session, another reason to do it now rather than wait until after that person is sworn in. Hope that answers your question.

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President Cullerton, to close.

SENATOR J. CULLERTON:

Yes, just to -- to comment on the point of a previous speaker. There -- there's been a suggestion that we need a constitutional amendment to allow us to pass a bill calling for a special election. That constitutional amendment was proposed so as to avoid us from passing a bill that calls for a special election in 2016. The Constitution is clear. The debate from the Sixth Illinois Constitutional Convention is clear. There's comments from the Committee on the Executive proposal that specifically says, we leave, from the previous Constitution, the unaltered and existing language, in this and other sections, which in the past has served to support statutes calling for special elections when an appreciable time remains in an incompleting term. They contemplated this back in -- 1970 when they passed this, so it's clearly constitutional. There's no need for costly litigation if nobody sues. We should have the people decide in a special election, which won't cost any money to the taxpayers, and we can let the Governor make his appointment for two years, have a special election and let the people decide. So, with that, I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Ladies and Gentlemen, the question is, shall House Bill 4576 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? Mr. Secretary, take the record. On that question, there are 37 voting Aye, 15 voting Nay, 0 voting Present. House Bill 4576, having received the constitutional majority, is declared passed. Senator Luechtefeld, for what

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purpose do you rise?

SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. I appreciate you recognizing me. I -- I would like to introduce a person to the -- to the Senate who's from my hometown, who...(microphone cutoff)...been our postmaster for thirty-seven years, also worked five -- five other years, forty-two years in the postal service, a good friend of mine, a great American, has never been to the Capitol - been to Springfield many times, but never been to the Capitol before - and -- and I think he -- he is impressed with this building and I think the process. So if you would welcome him, I'd appreciate that. His name is Art Koetting. Art Koetting. Yes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Welcome to Springfield and thank you so much for your service. Thank you for joining us today as well. Great to have you here as our guest. Senator Mulroe, for what purpose do you rise?

SENATOR MULROE:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point, Senator Mulroe.

SENATOR MULROE:

I know everyone wants to get out of here, but I think it's really important that we recognize one of our staff that is leaving tomorrow. She's part of the Communications staff, Katie. Katie Davis, you, get over here. And it's -- she's worked for a number of Senators. She's done a tremendous job. She's -- she's professional, she's thoughtful, and I am going to truly miss her. She's become part of my family, as well as a number of other

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Senators that she's written for. So I just wanted to -- everyone put their hands together and thank Katie for her service.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Katie, thank you for your service. Thank you so much. We appreciate it and good luck to you in all your future endeavors. Senator Clayborne, for what purpose do you rise?

SENATOR CLAYBORNE:

Make a motion -- for a motion.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please...

SENATOR CLAYBORNE:

I make a motion we adjourn Third -- the Third Special Session sine die.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Clayborne moves that the Senate adjourn the Third Special Session of the 98th -- General Assembly sine die. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the Second {sic} Special -- Session of the 98th General Assembly stands adjourned sine die. The Second.. Ladies and Gentlemen, just to clarify, Senator Clayborne moved that the Senate adjourn the Third Special Session of the 98th General Assembly sine die. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the Third Special Session of the 98th General Assembly stands adjourned sine die.