

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off laptop computers, cell phones, and pagers. And we ask our guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by the Reverend Wendell Oman, who is the vice president of Missions and Spiritual Care Advocate at the Christ Medical Center in Oak Lawn, Illinois. Reverend Oman is the guest of Representative Kosel."

Reverend Oman: "Let us bow together. God of all creation we do not pray You into existence, nor does ignoring You change who You are. You are the God who is with us, who reveals Yourself to us, who speaks through us, who guides our thoughts and who inspires our dreams. We need not beg Your presence but humbly ask Your leading in our lives. Lord, You know us better than we will ever know ourselves. You've given us gifts of leadership, You have shown us how to serve. You have written right and wrong on our hearts. Even as You have prepared us for this mission, help us, Lord, to acknowledge You in all of our plans and strategies. You have promised us many things but never that this would be easy. You have promised to guard our hearts and our minds and to be an ever present help in times of trouble. Lord, give us discerning hearts and minds. Help us to recognize Your voice in all the clamor of our busy lives. Guard us from the subtle evils of good but godless intentions. Help us to recognize evil in all of its friendliness. Guard us from those who would use us

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

to further personal causes. Guard us from illusions of power that serve only to rob the powerless. Guard us from the emptiness of words that lack integrity. Help us to recognize the truth and stand on it and for it, because it is the truth that sets us free. May Your spirit of holiness reign in our hearts and our minds. God of love, we love because You loved us first. God of compassion, we care because You care for us. God of hope, we can face tomorrow because You love us with a perfect love that casts out fear. Lord, we stand on Your promise to stand with us. In the name of the God who is both Redeemer and friend, Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Kosel."

Kosel - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that Representatives Hamos and Washington are excused today."

Speaker Madigan: "Mr. Wat... Mr.... Mr. Bost."

Bost: "Thank you, Mr. Speaker. Please let the record reflect that Representatives: Brady, Lindner, and Watson are excused on the Republican side of the aisle today."

Speaker Madigan: "The Clerk shall take the record. There being 113 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. Mr. Clerk, on page 28 of

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

the Calendar on the Order of Constitutional Amendments-
Second Reading there appears HJRCA 42. Mr. Clerk, read the
Resolution."

Clerk Mahoney: "House Joint Resolution Constitutional
Amendments Third Reading. House Joint Resolution
Constitutional Amendment 42 RESOLVED, BY THE HOUSE OF
REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE
STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there
shall be submitted to the electors of the State for
adoption or rejection at the general election next
occurring at least 6 months after the adoption of this
resolution a proposition to amend Section 3 of Article IX
of the Illinois Constitution as follows:

ARTICLE IX

REVENUE

SECTION 3. LIMITATIONS ON INCOME TAXATION

(a) A tax on or measured by income shall be at a
non-graduated rates, by category, as determined under this
Section. At any one time there may be no more than one such
tax imposed by the State for State purposes on individuals
and one such tax so imposed on corporations.

(b) The categories under this Section are (i) "individuals
(under \$250,000)" for individuals whose annual net income,
combined with the annual net income of the spouse, is under
\$250,000, (ii) "individuals (\$250,000 or more)" for
individuals whose annual net income, combined with the
annual net income of the spouse, is \$250,000 or more, and
(iii) corporations. In any such tax imposed upon
individuals (\$250,000 or more), the rate shall be the

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

higher of (i) 6percent or (ii) twice the rate imposed upon individuals (under \$250,000). In any such tax imposed upon corporations, the rate shall not exceed the rate imposed on individuals (under \$250,000) by more than a ratio of 8 to 5. The basic amount of each standard exemption for individuals (under \$250,000) shall be \$4,500 or such greater amount as provided by law. The amounts of \$250,000 and \$4,500 shall be adjusted each year to reflect changes in the annual Consumer Price Index For All Urban Consumers as determined by the United States Department of Labor or, should that Index no longer be published, by a similar index determined by law.

(c) Income taxes collected from individuals (under \$250,000) and from corporations shall be deposited as provided by law for the deposit of income tax collections. That portion of income taxes collected from individuals (\$250,000 or more) that is attributable to a rate equal to the rate for individuals (under \$250,000) shall be deposited as provided by law for the deposit of income tax collections. Of all other amounts collected from individuals (\$250,000 or more), one-third of such amounts shall be deposited into each of the following funds, which are hereby created in the State treasury: the Revitalize Illinois Schools Fund, the Rebuild Illinois Infrastructure Fund, and the Reward Illinois Working Families Fund. Expenditures from the Revitalize Illinois Schools Fund and the Rebuild Illinois Infrastructure Fund shall be made only for educational and capital purposes, respectively, and only as specifically appropriated by law. All amounts held in the Reward

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Illinois Working Families Fund shall be transferred and deposited as provided by law for the deposit of income tax collections.

(d) Laws imposing taxes on or measured by income may adopt by reference provisions of the laws and regulations of the United States, as they then exist or thereafter may be changed, for the purpose of arriving at the amount of income upon which the tax is imposed.

(e) The terms used in this Section have the meanings of those terms as provided by law under relevant statutes.

(f) The provisions of this Section are self-executing and judicially enforceable. The Supreme Court shall have original and exclusive jurisdiction over actions under this Section.

SCHEDULE

The State Board of Elections shall proceed, as soon as all the returns are received but no later than 31 days after the election, to canvass the votes given for and against this Constitutional Amendment, as shown by the abstracts of votes cast. If this Constitutional Amendment is approved by either three-fifths of those voting on the question or a majority of those voting in the election, then the State Board of Elections shall declare the adoption of this Constitutional Amendment and it shall, upon declaration of its adoption, take effect and become a part of the Constitution of this State. This Schedule supersedes and applies notwithstanding any statute to the contrary, and no other requirements, including without limitation proclamation of the results of the vote or notice by

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

publication, are necessary for its effectiveness. This Constitutional Amendment applies to taxable years 2008 and thereafter. This has been the Third Reading in full of this House Joint Resolution Constitutional Amendment 42."

Speaker Madigan: "Mr. Clerk, put this matter on the Order of Third Reading. Put HJRCA 42 on the Order of Third Reading. For what purpose does Mr. Sullivan seek recognition? Sullivan."

Sullivan: "A... Sorry, Mr. Speaker, I was going to speak on the debate, but it doesn't look like we're going to have a debate at this point."

Speaker Madigan: "Mr. Schmitz. Schmitz."

Schmitz: "Thank you, Speaker. The Republicans would request an immediate caucus in Room 118."

Speaker Madigan: "Before we go to caucus we're going do a Resolution for Representative Phelps. So, Mr. Clerk, on page 29 of the Calendar there appears HJR 90. Read the Resolution, Mr. Clerk."

Clerk Bolin: "House Joint Resolution 90, offered by Representatives Phelps and Bost. WHEREAS, A portion of Lovett's Pond, in Kincaid Township, Illinois, was acquired by the Illinois Department of Natural Resources from the Nature Conservancy on or about January 8, 2004; and

WHEREAS, James "Gene" Korando has been dedicated to duck hunting in and around Kincaid Township and Lovett's Pond for a number of years; and

WHEREAS, James "Gene" Korando makes a famous duck soup and manufactures hand-made duck calls that have been used by duck hunters all over the United States; and

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

WHEREAS, James "Gene" Korando has donated duck calls to different charities and fundraisers over the years; and

WHEREAS, James "Gene" Korando has a big heart and he leaves a profound impact on the people that he meets; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we rename Lovett's Pond located in Kincaid Township in the honor of James "Gene" Korando; and be it further

RESOLVED, That a suitable copy of this resolution be presented to James "Gene" Korando."

Speaker Madigan: "Mr. Phelps."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. It truly is a privilege today to honor such a great man and a great family. James "Gene" Korando is here today with his wife Pearl, his daughters Cathy, Marietta, Patty and Teresa; his sons Gary, Brian and Dale; their 18 grandchildren and their 12 great-grandchildren. So you go through life and you meet a lot of people and it truly is an honor today to dedicate this renaming Lovett's Pond in the honor of James "Gene" Korando that grew up around Kincaid Township over in Representative Bost's area. He's been a duck hunter for many, many years. He know's a he's known for his famous duck soup and is also known for him making his own duck calls, as I have one here today. He dedicates these to a lot of charities, raises a lot of money for his local charities and folks, I just want a pl... please give a welcome to James "Gene" Korando and his

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

family from Kincaid Township, and I'm going to turn it over to Representative Mike Bost. Thank you."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. I don't know what I can add to that except we just want to welcome the family and Gene, and all the service that he does to our community. It's a whole lot more than duck calls. The whole family is involved in the community and they're a true... a blessing to Jackson County and all the Southern Illinois area. And it's only appropriate that we name this pond after Gene. But, just so you know..."

Phelps, Dave: "Mr. Speaker, Dave Phelps, former Member. I've always wanted to speak on this side of the aisle. Folks, here I am, but I won't get to serious other than to know that this family needs to be honored for their charitable work and what they stand for. And Brandon and Mike are bringing honor to them today. So, God Bless all of you."

Bost: "We just... we just want to say thank you. But Brandon and I think... Brandon, you... you want to talk like we can talk? Okay, I think you want to talk... turn my mic, off though."

Speaker Madigan: "All right, Ladies and Gentlemen, we're prepared to go to Party Caucus. The republicans will meet in Room 118. The Democrats will meet immediately in Room 114. So, if everyone could move quickly down to Party Caucus; Democrats in 114, Republicans in 118. And before we go to caucus, Mr. Phelps moves for the adoption of HJR 90. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. HJR 90 is adopted. And all Members will go to Party Caucus. Thank you."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Speaker Hannig: "Okay. The House will be in order. We're going to return to page 28 of the Calendar, under the Order of Constitutional Amendments. We have House Joint Resolution Constitutional Amendment #42. Mr. Clerk, what is the status of that Amendment?"

Clerk Mahoney: "House Joint Resolution Constitutional Amendment 42 has been read in full three (3) times. It is on the Order of Third Reading."

Speaker Hannig: "Thank you. Representative Cross, did you... did you have parliamentary inquiry?"

Cross: "Yes I do, Mr. Speaker. I have a question of the Chair. I'm a little puzzled by something. Last year, Mr. Speaker, we had Committee of the Whole meetings on a variety of topics. Committee of the Whole on the Gross Receipts Tax. In fact, I think it was just a Resolution that we voted on. But we had nevertheless, had a Committee of the Whole to discuss the issue in great detail. In fact, that issue was around for weeks if not months, before we even had that Committee of the Whole and before we had discussion on it, before we had the debate. This Constitutional Amendment I think we saw for the first time the end of last week, which as you know, doubles the income tax rate for certain families and small businesses in the State of Illinois. We then had a Committee of the Whole last year on electric rate deregulation, an issue involving families in this state. We had a Committee of the Whole on the lottery lease and pension bond issue. We had another Committee of the Whole on just the issue of pensions. We had a Committee of the Whole on teachers' retirement. We had a

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Committee of the Whole on the Department of Health Care and Family Child Support Administration fund. We had a Committee of the Whole dealing with health care and family services involving grants for sexual assault. We had a Committee of the Whole on teachers' retirement. We had a Committee of the Whole dealing with the budget Veto by the Governor. We had a Committee of the Whole on Health Care and family services. So, my inquiry of the Chair is, given the magnitude of this issue, the significant increase doesn't effect property taxes whatsoever, adversely effects and impacts small businesses and consumers, does nothing to relieve the unpaid liability we have as a state. We've seen it for three (3) days, we don't know what it does for our schools. We don't know what it does for capital. Why wouldn't we have a Committee of the Whole to have a full blown debate and discussion about one of the largest tax increases, at least from a constitutional standpoint, we've ever seen. And of course this is on top of Cook County government putting us to #1 in this country with their sales tax of over 10 percent. Don't you think we ought to have some policy arguments about and discussions from those that are affected and impacted in a... kind a open daylight process as opposed to ramming this through with a couple of days and not having any input? I... I'm curious as to whether or not the Chair would entertain a Committee of the Whole. We'd, of course, like to be involved in putting together the witness list. Those small farmers in southern Illinois that are going to be adversely impacted by this; the mother or father buying a van for their family that

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

will be impacted by this; the nursing home operator that's not going to get paid because this Bill does nothing about it. Those families throughout Illinois that aren't going to get property tax relief, maybe they'd have an opportunity to come testify; maybe the school districts not knowing if their going to get any money would have an opportunity to provide some impact. So, what... what would be the harm in having a Committee of the Whole for all of the people of Illinois to understand what you're trying to do here?"

Speaker Hannig: "So, Representative, the... the purpose that we are... the Bill that we're looking at right now is on the Calendar and it's met all the requirements that I'm aware of..."

Cross: "I understand. I understand, I agree with that."

Speaker Hannig: "And so, it... it's just simply the intention of the Chair to try to call the Bill today."

Cross: "This is a Bill that, as I'd said to you, has a pretty negative impact to a lot of people in this state. And we had a committee hearing that lasted, I don't know a little bit... a little while yesterday, doubling of the tax potentially from three (3) to six (6). We're raising all kinds of money and of course, we've seen your Party for the last five (5) years spend money in a reckless manner and you don't even want to have an opportunity to have a Committee of the Whole like we did on ten other issues, that... at that... moment we thought were important to the people of the State of Illinois. And we can't even have an open debate for the whole House to talk about the

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

ramifications of this? Where we can have people come in and say, this is what's going to happen to my farm; this is going to what... going to be what happens to my small little hardware store; this is going to be what happens to my small little accounting practice or I've got property tax problems and you don't... you're not doing anything about this that I see or I'm paying gas \$4.00 a gallon and I don't see anything here that does anything about that. I... I'm really struggling to understand why we wouldn't open this up to the whole state, let them come down before the Members of the General Assembly like we had under electric dereg. I remember a Representative from Southern Illinois did a very fine job holding that Committee of the Whole. Everybody got an opportunity to speak that wanted to. And this would be an opportunity for the people of the State of Illinois to have some input and let us know the ramifications of this. Maybe we find out it's good; but we won't know because we're not going to let people at this point, I think, have an opportunity to voice their concerns about this Bill. So, Mr. Speaker, is there an opportunity for us to have a Committee of the Whole maybe next week, maybe the week we're off. We've got time to do it. We don't adjourn, I don't think, until the end of May if all goes well. And I don't know why that wouldn't happen."

Speaker Hannig: "I do think, Representative Cross, there is a deadline for the passage of Constitutional Amendments that is... very..."

Cross: "When... When is that deadline Mr. Speaker? When is that deadline? I think it's the..."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Speaker Hannig: "It's to be passed by both chambers by May 4th.
So, it would need..."

Cross: "We've got plenty of time. We know that..."

Speaker Hannig: "Well, it... it would also require..."

Cross: "...we know that when people work together you can..."

Speaker Hannig: "...three (3) readings in the Senate."

Cross: "We know that when people work together you can get things passed and recent history would maybe suggest that doesn't happen often, but it can. And if it's so good we certainly would have an opportunity to do that. Let's do it next week, do it at the beginning of the week. We'd like to participate."

Speaker Hannig: "Representative, it's... it's the view of the Chair that the Amendment has met all the requirements under the Constitution and in our... in our House Rules and we'd like to proceed and you'll be given ample time to debate the Amendment, Representative."

Cross: "So... so it was, ok, a year ago and we actually joined you and we thought it was the right thing to do on just a Resolution, just a Resolution, opposing a tax which we, believe me, opposed. Was our side that actually introduced that Resolution first and had some members of your side come over and say please let us join. Then we did a... we did a Committee of the Whole on a Resolution and we can't do a Committee of the Whole on a tax increase, a doubling of the tax in the State of Illinois to raise three billion dollars (\$3,000,000,000) and we can't have a Committee of the Whole to talk about that? Is there something wrong with that? I think there's something wrong with that, Mr.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Speaker. You... we know you're in power. We know you can ram this through. You've got the votes to a... tell us, no, we're not going to do a Committee of the Whole. We're not going to have an open discussion about it. We're not going to have an open debate about it. That's fine, Mr. Speaker, but I think we're starting to see a return to the old days of Democrat control and power and the utilization of that power. You do what you want to do, Mr. Speaker, but I... I think it's a grave injustice to people of this state. We'll debate this Bill when... at the amount of time we're given."

Speaker Hannig: "Representative Smith, are you prepared to present the Amendment? Representative Stephens, for what reason do you rise?"

Stephens: "To... to move that we adjourn to the hour of noon on Monday the 14th for the purpose of creating a Committee of the Whole to invite taxpayers and others of interest to the House chamber along with our Senate colleagues at the hour of noon on Monday."

Speaker Hannig: "The Motion to adjourn is in order, Representative. So..."

Stephens: "I would like a recorded vote."

Speaker Hannig: "Okay, so we'll give you a recorded vote. So, the question is, 'Shall the House adjourn the time specifically referred to by Representative Stephens that are in the record? All..."

Stephens: "Thank you, Mr. Speaker and to that Motion. It... It seems only appropriate that in the..."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Speaker Hannig: "Representative, I'm... I'm advised it's not a debatable Motion. It is a Motion where you can ask for a Roll Call and it is in order, but I'm advised that it's not debatable."

Stephens: "Then I have a further inquiry of the Chair."

Speaker Hannig: "Yes, Sir."

Stephens: "Why would you be opposed to having public input on such a huge issue?"

Speaker Hannig: "That's not a parliamentary question, Representative."

Stephens: "No, it's a commonsense question and I already know the answer."

Speaker Hannig: "So, the question is, 'Shall the House adjourn?' All in favor vote 'aye'; opposed 'nay'. The voting is open. There's been a... request for a Roll Call vote and a Roll Call vote is granted. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 46 voting 'yes' and 67 voting 'no'. And the motion fails. So, Representative Smith, would you like to present the Resolution? Present the Amendment? Representative Smith."

Smith: "Thank you, Mr. Speaker, Ladies and Gentlemen. We have an issue before us now, I think, where we have a chance to really make a statement, perhaps to make history in the state. I have been frustrated as many of you have with our lack of progress to address many of the serious issues that face us in the state. And so I have a proposal before us today that, I think, is a simple proposal to allow us to accomplish a couple of goals that have eluded this Capitol

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

for a couple of years, if not more. This doesn't solve all of our problems, but I think it does provide us a way to address at least a couple of them. As you know, this is a Constitutional Amendment. I want to point out first and foremost I think the most important issue to keep in mind here is that all we're doing with this action, with this Resolution, is allowing it to be placed on the ballot for the voters of this state to have a choice to decide if it's good public policy or not. That's all your vote is about today, is whether this is on the ballot or not in November. The question then before the voters would be, do we want to change our income tax structure in the State of Illinois? We have a flat rate income tax 3 percent; out of the forty (40) states in the nation that have an income tax, only seven (7) have a flat rate. Out of those seven (7), we have currently the lowest of those seven (7) states the lowest rate. The other thirty-three (33), of course, have a graduated structure. This proposal would change our tax structure and would say that we would double the tax rate on those individuals who earn two hundred and fifty thousand dollars (\$250,000) or more a year, the highest of the high income earners in this state. Currently, of course, that would be 6 percent. That threshold would be indexed to the consumer price index, so that it would fluctuate as inflation fluctuates. At that high rate, at 6 percent, our rate in Illinois would still be lower than the top rates in Wisconsin, Iowa, Minnesota, Ohio, Nebraska and Kansas, and equal to the rates in Missouri and Kentucky. Just to name a few of our neighboring midwestern states.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

The question further before the voters would be where this new revenue would be spent. This proposal would establish three (3) new funds and would say that roughly a third of the revenue from this increase about, three billion dollars (\$3,000,000,000), roughly a third, roughly a billion (\$1,000,000,000) each would go to education, elementary and secondary education, higher education. Many of us have fought for years for more money for our public schools. We've been successful in some small amount for K-12. Higher ed on the other hand, has not been quite as fortunate in the last few years. This would provide a billion dollars (\$1,000,000,000) in new spending each year for our public schools. Second, third would go to fund a capital program. We've not had a capital program as you all know since the first year of the Ryan administration. We all have long lists of projects in our districts from our local communities, new buildings, new roads, existing state facilities that need repair. This would provide a billion dollars (\$1,000,000,000) to do that. A billion dollars (\$1,000,000,000) that would put people to work on those capital projects. Finally, the final third would go to support the single largest tax relief in the history of our state. We would raise the personal exemption for those individuals who earn less than two hundred fifty thousand dollars (\$250,000) from the current two thousand (2,000) to forty-five hundred dollars (\$4,500). That is direct tax re..."

Speaker Hannig: "Representative, your 5 minutes have already expired. Could you bring your remarks to a close?"

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Smith: "Thank you, Mr. Speaker. That is the direct tax relief for 95 to 98 percent of the taxpayers in this state. So, I think this is a real clear question for us today. Do we want to take a step to address a couple of the serious issues here to raise revenue, I think in the least painful manner possible and to pro.. and to provide tax relief and stimulus to our economy in these difficult times? I would suggest this is an easy vote. And again it's an easy vote to allow the people of this state to have a vote and I've never thought that was a hard decision for any of us to do. Mr. Speaker, I'd be happy to answer any questions."

Speaker Hannig: "The Gentleman from Kendall, Representative Cross."

Cross: "Thanks, Mr. Speaker. Would it be possible to have a little order in here? I mean, we are talking about one of the largest tax increases if not in the history of the State of Illinois."

Speaker Hannig: "Okay. The Gentleman has asked for some order. This is a proposed Constitutional Amendment, so let's give the Gentleman some order."

Cross: "Thank you. Representative, a couple things. I'm.. I'm going through your Amendment. How much property tax relief is in this particular Constitutional Amendment?"

Smith: "Representative Cross, there is no property tax relief in this Amendment."

Cross: "Thank you. You... you talked about a property tax or a personal exemption r... being raised to... I think from 2,000 to maybe a little higher to four (4,000). That equates in

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

our numbers to about seventy-five dollars (\$75) a person.

Is that the extent of any relief you have in this Bill?"

Smith: "Well, first of all, Representative Cross, the... the increase is from 2,000 to 4,500."

Cross: "Okay. Thank you."

Smith: "And for an average family of four (4), I believe the numbers that we have would amount to about three hundred dollars (\$300)."

Cross: "We might... I think we disagree, but at the... end of the day with this large tax increase the most a family is going to see is a couple hundred... couple hundred dollars (\$200), maybe three hundred (\$300), but no property tax relief for sure. There's no question about the fact that there's no property tax whatsoever in this Bill or this Amendment for Illinois families?"

Smith: "That's correct."

Cross: "Okay. Thank you very much. What do you do in this Bill with respect to you... you raise some money you say for capital, how much of this money is going to be spent on roads?"

Smith: "Representative Cross, that would be up to us to determine in a capital budget."

Cross: "Okay. So there's nothing in here about how it's spent?"

Smith: "Provides a billion dollars (\$1,000,000,000) to fund a capital program which is I'm told would do about a twenty to twenty-five billion dollar (\$20,000,000,000-\$25,000,000,000) multi-year capital program similar to

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

what's been proposed in a... in the two (2) gaming proposal's here."

Cross: "But, you're asking people to vote for an increase... tax increase, but yet... Mr... Representative, I want to make sure that we're all very clear. There is no specificity in here as to whether it's going to go to roads, school construction, higher education, mass transit, whatsoever. That is correct, is it not?"

Smith: "That's correct."

Cross: "Okay. Thank you very much. We have seen over a number of years some rather what I would describe, this is my characterization, pretty reckless spending by this state. A... and I don't... I think it would be hard to dispute that. What does this Bill do specifically in the area of reducing the approximately forty billion dollar (\$40,000,000,000) unfunded liability we have for pensions?"

Smith: "Representative Cross, as I said in my opening remarks, this doesn't solve all of our problems. This doesn't address the Medicaid debt, doesn't address the pension debt. This sets out to do a couple, I think, reasonable goals by addressing our need for a capital program and by providing additional money for education and by providing tax relief to 95 percent of the taxpayers in this state."

Cross: "So this Bill, I want to... let's make sure we're clear. This Amendment does nothing to reduce the Medicaid liability, does nothing to reduce the pension liability, does nothing to take care of the health care state obligation that's about forty billion dollars (\$40,000,000,000) and does nothing to pay those un... unpaid

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

bills that the Comptroller says are about 1.7. That's correct, is it not?"

Smith: "Those items aren't addressed in this."

Cross: "Okay. Now, can you tell me the billion dollars (\$1,000,000,000) or so that you were going to spend on public education. I represent the Plainfield School District and the Oswego School District, the Troy School District. What can I tell my school districts they'll get when this passes?"

Smith: "You can tell them they'll get more money, Representative Cross."

Cross: "How do I know that? And how can I go to my superintendent in my residents and say you are going to get this amount of money? I heard that on the House Floor in the debate and this is how much you're going to get, and this is how it's going to be used and for what projects, whether it's categoricals, whether it's special ed, whether it's early childhood. I want to be able to specifically tell my school district what they're going to get under this Amendment."

Smith: "Well there's no... there's not going to be a printout from the State Board Education that's going to tell you specifics, Representative Cross. This... this simply says there would be a billion dollars (\$1,000,000,000) in new money for education and it would be up to this General Assembly to determine each and every year where that billion dollars (\$1,000,000,000) would be spent."

Cross: "Are we... Representative, do we know for a fact and I'm not so sure we do, but there's a formula now for both K-12.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

We got a formula for higher ed, as you know. Will... will it flow into there or is there going to be a different area it goes, the money?"

Smith: "Representative Cross, that's not addressed in this Amendment. This again simply provides where the... the new revenue would... would go towards. It doesn't have anything to do with state aid formula. It doesn't have anything to do with determining the split of that money, whether it's state aid, mandated categoricals or whatever."

Cross: "So, while you can... you're going to say there's more money. No one here today that's voting for this tax increase can sit in front of a school board or residents of their district and say this is what you're going to get or go back to my universities, our universities, our community colleges and say this is what you're going to get, because we don't know."

Smith: "We can say that they're going to get a billion dollars (\$1,000,000,000) in new funding for education. And then..."

Cross: "Okay. We don't know..."

Smith: "...And then we can determine where that money is going to be spent through the normal budget process that's subject to appropriation."

Cross: "So, we don't know, though, Representative, whether it's going to go upstate, downstate, City of Chicago? We just know that there's a bigger pot, we're not going to tell anybody how we're going to spend it. That's correct?"

Smith: "It's... it's a billion dollars (\$1,000,000,000) in new money for education."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Cross: "Okay. We kind of had this issue many years ago, Representative, where we told people we're going to give you more money for education. Remember that little issue called the lottery? And how many of us have heard time and time again from our constituencies that what are you doing with that lottery money? And it seems to me, Representative, that we're falling down into the same type of trap when we're looking at a Constitutional Amendment but yet, we have absolutely no idea where this money is going to go and you're asking people to vote for it. In fact, you're asking residents of Illinois to vote for a Constitutional Amendment, but..."

Smith: "I think on the contrary, Representative Cross, it does provide that this money will go to education. It establishes a fund that this will go into, unlike when the lottery was approved. And this... this establishes that a third of the proceeds from this change in the structure would go directly to education."

Cross: "But we don't know where. And you've conceded you don't know where it goes. Now, there's no question and one of the big arguments with the gross receipts tax that we all voted on on a Resolution soon after Committee of the Whole was that the tax increase was going to be passed on to consumers, the people that buy vans and screwdrivers and coffee and blue jeans and backpacks to go back to school. What is... what do you have in this Bill, Representative, or in this Amendment that will... we can say to consumers in the State of Illinois who already have pretty high electric bills, who already have gas going up to almost \$4.00 a

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

gallon. They live in Cook County they have sales tax at over 10 percent and the list goes on and on. What can we say to those folks that are buying the goods in the State of Illinois that this isn't going to impact you as a consumer? Mom, as you're trying to get your kids back to school or dad and mom trying to make that mortgage payment or family trying to get that young person into a higher education facility, you're not going to be impacted by this... by this inevitable flow to consumers that, you on your side and we on our side, all agree is the inevitable results of a tax increase; that it negatively impacts consumers. How can we say to consumers it ain't going to happen?"

Smith: "Representative Cross, you can say to them 95 percent of them are going to have a tax relief, are going to have more money in their pocket under this proposal. That's what you can say to them."

Cross: "Maybe to..."

Smith: "I think people who opposed the gross receipts tax last year, many of them said they'd rather see an income tax increase."

Cross: "Representative, let's make sure we clear that number. You said four hundred dol... three hundred dollars (\$300), based on a family of four, but really, with a working family the mom and dad, we're probably talking a hundred and fifty (\$150) or two hundred dollars (\$200) on top of all the things going on in this economy right now, where we have... where we have the gas prices..."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Smith: "It raises the personal exemption to forty-five hundred dollars (\$4500) and it also indexes that to the consumer price index."

Cross: "Right. But what I'm talking about, Representative, and let's make sure that we're very clear about this 'cause I don't think there's much misunderstanding about this. That personal exemption translates into approximately seventy-five dollars (\$75) a person. And what you did is, say an average family of four (4) is how you get to the three hundred (300). But the reality is, for a couple working hard, they may see... they may see a hundred and fifty dollars (\$150) at most on doubling of the tax. So, let me ask you a couple of other questions if I can."

Smith: "Representative Cross, I think I have to correct you. That would not be at most, that would be guaranteed."

Cross: "Excuse me one second. Mr. Speaker, Mr. Speaker, Mr. Speaker..."

Speaker Hannig: "Yes, Representative?"

Cross: "...can we be assured that everybody will have ample opportunity to speak today? I... I just want to make sure that we're not going to cut anybody off."

Speaker Hannig: "Yeah, we can go to the... we can go to unlimited debate. Now I have not run the clock on you, Representative Cross, but I would use the 5 minute clock on... on all our other Members."

Cross: "Thank you. But, you're not going to cut anybody off from debate and you've got 5 minutes, but if everybody wants to speak they'll be allowed to?"

Speaker Hannig: "That's correct."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Cross: "Okay. Representative, what can we say to the folks here in the State of Illinois that as we see unemployment at an all-time, maybe not at an all-time high, but a fairly significant level, mortgage foreclosures going on. What can we say to those folks that is in this Bill that ensures them that they... there will not be a job loss in the State of Illinois. Because as a general rule, I think everybody would agree from a policy standpoint with this tax increase negatively impacts the job growth, the job creation in the State of Illinois. What's in this Bill that says it ain't going to happen?"

Smith: "Representative Cross, we can say to them that this is tax fairness. If you look at what has happened to incomes throughout the last decade, the growth in income of those individuals in the top 1 percent earners has been significant. I believe it's been close to 42 percent. The growth for those in a vast majority, in the 90 percent, has been much lower, around 7 percent. So, this is simply a matter of tax fairness. I think people will understand that very easily. Look at the front page of the Sun Times today. It talks about what's happening to the middle class in this country. This is some small way to bring about some balance in our tax system in the state. We have a regressive income tax. We have one of the most regressive tax structures in the country. We have a sales tax that's regressive, we have an income tax that's regressive..."

Cross: "Just for the record, we have the largest sales tax in the country if... if you weren't sure about that. Mr. Speaker..."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Smith: "Only in Cook County, Representative Cross."

Cross: "Well, only in Cook County. The Cook County that we all say is the economic engine of this State and yet we put this huge baffle on it at 10 percent, if not higher, where people are saying, why do I want to shop in Cook County. Mr. Speaker, to the Bill. You bring a very, very, very significant issue to this House without really not... giving it an opportunity to debate... to be debated and heard from from around the State like we've done on previous issues, which I find a bit troubling. And you're also asking people to vote on a Bill and ask the people ultimately of this State to vote on a Bill where they have absolutely no idea where the money's going to be spent or how it's going to be spent. We... we're told some money's going to be there for capital, but we don't know if it's going to be for roads, we don't know if it's going to be for schools, we don't know if it's going to be for mass transit. You then ask us and tell us, oh, we're going to have more money for education. Mr. Speaker, I know your side's already been told how to vote and maybe they don't care. Our side is still trying to figure this Bill out. So, again, I'd like a little order around here if we're going to debate about a doubling of the state income tax. You're asking us to vote on a doubling of the tax increase for our schools, but we don't know where the money's going. We don't know if it's going to Chicago, we don't know if it's going to downstate, we don't know if it's going to suburban area. And many of us would agree that we need some more money for our schools that we have a good public school system, but there are

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

deficiencies in it. But, we can't tell our constituents if their getting anymore money. We can't tell... we can't tell people in this state that they're not going to lose their job because we're going to impact small business. We can't tell people in this state that this isn't going to be any different than the lottery scam that people believe this state passed on. We can't tell anybody that they're really going to get or that they're going to get any property tax relief under this Bill, because there is no property tax relief. And I would submit to you that the single number one issue that we hear in this state time and time again from constituents is their property taxes are too high. And this Bill does absolutely nothing to address the issue of property taxes, absolutely nothing. But perhaps the most troubling part about this Amendment, Mr. Speaker, the most troubling part about this Amendment is that we're going to raise perhaps three billion dollars (\$3,000,000,000) and we're going to turn it over, we're going to turn over the people's money, all three billion dollars (\$3,000,000,000) of it, and we're going to turn it over to a party and an administration that everybody for the last 5 years has said, can't spend money wisely. That they spend money recklessly, that they spend money they don't have, that they spend money we don't have that in order to balance budgets we raid from the pension system, in order to balance budgets we say to nursing home providers and hospitals and pharmacists and doctors, we're not going to pay you your bills. We don't care about your payroll, we don't care about your tax obligations, we're

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

just not going to pay you 'cause we can't balance our budget. And yet, what do we do? We come along almost in the... in the... in the shortest timeframe possible and say, we're going to raise three billion dollars (\$3,000,000,000) and we're going to turn it over to a government that has spent and borrowed so foolishly the last 5 years. What are we doing? So, here's three billion dollars (\$3,000,000,000), Governor Blagojevich's administration, go do whatever you want with it, 'cause you've got a pretty good track record. Wait a minute, they don't have a good track record. We've been listening to your side for the last year and a half run as fast as they can away from this administration. You're the folks that enabled him. You're the folks that created this. You're the folks that said, we'll balance the budget by raiding the pension system, we'll balance the budget by having unpaid bills go to the tune of almost two billion dollars (\$2,000,000,000). We'll borrow mor... more money. And then all of the sudden it dawned on you and a lot things... other things we're happening that, wow, that wasn't really good, we don't want anything to do with it. We're going to have a recall Amendment. We're going to do all we can to bash the Governor because, wow, maybe we were wrong. And now you want to come along and raise three billion dollars (\$3,000,000,000) a year and hand it over to the very guy and the very administration that has no business touching the peoples' money in this state. Absolutely no business whatsoever. Talk about taxes, talk about the rich, talk about jobs, talk about property taxes, they're all things

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

that need to be said. But the bottom line here, Mr. Speaker, is he has not proven, nor has your side of the aisle proven, an ability to handle money wisely in this state. It's not our money, it's the taxpayers money. And we're going to take three billion dollars (\$3,000,000,000) from them and we're going to ask... they're going to expect from us that it be handled wisely and responsibly and there is no track record of that whatsoever in this state. I would hope and I'm sure and know you've all been told on the other side of the aisle, you got to vote for this. We know what this is, it's a political document. We're back to that. We're six (6) or eight (8) months away from election. We're going to do whatever it takes to run from the Governor, even though we were all with him, all helping him, all passing his legislation, but now we're going to play a different game. I understand it, but I think the people of the State of Illinois have started to understand it. This is a huge, huge mistake. It means job loss, it means no job creation. It means more reckless spending down the road without any regard for fiscal management. Mr. Speaker, I would encourage a 'no' vote. It's a shame you have not let the people of the State of Illinois have some input on this, the magnitude of this. And I think it's going to come back. It's going to bite you and it's going to bite your Party. And I would hope that everybody who cares about fiscal responsibility in this State would vote 'no'. Thank you, Mr. Speaker."

Speaker Hannig: "The Gentleman from Lake, Representative Beaubien, you have 5 minutes."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Beaubien: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Beaubien: "The Amendment's predicated on the receiving three billions dollars (\$3,000,000,000) of income, is that correct?"

Smith: "Yes."

Beaubien: "COGFA, who as a practical matter, has a much better track record, indicates that it would be a little bit under 2.5 billion (2,500,000,000). You and I have had this discussion in committee.."

Smith: "I'm sorry, Representative Beaubien, it's not predicated on the amount, it's... we're talking about the structure.."

Beaubien: "Okay."

Smith: "And that's the estimate that would be... would be raised."

Beaubien: "The three billion dollar (\$3,000,000,000) figure has been used as... as... as we've been discussing this issue. We have talked previously in committee about the fact that I believe people will change their behavior, they'll accumulate dividends rather than pay them out. The major investors and partnerships and so forth have already had plans on how to... how to manage this and not pay as much tax. What would happen if what I believe to be true that you may at best raise 1.5 billion (1,500,000,000)? What effect would that have on this overall Bill? And your goals and objectives?"

Smith: "The money... The money that's raised, Representative, would be distributed to those three funds. So, if there's

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

less money raised there would be less money in those funds and less money available for the purposes I stated."

Beaubien: "In the past 4 years we've increased spending about 4.5 years, 4.1 billion dollars. This year's budget is about 1.2 billion dollars (\$1,200,000,000) short. You're proposing an additional three billion (3,000,000,000). That's 8.3 billion dollars (\$8,300,000,000) in six (6) years that we've increased spending and we haven't addressed, as you've admitted, the problems of pensions, property tax relief, Medicaid payments. So, what you're basically saying is we have these other hills to climb and we're going to have to find a way to tax that money, too. Are we... are we not?"

Smith: "Representative, I said in my opening remarks, this doesn't solve all of our problems. This addresses..."

Beaubien: "But I just want people to be aware that..."

Smith: "This addresses what I think are a couple of major issues that we have not been able to do."

Beaubien: "Well, I think the General Assembly needs to be aware that those problems are still out there, they're going to need to be addressed and they're going to cost additional money. The runaway spending in the last 6 years is... is... is beyond belief and is not good for the taxpayers of the State of Illinois. And again, I would point out a statement that Representative Cross made. If you're a single individual and you save seventy-five dollars (\$75) on your income tax return, if you're not under alternative minimum tax, that'll buy... that'll buy a gallon of gas. I don't really think this is a good idea. Let me ask you

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

another question. This applies to home sales, profits on home sales?"

Smith: "I'm sorry, could you repeat that?"

Beaubien: "Does this include profit on home sales?"

Smith: "You're talking about a capital gain?"

Beaubien: "You sell your home and you get five hundred thousand dollar (\$500,000) profit, does it include that? Would you pay 6 percent on that?"

Smith: "In that tax year, if that's part of your income, yes."

Beaubien: "Okay. So you're pushing it to the 6 percent bracket. You're paying your realtor 7 percent and in Chicago you're paying a transfer tax of... I don't know 6, 7 percent. We've raised it, I'm not sure what the number is, and you pay 6 percent on the profit. On a million dollar (\$1,000,000) home with a five hundred thousand dollar (\$500,000) profit that's about a hundred and seventy thousand dollars (\$170,000) for the privilege of selling your home. I think the people in Chicago oughta be aware of that. And you're going to take average individuals who've built up an equity in their home, have the ability to sell it and they're going to end up paying this 6 percent tax on all their income, even including zero to two hundred and fifty thousand dollars (\$0-\$250,000). I would like the Members of the General Assembly to be aware of that's what's going to happen to their constituents and they're not going to like it. Again, this is a very significant matter. I think it should be given more public debate and I would urge a 'no' vote on this matter."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Speaker Hannig: "Representative Stephens, you're recognized for 5 minutes."

Stephens: "Thank you, Mr. Speaker. To the Bill. The a... earlier in the day just moments ago, Members on your side of the aisle voted to not allow public input on this most important issue. We simply ask to extend the debate to Monday afternoon at the hour of noon, so that we could have people come before this Body, ask reasonable questions, have input for or against this important issue. The Democrats in Illinois don't want to hear from the people who will pay these taxes or those who would be affected oth... otherwise. Not unlike many issues, you don't take this serious. This is about false promises, billions of dollars to promises that... that won't be kept. It's the Democrats in this House that have enabled this administration to take our state on a path of financial ruin and this is more of the same. Three billion dollars (\$3,000,000,000) trust me, trust me. Representative the Sponsor of the Bill says, well it's going to be put in this fund for education. Doesn't talk about whether it's going to go on top or on the bottom, Representative, it's just going to go into a fund and maybe it's going to be a billion dollars (\$1,000,000,000), but let's call it that, even if it's not. It doesn't mean one extra dime for education, not one dime. Capital program, not one dime do we know where it's going to be spent? Not one of those dollars can we tell you today where it's going to be spent. But, trust me, trust me. The Democrats in the State of Illinois led by the Speaker of this House, the Governor on

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

the second floor and Senator Jones, those three (3) are most responsible for the financial ruin of this state. It's the Democrats who say trust me. It is the Speaker of this House that has enabled this administration to b.. to take us into unprecedented territory of financial ruin in the area of pensions, unfunded liability of over a hundred billion dollars (\$100,000,000,000). When we get to.. when you take.. when you compare that to just a couple of billion dollars (\$2,000,000,000) of unpaid bills, it almost makes it look frivolous to argue about the unpaid Medicaid bills for hospitals, pharmacies, doctors and nursing homes, who are facing individual financial ruin because this administration led by this Speaker and this Governor and the.. and the irresponsible Senate Leadership has continued not to recognize the fact that we have to do one thing, one thing before we talk about raising taxes to unprecedented levels. That one thing is what, to say how much can we spend? That's all you talk about, how much more can we spend. We ask you to say what Jim Edgar said in 1991. Wait a minute. Wait a minute. Let's think about slowing down our rate of growth. Let's talk about saying no to another new program, irresponsibly conceived by a Governor who's waiting for his next press release to go out. Democrat Governor, Democrat Speaker, Democrat Leader in the Senate, you are being more than irresponsible. You have taken us so far, so far down the path that I don't know how we're going to get out of it. What are you doing today, you're making it worse. Thank you, Mr. Speaker. I yield

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

my time to Representative Mitchell, the Gentlemen from Forsyth."

Speaker Hannig: "Representative Winters, you're recognized for 5 minutes."

Winter: "Thank you, Mr. Speaker. I want to make several points in my five minutes. One is, that the Sponsor has said that this is all about tax fairness, but the way that this is... is structured is that somebody that makes two hundred and forty-nine thousand dollars (\$249,000) pays 3 percent on all of their income. Every dollar gets a 3 percent tax. Their next door neighbor that makes a thousand dollars (\$1000) more, on every dollar that they earn, pays six percent. Is that tax fairness? Two (2) people, virtually identical incomes, and yet one's tax rate is double that of another. The states that have the progressive income tax actually do it responsibly. They have a low rate at low-income levels and progressively higher income taxes at higher incomes. They don't go back to dollar zero and then double the tax on the first dollar you earn. I would also make a point that what Illinois has to try to attract business in Illinois is a flat tax. Now, when countries have it... have an economic struggle on their hands, there's changes, they're struggling to encourage companies to grow. What do they do? What have been the most successful examples that we've seen over, let's say, the last twenty (20) years? I would urge you to think of the countries of eastern Europe who got out of control by the Soviet Union, became independent to set their own economic policy and to spur growth most of them went to a flat tax, a low flat tax

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

and they have been the tigers of economic development in Europe. It hasn't been Germany, it hasn't been France, it hasn't been England with progressive taxes, but the flat tax economies like Ireland, like Czechoslovakia, like Poland, Lithuania, Latvia. You name the eastern European country that has had tremendous growth and it's been a flat tax country. We're taking the wrong public policy initiative here, is to make a progressive tax. We are also going to be forcing the successful to leave Illinois. When they have an option... maybe they live... they have a summer home in Lake Geneva, maybe they like a place in southern Michigan, they can get to Chicago in an hour, much of their income may be in investments. What happens when they decide that they're going to move their domestic domicile to a neighboring state and continue to run their business in Illinois in absentia, if you will? Maybe they'll drop in a couple times a... a week to a... to help manage the firm, but they're going to establish their residency in another state that would have a lower income tax and one that's fairer to them by not doubling the tax on the first dollar they earn? What will happen is two (2) things; one, they will, by their accountants advice, stop making charitable contributions in Illinois. To establish where you live you stop giving to your former state's church, your former state's... former state's public agency and we're going to see the local agencies that are struggling because this state won't pay the bills that they've... they've pledged to pay these agencies, but instead they will give their contributions to their new home to establish that that is

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

where their... their living is. Then the other question they have is, well, is Illinois going to come back on my investment income in Wisconsin or Michigan or Indiana or Iowa and say, you know what, you earned all that money when you lived in Illinois so we think we oughta have a state tax on your out-of-state income. There's some significant problems here. We have not had time to run this by the Department of Revenue and get simple basic answers about how this will be implemented. The capital gains on homes... when retired people sell their home they have a five hundred thousand dollar (\$500,000) exemption under a Federal Tax Law, but not in Illinois. In Illinois if they have a fairly good-sized house, they sell it, they want to downsize and move to a condo, the capital gains that is tax free up to a half a million dollars (\$500,000) will be taxed in Illinois and probably taxed at the 6 percent rate. It triggers all their other income also, because they've now become the super wealthy. Well, the super wealthy in Illinois are no longer going to be in Illinois. I will leave you with one quote from Alexis DeTocqueville from Democracy in America. It is a paraphrase that says that America will have a democracy until its citizens figure out that they can vote themselves public benefits and make someone else pay for it. That's what you're trying to do is expand the size of State Government and make someone else pay for it besides the general public of Illinois. Thank you."

Speaker Hannig: "Representative Pritchard, you have 5 minutes."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Pritchard: "Thank you, Mr. Speaker. To the Bill. I compliment Representative Smith for bringing forth an idea that he feels is... is the answer to some of the issues that we're facing here in the State of Illinois. But I'm troubled by his comment when he says that this is the least painful way to deal with some of these issues. Like all of you, I remember sitting... when we were inaugurated back in January of 2006 when we heard a speech that says we need to make some tough decisions. We, in Illinois, are facing some big deficits and some challenges and we have to look for the hard choices that we as Representatives were elected to make. We should not be looking for easy answers and I think we need to do what our constituents are telling us, if we listen to them when we go home. They're not saying tax me more, they're saying solve the problems by tightening the belt as we have to do as families. They're saying make choices, set priorities, look for more efficient ways of running government as we have to look for more efficient ways to pay higher fuel costs in our family, higher food costs, and how we have to make ends meet. This Bill would give more money to an administration that has clearly demonstrated an inability to manage the budget that we gave them this year. Many of you have received the calls that I have received wondering where is the OSLAD money? Where is the soil conservation money that helps municipalities as well as rural areas conserve their air... their soil and their water and make sure that we have clean water supply? Where's the funding for the extension service from the University of Illinois in every county of

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

this state that helps families with food planning, with balancing budgets, with some of their needs around the home and... and business? Where's the money for some of our human service agencies that have been told and I've had domestic violence shelter say that they no longer are getting their state funding because the Governor hasn't managed money. And we're going to give him more money in this Bill? I think we ought to be demanding reforms, we ought to be demanding accountability, we ought to be making sure that this money is spent for some of the laudable purposes that the Representative has listed up. But I'm also concerned about access to healthcare, when we are not paying doctors and druggists and nursing homes and hospitals, forcing them to turn patients away, forcing them in some cases to close their door, forcing them to put the most vulnerable on the street at a time that we say we're trying to help them and we need more money to help them. I say we ought to start by looking at the way we're spending dollars today. Let's reach out to our agencies, the people on the front line and instead of just saying we're going to give you more money, let's say help us deliver services more efficiently to those people that are most in need. Let's look at how we can help our state step forward and put people on their feet, so that they can achieve the dreams and the hopes that they have rather than a dependency upon government that has proven all too often that we will fail to follow through with the dollars and the budgets that we promised back in July, excuse me, this year in January, for operating in 2008. I think we need to be accountable for

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

the dollars that we have been given before we ask for more dollars. I think we need to be responsible to the issues that we have been elected to serve and that's to make some tough decisions. I think we need to solve some problems here before we just start looking at more money. And it's been pointed out there's no assurance that this kind of tax increase is going to generate the three billion dollars (\$3,000,000,000) that we're looking at. The Commission on Government Forecasting and Accountability says it's less than that. We put fees on businesses before that get even less revenue than what was estimated. There will probably be less revenue than what's jus... estimated here. So at the end of the day, we'll be adding to the deficits that we have, not solving the problems we're elected to serve and to finish and to solve here in Springfield. So I'd ask you, Ladies and Gentlemen, to do the hard thing, to do the fair thing, to solve some of these unfunded issues and look at this issue in a responsible..."

Speaker Hannig: "Representative John Bradley, you have 5 minutes."

Bradley, J.: "I a... I'm reminded of a story a kid that wanted to play high school football and a... coach said, well, if you're going to play football, you need to lift weights. So the kid goes out and he lifts weights. He gets bigger, he gets strong. So coach says, well, yeah, you're stronger, but you need to get faster. So, the kid goes out and he runs and he runs all summer and he loses weight, builds muscle and he gets faster. Coach says, well, you're big and you're fast, but... you're not mean enough. So he

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

goes out and he eats some nails and stomps on some flowers and gets mean. Coach says, well, you've done all those things, but I still don't have a place for you. That's what I feel like. Right? So, the gross receipts tax last year we killed, we killed because it was a tax on business. There's no tax on businesses in this Bill. Right? So then... so then we say, well, nobody trusts the Governor. Right? We don't trust the Governor, we don't trust where the money's going to go, right? So, put it in the constitution where the money's going to go. Put it in the constitution. Right? And we say well, we don't like the way business goes on around here. It goes on in the back rooms. People with cigars sitting around... we're like mushrooms, we don't see the light of day. So, we put it on the ballot. We let the people decide. We're not deciding anything, we're letting the people decide. Right? But that's not good enough. Right? We can't let the people decide, that's not... pure democracy is not good enough for the people of the State of Illinois. It's not good enough for the people of the State of Illinois. So we do all those things and it's still not enough, it's still not enough. When is it going to be enough? Let's make one thing clear. You vote against this Bill you're voting against 95 percent of the population of the state. You vote against this Bill... you vote against this Bill you're voting against the capital program, you're voting against education and you're voting against tax relief for the middle class. Let's make that clear, that's what you're voting against. You can't be against everything all the

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

time. One final thing. I'm the wallflower. Blagojevich's had five (5) budgets. Right? I, in a bipartisan manner, have joined in a bipartisan manner with the other side of the aisle three (3) of those five (5) budgets. Three (3) of those five (5) budgets have been bipartisan, 60 percent of the budgets in this call of increased spending have been bipartisan. That's a stat that should not be forgotten. That's a stat that you can't run from. That's a stat that you can't hide from. So, we going to be for something, we going to be for nothing, or like the kid that wants to play high school football, we going to try to move the ball forward?"

Speaker Hannig: "Representative Tryon, you have 5 minutes."

Tryon: "Thank you, Mr. Speaker. If the Sponsor would yield, I'd like to ask a couple of questions?"

Speaker Hannig: "He indicates he'll yield."

Tryon: "Representative Smith, in the... in this Bill that you have, it's going to direct a billion dollars (\$1,000,000,000) to education, correct? But it's not a billion dollars (\$1,000,000,000) addition to what we already have in education, just says that this billion dollars (\$1,000,000,000) goes to education, right?"

Smith: "Well, first of all, Representative, it... it address... it says that a third of the proceeds from this would be established or would be deposited in a fund that would go to education."

Tryon: "But, there's nothing in this Bill that would say we could divert the money that's in education to some other

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

program like we might have done with the lottery money when the lottery money went to education, correct?"

Smith: "I'm sorry, you're saying that... that money in that fund would be diverted to some other..."

Tryon: "There's no guarantee that the money that's in education today we don't divert to some place else. I mean, we're looking at this like this is going to be a billion dollars (\$1,000,000,000) more for education. This is a billion dollars (\$1,000,000,000) that goes into education, 'cause there's nothing keeping us from reappropriating the money we already have to some place else, like we did with the lottery, when we did the lottery. Is that correct?"

Smith: "Well, that decision would be made by the Legislature, Representative Tryon..."

Tryon: "That scares me."

Smith: "...and I would not want to... I would certainly not want to vote for something that would... would go against what would... would be approved by the voters and be a part of our State Constitution. Would you?"

Tryon: "That's the problem, when I'm a voter and I vote on what you've got on the ballot I'm going to think I'm going to give a million... billion dollars (\$1,000,000,000) more to education. And all I'm doing is increasing the spending authority of the General Assembly by three billion dollars (\$3,000,000,000) with really no ties on how we... how we... what percentage of the budget's going to go into education, what percentage of the budget's going to go into capital because we still have control of the money we have there today. To the Bill. You said when you got up let's give

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

the voters good public policy to vote on and I am for that and it is a legitimate discussion to have about placing on the ballot a Constitutional Amendment that would allow for a progressive income tax. This is not a progressive income tax. This tax is a threshold income tax. You hit the threshold at two hundred and fifty thousand dollars (\$250,000) and you pay 6 percent from zero; all the way up to however much you make, even if it's a million dollars (\$1,000,000). That is wrong, because I tell you what, if you sell your house, if you sell your house and you're a single person and you are a widow and your house in Chicago's a million dollars or seven hundred and fifty thousand that's the only thing you have to live on the rest of your life. That's your retirement, you're going to pay 6 percent on it. If you sell the family farm and you're in southern Illinois, your going to pay your 6 percent, not just on the sale of the family farm, but on everything you made that year, from zero on up. A progressive income tax like Missouri has starts at zero and it.. they have it graduated. And we could do better if we just ask the voters, do you want a progressive income tax? 'Cause we could actually structure the progression to give more tax relief to the working people of Illinois than what this would do. I think that.. I support you in that if you would do that because that is a good question. This is bad public policy. The face of the person that's going to pay this tax is the people that may have investments to sell to continue their life in retirement. When you got the kind of baby boomers hitting retirement and the one thing that

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

they worked hard for their whole life is... is a piece of real estate, they're going to be hit pretty hard when they go to sell it. And that's wrong. And this is just a tax increase that gives the General Assembly three billion dollars (\$3,000,000,000) more to... to... to a... to spend. And I tell you when Representative Bradley joined with the other side and voted against bad budgets, he voted against 95 percent of the... of Illinois because they were bad budgets and you did the right thing. The right thing to do is vote against bad public policy and put the right question on the one thing we can control is the question and the way it is. Ask the voters of the State of Illinois, do you want a progressive income tax? I'm with you on that, but not on this. This is bad public policy. I urge a 'no' vote."

Speaker Hannig: "Representative Black, you have 5 minutes."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the proposed Constitutional Amendment. It's always interesting to hear someone on your side of the aisle, let the people decide, let the people decide. And yet, many of your Leaders on the Recall Amendment said how can you let the people decide such an important question? And they voted 'no'. They didn't... they didn't want the people to decide a recall, but they want the people to decide this. It... it's amazing how consistently inconsistent we are in this chamber. As I recall, it's your side of the aisle that demand certain things of this Governor. Was it two or three years ago you demanded and received hundreds of written memorandums of

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

understanding from this Governor as to whether or not your projects would be funded or the money would be released and you were very satisfied with... with the written promises that you got. What happened? Most of you didn't get that, most of you didn't get anything. Last year you had a budget agreement. What happened? Somebody didn't tell the truth in the Democrat Party. I... I find that very hard to believe. But, somebody didn't tell the truth in the Democrat Party and you didn't get the budget agreement and all of your projects get vetoed a... got vetoed out, tens of millions of dollars got vetoed out and we were here all summer. And now you want to turn around and tell me that you trust this Governor with three billion dollars (\$3,000,000,000). When did you change your mind here? Just a month ago you didn't trust him with anything and now today you're telling me, trust the Governor. We'll give him three billion dollars (\$3,000,000,000) and he'll be fair and it will all go to education and tax relief and capital. You know... ya... ya... you simply can't have it every way that you want it. I read the analysis and it says there's a hundred and seven thousand people (107,000) that this would impact. Now, come on, you're going to raise three billion dollars (\$3,000,000,000) by... by raising the tax on hundred and seven thousand (107,000) people? We don't have Bill Gates in the State of Illinois. Tell you what you are going to do, you're going to tax married couples who together make a hundred twenty-five (125), hundred and twenty-six (126) or separately, file jointly and you're going to put them over the two fifty (250);

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

you're going to tax small farmers because of commodity prices, they're making money, some of them for the first time in 4 or 5 years. You're going to hit small farmers; you're going to hit small businesses, particularly when you have a father, a son and two (2) grandchildren in the business. When you divide up the profit of that small family business among four (4) people it isn't going to be difficult to hit the two hundred fifty thousand dollar (\$250,000) threshold. I don't have to worry about this, folks. I don't make two hundred and fifty thousand dollars (\$250,000). My wife wishes I did, my creditors wish I did, but I don't. And I... I don't get any pleasure in saying that. When you work as hard as most of us have tried to work for most of our lives and we don't make that amount of money, it's... it's nothing to brag about. I have a Constitutional Amendment that's been on a... the Calendar as a Motion to Discharge the Rules Committee, HJRCA 10, that's been on there... it's been on the discharge Calendar for 14 months. It is basically the Amendment that we passed out of this chamber in 1992 that says simply the state will be responsible for the preponderance of funding for education. And in that... in the... remarks back 10 years... 1992, it was understood that if that Amendment passed we would have to raise taxes. That's letting the people make the decision and then we would make the decision on what tax to increase. By the way, that Amendment passed in 96 of the 102 counties but failed to get a 60 percent majority of those voting on the question by less than 2 percent. You all know that this isn't going to pass, you knew that

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

before you went to caucus. But, it's a good Roll Call and it's a good piece that you could demagogue. But you know what worries me about this process and it's worried me for some time. When we can't arrive at any kind of solution, when we become so dysfunctional and so toxic that we can't get anything done, what are we resorting to today, the most base instinct of politics in our society, class warfare; us against them. Let's soak the rich. They somehow don't pay their fair share. Let's... let's see if..."

Speaker Hannig: "Representative, could you bring your remarks to a close?"

Black: "I'll be more than happy to. Thank you, Mr. Speaker. I've seen this... I've seen us resort to this class warfare time and time and time again. It's... it's counter productive, it's destructive. Do you really think that the hundred thousand (100,000) most wealthy Illinoisans don't have access to the best accounting and legal advice that they can buy? Do you think they're just going to sit there and pay an additional 3 percent. They're going to defer income, they'll change their legal residence. They'll... they'll change the way their business is set up. You won't raise the kind of money that you're thinking about and you know that. And you know it won't pass, but... okay... okay get your Roll Call, attack the rich, attack each other, attack philosophical differences, if you will, but at the end of the day what have we gained? Unlike the analogy one of your people used we haven't gained a yard. It's not first and ten (10), it's fourth and two (2) in the fourth quarter and this isn't going to help. It just further divides us

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

from the job we need to do. And hopefully, by the time this spring is over or summer or whatever we have to do, we'll stop all of this a... political war and toxicity and get about the business of doing what I've seen us do in this chamber on occasion and that is work together to find some very difficult solutions to a problem that has evolved, not just in the last two (2) or three (3) years, but has been coming for ten (10) years and needs to be addressed. This doesn't do it, it won't do it, we know that. Let's get the vote and let's get out our press releases and then let's get about the business we need to get about."

Speaker Hannig: "Representative Krause, you have 5 minutes."

Krause: "Thank you, Mr. Speaker. To the Bill. I rise in opposition to this Constitutional Amendment. This Amendment would do more harm than good to the people of the State of Illinois, to our citizens and to the many who are in the small businesses of Illinois. I cannot think of a reason why anybody would support this type of runaway spending. The Majority Party has over these past several years engaged in that runaway spending in waste and not having an accountability on hundreds of millions of dollars of taxpayer funds. You have spent us into a fiscal crisis. You have gone ahead and worked on the outflow of people from this State and small business and you are doing it again with this legislation. This three billion dollars (\$3,000,000,000) has no standards in it as to how it will be spent and that if it were passed in the November election, 60 members then could take that three billion

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

(\$3,000,000,000) and decide among yourselves over there exactly how you would spend it, because there is no accountability, no standards. And we wonder why the people of Illinois have no trust? Here is the exact example why there is no trust. This country is in a recession and there are over 25 states that are proceeding to look at their spending to see where they can cut it and where they can make reductions and that must be done. But not in Illinois, Illinois will not do that. But let me put out another approach that should be done and that is in fact rather than always do what that side of the aisle does with tax and spend and that is to immediately to begin working on the spending of the state to examine it, to see where reduction can be made, to see where there is waste and there certainly is and to take that approach. Because that side of the aisle will not at all address the issue of the arrearages that the state has, its inability to pay its bills. It is behind in Medicaid payment, pension payments and that is what should be addressed by this General Assembly at this time. Then as it's pointed out at the same time, we should be working, this Body, all of the Legislators, on an infrastructure Bill. It ought to be a reasoned Bill. We ought to look at the revenue source, identify the projects, put in the standards, put in the ethics that are necessary and then move forward on the school and construction needs that are necessary for the state. When the question was asked about voting for this Bill... what this Bill will give is in excess of three billion dollars (\$3,000,000,000) to be spent as people

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

want, to add on to the runaway spending that has occurred by the Majority Party in this State. This Amendment is hostile to the middle class, to the people of the State and the small businesses. There is a better way to handle the challenges of Illinois. They clearly are not addressed by this Amendment. It should be resoundingly defeated. I urge a 'no' vote."

Speaker Hannig: "Representative Molaro, you have 5 minutes."

Molaro: "Thank you, Mr. Chairman. First of all want... want, Mr. Speaker. I called you Mr. Chairman. I'm sorry. Anyway, someone just said over on the other side of the aisle that class warfare, we're attacking the rich. I like to call them successful, not really rich. Well, I'm not going to attack them because I've been trying to be one for a long, long time and I will continue to try to be one. So, I kind of look up to them. I look at it more that they have a little more ability to pay. Having a flat income tax is silly. Federal Government doesn't have one. You look at about every neighboring state, nobody else has one. We're the only ones that has one, it's ridiculous and everybody knows that. So, this is the way. Do we have to pick a cutoff? Eventually, even in the Federal Government when they have these steps that you go out, you got to pick a number somewhere. And in the national debate right now we're talking about two hundred and fifty thousand (\$250,000). Now, as far as giving the money to the Governor, I don't even know what that means anymore, I really don't know. The way they do it in Illinois for those of us who maybe just got here last week. Money comes

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

into the General Revenue Fund and we have Appropriation Bills and we spend it. Nothing gets spent. The Governor can't spend one penny unless we put 60 votes and the Senate puts 30. He can't just pass a budget, we have to. And by the way, over the last 5 years that the Governor's been here we've passed 5 budgets and actually, Republican Leadership was on 3 out of the 5. So, we... we... we get to spend the money, not anybody else. We get to vote on where it goes, he doesn't even get a vote. All he can do is at the beginning, which he has done, and I think he's been fair... here's what I'd like to do. There's nothing wrong with that. He has ideas maybe we don't agree with them and some I do, some I don't. But that's all he does. So now here's what's going to happen. If we had a great year and we had a billion dollar (\$1,000,000,000) surplus, we all get to spend it. Now unfortunately, for my colleagues on the other side of the aisle, we happen to have more than 60 votes. I was in the Minority in the Senate. I screamed and yelled every chance I got. But it was always where we get to decide. And when the Democrats can't decide because it gets difficult, we go past June 1st and then you could come on in. Now, I had about 5 colleagues on the other side of the aisle talk about that they'd be for a graduated tax. Well, let me tell you, if this doesn't pass you'll get your chance; you'll get your chance to vote for a graduated tax and we'll see how the vote is then. It's disingenuous to get up here and say we're looking for solutions. We have money problems. No Bill in the history of the General Assembly that was a revenue enhancement is

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

an easy or a good vote. You want to know where the money's being spent, no matter what's raised whether it's through taxes, whether it's through growth we always argue every year on where the money's spent. We're never going to have a Bill or a Constitutional Amendment where we're going to have where every dollar's spent. You need 60, 30 and a signature to spend the money. So, all I'm saying is, if you want to stand here and say we don't care for this particular one, we'll vote for a different tax increase, well, you're going to have your chance. There are going to be revenue enhancements coming down the pike. At least come up and say I'm not going to vote for any revenue enhancements. At least say what I used to say and that is, you Democrats are in charge, go ahead and do it. Go raise your taxes, go spend the money, but don't get up here and say we're against this because it's two hundred and fifty thousand (250,000) or we're against this because it... we don't like the way it's written. Then come back with your own tax increases, come back with your own revenue enhancements and we'll call those. If this fails we're going to have to come up with some type of revenue enhancement and I cannot wait to vote on your revenue enhancement. So, all I'm asking is, the word trust, I don't even know what trust means. We could ask some of the old time... I can't even count on anybody saying they're going to vote for a Bill, that they're going to vote for it anymore. I don't even know what keeping your word means. All I'm telling you is that we vote on the spending, we

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

don't have to trust anybody. Let's just pass this, let's get some money..."

Speaker Hannig: "...bring your remarks to a close."

Molaro: "Let's get some money in the state so we can pay the bills that the Representative just talked about. We'll pay them, we'll get together, but we need the money to do it. Let's vote 'yes'."

Speaker Hannig: "Representative Durkin, you have 5 minutes."

Durkin: "Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Durkin: "Representative Smith, I... I..."

Speaker Hannig: "Representative Smith, there's a question for you."

Durkin: "I guess you would agree that there are a number of ways people in this state can pass that quarter million dollar (\$250,000) threshold. One is by being successful in your career, the other one is through the all-American way, you can inherit it and thirdly, there are a number of people who do reach that threshold because they've been awarded damages in a court room, basically on some type of personal injury lawsuit. Now, are people who receive these types of damages, whether they're injured in a... in a workplace incident, if we're going to pass the Structural Work Act and they're going to be able to get more damages, will those damages be subject to the taxable income in Illinois?"

Smith: "Representative Durkin, a... that's not taxable income."

Durkin: "All right. And why isn't it not taxable income? Is it by statute, is it state that that is precluded?"

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Smith: "I believe that's by a... by Federal Law."

Durkin: "Well, let me tell you about what the Federal Law also... they do preclude personal injury awards, but what they also... but what they also mention is that there are other types of damages which are taxable income. One of them is a... damages under the Civil Rights Discrimination Act of 1964 and 1991, the Family and Medical Leave Act, the American with Disabilities Act and the Age Discrimination in Employment Act. But let me give you a couple of examples. In 1998 the Ford Motor Company in a... in Chicago Heights, reached a settlement with 11 women to the tune of approximately 7.5 million dollars (\$7,500,000) for repeated sexual harassment on the job. If you do the math on it, it's approximately a hundred and ninety thousand dollars (\$190,000) each. And if each of them, I would assume, have other means of employment or being paid through Ford, they're going to reach that two hundred and fifty thousand (250,000) threshold quite quickly. Do we think that they should be paying their fair share based on this Amendment, because that is taxable income? Also, the year after that, let me ask... I'll... I'll give you another example. Again at the Ford Heights plant in South Chicago or Chicago Heights 14 women were awarded a settlement under the Civil Rights Act collectively with 7.5 million (7,500,000), and if you do the math it comes out to approximately five hundred and thirty-five thousand dollars (\$535,000) to each one of these women. That's taxable income. They would be subject to this tax and they would be the highest of the high-

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

income people in the State of Illinois. Also, I'm just going to run through..."

Smith: "Well, Representative Durkin, was that a question or...?"

Durkin: "No it's a statement."

Smith: "I thought it was a question, I..."

Durkin: "Well, I... Well, I'm telling you that is taxable income and do you agree or disagree it's..."

Smith: "That's a one... That's a one time... we're talking about a one-time increase in income, right?"

Durkin: "Well, that's only assuming if they spend all that money in that taxable year, but what if they don't and they still have money left the following year that is over the two hundred fifty thousand dollar (\$250,000) threshold?"

Smith: "It's based on when you earn it, not when you spend it."

Durkin: "All right. Okay. All right, let me give you some other examples. Just a few years ago there was a horrible case which prompted us to change many laws in the State of Illinois and it came out of Cook County. It was called the Ford Heights Four. There were four (4) individuals: Kenneth Adams, Dennis Williams, Willie Rainge and Verneal Jimerson. A number of them spent years on death row rotting away because of wrongful convictions. They received a thirty-six million dollar (\$36,000,000) settlement from the a City of Chicago and Cook County under the Civil Rights Act. That's approximately nine million dollars (\$9,000,000) each. They would now be part of the highest of the high income winners. Do you think that they should be paying their fair share based on what the State

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

of Illinois and the City of Chicago and County of Cook did to them?"

Smith: "Well, look, Representative Durkin, it's... I think it's pretty simple. If your income is over two hundred and fifty thousand dollars (\$250,000) you'd be paying that higher rate of tax, regardless of where your income comes from, regardless of how you received it. If that's your income this simply says and I think it's a... it's a theory of economics, the capital system, that... that those who make more should pay more. So if you make over two hundred and fifty thousand dollars (\$250,000) because you got a settlement in a lawsuit, you win the lottery, or whatever you should pay more under this proposal."

Durkin: "Okay. I just want to make it perfectly clear that when a unit of government has wrongfully convicted somebody, let them sit in a jail cell and we say we are going to award you damages for the horror which has been committed to your life, but we're going to tax you at higher rate. Thank you very much. Now, just this past year it hasn't been... I don't believe its been finalized, but there are number of individuals who are part of this class action lawsuit in the City of Chicago on the John Burge police torture. Let me give you a couple a..."

Speaker Hannig: "Representative, could you bring your remarks to a close, please?"

Durkin: "...19.8 million dollar (\$19,800,000) settlement which has not been finalized, but that's the numbers that are out there; 5.5 million dollars (\$5,500,000) to Leroy Orange who sat on death row, 7.5 million dollars (\$7,500,000) to

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Madison Hobley who sat on death row for a number of years. Those again are the people that we're saying should pay the fair share because they've had that one-time increase in their income in excess of two hundred and fifty thousand dollars (\$250,000). Do you think that... I don't think that's fair. And let me just let... one last thing. Under the IRS Code, alimony payments are taxable income. So, if you think that the... this is a good Bill, that these people should be included in on this a... this category of the highest of high-income individuals in the State of Illinois, vote 'yes'; if you think that's not fair vote 'no'."

Smith: "Well, Representative Durkin, we could go down a whole list of hypotheticals. I think the simple... simple truth is those things are in the law, currently. There's a whole list of things of... non... are taxable or nontaxable. This doesn't change that. You know, we could go through a whole list of hypotheticals. The point... the point of the matter is, if you make more than two hundred and fifty thousand (\$250,000) dollars, you'll pay more."

Speaker Hannig: "I think he was answering the question. Anyway, the Gentleman's time... the Gentleman's time is expired. So let's... let's recognize Representative Rose for 5 minutes."

Rose: "Thank you, Mr. Speaker. It'd be hard to top the last speaker. But I just point out a few things on what this Bill does; creates a new tax on retirees who might sell their homes; creates a tax and a state tax on farmers and small business people; even creates a marriage tax penalty

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

in Illinois. Well, what doesn't it do? What it doesn't do is provide property tax relief; doesn't help with the pension crisis; not Medicaid; but the Sponsor says it will bring balance, balance. Balance, what about fairness? There's no fundamental shift in the Property Tax Code here. No fundamental shift. There's no property tax relief. Sponsor says that schools will get more money in response to Leader Cross's question. Well, I would submit that my schools are still waiting to get more money from the lottery. The... Sponsor says it'll go through the normal budget channels. The normal budget channels have done a heck of a good job over the last few years, as we all know. And for what? So we can give the Governor another three billion dollars (\$3,000,000,000) to spend. Everywhere I go people talk about property tax relief, they talk about what happened to the money from the lottery, everything else. This Bill settles none of those questions, it just hands the Governor a pile of money to go spend. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Froehlich, for 5 minutes."

Froehlich: "Thank you, Mr. Speaker. It's been argued today that the Smith Amendment fails; it fails to give property tax relief, it fails to resolve our pension problem, it fails to take care of the Medicaid bills, it fails to balance the budget and so on. And... and you know, that is true. But I would submit if we apply that same standard to any proposal we'll be voting on the rest of this year, any other proposal would... would fall short as well. What we should look at is what Representative Smith purports to

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

address in his Amendment. He doesn't say he's going to solve all the state's financial problems with this Amendment, but he does address several problems, that in fairness, are the ones we ought to be debating. Here's what the Smith Amendment would do and why I support it. Number one, the capital budget. We've been talking about that now. We're in the second year talking about it. We may or may not get a chance to vote on funding for capital again this year. This would address capital. Number two, it addresses the disparity in spending between the poor school districts and the wealthy ones. Another issue that most people in this Body at least say we... we think we should address. Number three, this is tax reform. We're indexing the standard exemption. That should've been done back in 1969 when the personal exemption was set at one thousand dollars (\$1,000). If it had been indexed, the exemption today might be worth ten thousand (10,000). But we're raising it to forty-five hundred (\$4,500), we're indexing it, that's tax reform. We're also alleviating the regressivity in our system. Somebody said that we shouldn't soak the rich; the reality is our current state and local tax system soaks the poor. The bottom 20 percent of taxpayers bear a proportionately much greater burden as the share of income than the wealthiest taxpayers. Number four, this is tax relief, the biggest tax reduction in state history if it goes into effect. Ladies and Gentlemen, if this measure goes on the ballot, we will have public debate, we will have public input. As a cosponsor

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

of the recall Amendment, I think we should trust the people to make the call. Thank you."

Speaker Hannig: "Representative Fortner, you have 5 minutes."

Fortner: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Fortner: "In your opening comments, Representative, you discussed what some of the other states did and talked about the fact that there are 33 other states with some form of a graduated income tax. Is that correct?"

Smith: "That's right."

Fortner: "Now, would you consider this proposed Constitutional Amendment a graduated tax?"

Smith: "I think a... in the terms of establishing more than a flat rate, yes, I think you could talk about it being a graduated threshold. I think that comment was made earlier."

Fortner: "But... But, isn't it the case that in those other states that have graduated tax, and I include the Federal Government which also has a graduate tax, they work for marginal rates so that the tax only picks up to the higher rate beyond a certain dollar level. Isn't that correct?"

Smith: "That may be the case, yes."

Fortner: "Also, isn't it the case that in those states that have some form of graduated tax, it's customary that one does not weld a dollar amount of the threshold into the Constitution. What the Constitution would say, our Federal Constitution being certainly a good example, it is... it charges the Legislative Body with being able to set those

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

rates and that's all it does. It's permissive; allows the Legislative Body to do that. Isn't that the case?"

Smith: "Well, yes, this proposal will... will say to the voters exactly what can be done..."

Fortner: "But, what..."

Smith: "...If the Amendment is approved."

Fortner: "...what it does is... But it goes a step further. It actually puts a specific dollar value which is not customary in how we treat the constitutions of any of the states and I would claim the way we should treat the Constitution here in the State of Illinois. Mr. Speaker, to the Bill. There's a number of problems with this Bill. Many of my colleagues on this side of the aisle have pointed out the problems that happens when you do not have a marginal tax system, that suddenly two people can get married and have their dual income cause them to jump precipitously from 3 percent up to 6 percent or a small business suddenly sell an asset one year and suddenly, not just that asset be taxed extra but suddenly all their income gets taxed extra that one year. Also, I would contend there's a fundamental piece of unfairness to the small business in this Bill. As this Constitutional Amendment is drafted, a small business, and there are certainly small businesses that make a net income of over two hundred and fifty thousand dollars (\$250,000) a year, they would be taxed at 6 percent. Yet a large business, one that didn't qualify to organize as a small business that could make many, many times that amount, would only be taxed at 4.8 percent. What sense does it make to have the

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

big businesses taxed at a lower rate than our small businesses? I don't see the sense in that. And it seems to me that this is not well formed as to how you would approach the taxation of business here in the State of Illinois. A couple of the previous speakers on the other side of the aisle have said we should give the people the chance to vote on the Amendment. I certainly think that it's important when you have a debate like this, the idea of changing our tax policy, that having the public input is a good thing. But I also contend that we, as a Legislature, have a duty and obligation to the people of Illinois to send them a well-formed question. So before we ask them to vote we should have a question that makes sense, one that would be consistent with the way progressive taxes that have a graduated system are run in the Federal Government and in the other states. Before we ask their input, let's get the right question. This is not that question. I would urge a 'no' vote."

Speaker Hannig: "Representative Reboletti, you have 5 minutes."

Reboletti: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Reboletti: "Representative, you voted against the gross receipts tax, is that correct?"

Smith: "That is correct, yes."

Reboletti: "What was your rationale for voting against the gross receipts tax?"

Smith: "I was very concerned about the impact of the gross receipts tax on businesses, on legitimate businesses

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

throughout the state, throughout my district. I thought it was a ill-advised proposal."

Reboletti: "Would you... Would you agree with me that... we would both agree that that... gross receipts tax, which would've taxed items twenty-six (26) times before they reached consumers, that would've been really passing the tax along to our constituents, is that correct?"

Smith: "I... I think that's possible, Representative. You know that... that was based on goods sold, that was based on business transactions which certainly is not what this is about."

Reboletti: "You wouldn't agree with me, though, that if you taxed small businesses in Illinois that they're not going to pass that along to their consumers?"

Smith: "Representative, this proposal does not tax small businesses, does not tax businesses, has nothing to do with business tax. This is the personal income tax."

Reboletti: "Representative, that's where you and I disagree and... and to the Bill. Ladies and Gentlemen, when is the State of Illinois going to be... stop being a cheerleader for the Indiana Chamber of Commerce? Every time this state talks about a tax increase businesses want to move. I've had businesses in my communities tell me they will not expand, they're not going to increase their workforce. Why are we not reinvesting in our state? Why aren't we looking at tax cuts, not tax increases? Why do we punish families? Why do we continue to punish the business community in this state? Some of my other colleagues on the other side spoke about the fact that if I don't vote for this I'm against a

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

capital Bill. That's not true. I've been waiting for a capital Bill to come out of this chamber. Leader Cross filed a capital Bill last year. Obviously, I'm not against education, I teach at junior college and I have a six-year-old in kindergarten and I'm concerned that he has all the tools that he needs to be successful in this state. I'm not sure how many more tax increases that can come from the other side, but it's time that we stop. It is time that the State of Illinois begins to live within its means stop trying to raise revenue, pay its bills on time, try to make sure that medical professionals stay in our state and are not chased away from our state. And I urge a 'no' vote. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Boland, you have 5 minutes."

Boland: "Thank you, Mr. Speaker. Let me address first of all a couple of things I've heard on this debate. One was the issue of the high-income retirees and so forth. We're finding in my area, in my district, a... we're finding that many high-income retirees from Iowa are actually moving over to Illinois because we have pensions that are not taxed over here. A second issue I'd like to address is the a... the problem that some people have talked about as far as a... you know, if you're on that margin if you're a little bit above two hundred and fifty thousand (\$250,000) or so, well, you know, there's a very easy way to adjust your a... or reduce your adjusted tax rate, your adjusted tax income, get it below that six thousand (6,000) rate line. And that is you just give more to charity. We know there's a... a concept that has long existed in tax policy and in the area

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

of charitable giving with the French term noblesse oblige, which means the obligation of the nobles. Those who are better off have an obligation to pay more to a... help out in charity more and all this a... a type of thing. The third thing I'd like to address is the fact that in the past couple decades we have found that from the federal level most of the tax cuts that have been enacted during the Bush years and during the Reagan years, previously, most of that tax cut has disproportionately went to folks with incomes above two hundred and fifty thousand dollars (\$250,000). And lastly as far as what we've talked about, I think the most important thing is that we here are not making the final decision. All we are saying is let the people vote on it. If the people don't want it, if they don't like this, if they think this is the wrong approach they'd like us to do something differently, all they have to do is vote 'no' on this once it gets to the ballot. But, lastly, let me address the problems that we face that I... I commend Representative Smith for bringing a creative answer and that is, how long do we wait to address the problems, to confront the problems that we've had? I've been here fourteen (14) years in that time there's been a lot of talk, we even had a past Governor, Governor Edgar, who a... tried to address the problem of education funding, of addressing the disparities in education. And Ladies and Gentlemen, when we talk about disparities in education, what we're talking about is the life chances of young people, the life chances of somebody in a poor rural district without much property tax revenue, the life

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

chances of a young person in a ghetto or barrio or poor area of an urban area, their chances in life because of a lack of state funding. So, what I would say there is, how long, oh Lord, do we wait? How long do we wait? When we look at the issue of tax relief or tax reform, this has been going on longer than I've been here, probably longer than anybody here. And yet, we have not addressed that, we've not come to that conclusion. I remember when a former Lieutenant Governor Hartigan talked about raising the... the individual exemption. We have not done that, yet. Again, I ask how long, oh Lord? How long until we address tax reform?"

Speaker Hannig: "Your time has expired, Representative, can you bring your remarks to a close?"

Boland: "Very quickly. And lastly, that issue of capital. We've been waiting 7 years. We've talked about gambling, we've talked about all other kinds of funding, but nothing gets done. So, how long, oh Lord, do we wait? Let's enact the largest tax relief that we have had in the history of Illinois. Thank you very much."

Speaker Hannig: "Representative Monique Davis. Representative Black, excuse me, for what reason do you rise?"

Black: "Mr. Speaker, I have an inquiry of the Chair."

Speaker Hannig: "Yes, state your inquiry, Sir."

Black: "The previous speaker said that you could reduce your tax impact by donating to charity. I think... I doubt the efficacy of that statement. I don't think we should say anything on this floor that isn't as accurate as we can make it. I'm not accusing him of anything, but my

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

understanding of the Illinois Tax Code and of this proposed Amendment, you can donate two hundred and fifty thousand dollars (\$250,000) to charity, it is not going to impact your tax hit. We don't allow that in Illinois. We don't couple with the federal income tax. So you could give all two hundred and fifty thousand (\$250,000) to charity. And in all due respect to my friend and colleague who made that statement, it does not reduce your taxable income in the State of Illinois. So let's... let's make sure that we understand what we're talking about and not lead people out there in the State of Illinois to think, well, all I have to do is increase my charitable deduction and this 6 percent won't impact me, au contraire. You will pay the 6 percent no matter how much you give to charity, if you hit the two hundred and fifty thousand dollar (\$250,000) threshold."

Speaker Hannig: "So, Representative, I don't know that that was an inquiry, so we'll just move on. So, Representative... so Representative Monique Davis, you're recognized for 5 minutes."

Davis, M.: "Thank you, Mr. Chair... Mr. Speaker. You know to the Chair... to the Sponsor of the Bill, Representative Smith. It took a very long time to come up with this solution to a problem that has plagued Illinois for a very long time. We talk about structural changes for educational funding, we talk about trying to develop casino plans so we'll have a construction Bill, so we can build... fix the roads in Illinois, so we can fix the schools, so we can fix the bridges. And we talk about it, talk about it, talk about

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

it. But when it comes time to doing something about it, everybody wants to say no for this reason or that reason. Now, since we are too afraid sometimes to make the decision, this legislation allows the voter to make the decision. This Bill merely states that those who make under two hundred fifty thousand (250,000) will continue to pay the flat rate of 3 percent. Those who are our greatest earners in the State of Illinois will pay 6 percent. We also will give a break to those on the lowest of the economic scale by allowing them to take the standard exemption of forty-five hundred dollars (\$4,500) rather than two thousand dollars (\$2,000) per pup... per person. We also don't leave it to a Governor to say where those dollars are going. We take it to the voter and ask the voter, should we give a third of this new revenue to education, higher education and elementary secondary? Shall we give a third of this to construction in our state or should we continue to fight about a casino here, casino there, casino, casinos everywhere or should we say a third of this money, a billion dollars (\$1,000,000,000) a year, will be used for the construction needs in the State of Illinois? The final third will help to offset that income break given to those on the lower economic scale. I believe, as many of you do, here we've talked about these issues enough, it is time to find a solution. In committee I asked some of my colleagues who were against this proposal, where is your solution? Give me a solution. Put something on the table that I can support or reject. You have no solution. You just want to be against something.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

This is a piece of legislation, House Joint Resolution 7... 42, that will allow those of us who are still in the Legislature to stop bickering about how we're going to fund education, how we're going to fund a capital project. In the State of Illinois, many of you think there are many, many, many people who are at that tax bracket. It is not that many. There are not that many people earning that huge income. However, because to those who much is given, much should be expected. I believe it is significantly important that those of us who have a responsibility in the Legislature to fund education, to fund those capital projects and this Bill gives us an avenue to do it and then let the voter be the one who puts the vote on the ballot, on the table. The voter will vote 'yes' or the voter will vote 'no'. And I respect them to have enough intelligence and enough concern for those issues to vote 'yes' or 'no'. I urge an 'aye' vote on Honorable Representative Smith's proposal. And I am surely a part of that group who thinks this is the best solution at this time in our Legislature. Thank you."

Speaker Hannig: "Representative Mulligan, you have 5 minutes."

Mulligan: "Thank you, Mr. Speaker. Oh, skeptical me. I must say this is really interesting, the veiled references to rich and poor, the veiled references to who you are, whether you're Republican or Democrat. I mean I think there are a whole lot of people of all Parties and a lot of Independents that are... fall into those categories. And so those veiled references, so it could be in mail piece, really intrigue me. But the misstatements that have been

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

made in this Bill are really great. First of all, I'd like Representative Smith in closing to explain to us what a normal budget year is. I don't think we've seen one for awhile. It would be a refreshing thing to have a normal budget year. I'm sure there are Members of this Body who have been elected only under this current administration and have never seen a normal budget year. The combined federal and state corporation tax is 39.7 and one of the speakers on the other side said this does not impact business. Well, yes, it does because there are hundred and forty-five thousand (145,000) subchapter 's' corporations that have from 2 to 100 partners that pay personal income tax. Then you have the majority of small business owners that make up the community.. the biggest, largest community of business owners in this State that also pay under personal income taxes. And when you're talking about whether it helps the poor or not, when you leave small business in the dust, which you're going to do, you leave the jobs. That certainly doesn't help the poor. Quite frankly, some of the things that have been mentioned here are really, really interesting. But what really got me towards the end was the noblesse oblige. I wonder if that's what Henry the VIII used when he cut off his wife's head instead of paying alimony? Oh, well, then they didn't have to pay taxes on it. So, maybe we should go there. And women business owners certainly will be hurt by this. So, this certainly is antiwomen. It's antipoor for the simple reason that you're killing small business. It might be antirich, but let's hope we have a few rich people in

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

this state that are left or a few business owners. And I don't know what you classify as rich or poor, but I think it's under all different statuses of who people are. Whether you're farm owner that votes Republican or Democrat, whether you're a business owner or a trial lawyer that votes Republican or Democrat, whether you're an Independent that goes back and forth, this impacts you. If this was that important why did we come up with it and talk about it for one week? This is something that should've been examined fully for a longer time. The bottom line here is, oh, skeptical me, once again. This is a campaign issue that's going to be used in campaign pieces rather as a solution to state problems. It usually happens that when we want to cover up the fact that we can't solve problems and we can't talk about it in debate, we can't figure out where the budget's going, we bring up abortion, guns and gay rights. This year we're bringing up a graduated income tax and a Recall Motion. Let's add those to the two of the things we talk about to divert the public from the fact that the General Assembly isn't doing job, the Democratic Leaders are fighting among themselves and we're not going to have another normal budget year and we're all going to have problems with this. So what difference does it make? Let's get on with this vote. It's really a poor issue when you don't allow the people to have honest discussion. It's really a poor issue when we can't get revenue to look at tax deductions for honest things like medical devices for children. It really is a bad issue to come up with this for one week to discuss it and let the money just be sent

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

out there with no way of controlling it. I think this is really interesting how we're diverting the public's attention one more time from the fact that this Body is not attending to the business that we were sent here to do."

Speaker Hannig: "Representative Riley, you have 5 minutes."

Riley: "Mr. Speaker, to the Bill... or rather to the a... to the debate regarding the Bill. Let's... this is a debate about an important Constitutional Amendment, but I think that we should somewhat temper our verbal passion, lest it carries over into the realm of disrespect. In... In 1977 I moved out to the South Suburbs of Chicago and one of the communities I represent now, Homewood, that next year in '78 and indeed much of the south suburbs was devastated, devastated by a crime that got worldwide notoriety. And I don't know both young people who were killed, but I remember one of them and that name was harkened back to me, Carol Schmal. This was a case of the Ford Heights Four and the two (2) people who were tragically murdered. The four (4) members of the Ford Heights Four who were accused of the murder, wrongfully. Now there's been a lot of allusions to things as we make this debate about this Bill. But I do think and the Representative that brought it up who's a good man he represents his district extremely well, we've worked together on some things. I would hope that he would think that he would take that comparison back. Two (2) people were murdered, four (4) people were wrongly accused. They were being brought up as we debate an income tax Constitutional Amendment. And I wonder how many people back in 1978 in this Body would've cared about the members

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

of the Ford Heights Four and whether they were guilty or... or not guilty. I wonder how many people in this Body would care about the plight of people like the Ford Heights Four. So, you know let's make our debates and let's be passionate, but let's not... let's not go over the top and talk about things that have nothing to do with this Amendment. Thank you."

Speaker Hannig: "Representative Eddy, you have 5 minutes."

Eddy: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Eddy: "Representative, Smith I... I just have some questions related to the... to the intent and I... I... you know, the fact of the matter is, Ladies and Gentlemen of the House, if there was any... if there was any chance in the world that this was going to pass it would've never been called. But... But I... I do... I do want to make sure that if by some strange chance something like this ever advances, that we get some ideas of some of your intent because, Representative, I... I see the billion dollars (\$1,000,000,000) for education spending here. Is there any guarantee that any of the education money would be spent to reduce class size?"

Smith: "Representative Eddy, you and I were..."

Eddy: "Yes or no? Mike... Mike, look, is there... it's a simple question. Is there a guarantee, in the way this is drafted, that the money will be spent to reduce class sizes? I mean, there's not any guarantee, that's all I want to know. Is there any guarantee?"

Smith: "Representative Eddy, can I... can I answer the question?"

Eddy: "Sure."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Smith: "You and I work closely together on education issues. I resent the implication that were cal... that we wouldn't be calling this if I didn't want this issue to pass. I think you know me well enough to know that this is not a hollow argument on my part. I'd love for this to pass today."

Eddy: "That... That was not my..."

Smith: "I'd love for you to vote for it."

Eddy: "I understand that, too. But that was not my implication. I... I'm sure you're... you're very serious about this. My statement had to do with the control in this House of a matter like this that would've been much a... longer debated and... and in many cases a lot of the flaws that have been brought out that I think everybody has concerns about regarding this, they would've been taken care of if this were serious. If this were an issue we... we... I don't... I don't doubt your seriousness. I doubt the fact that the way this has happened we're really dealing with this in a manner that either you or I would like to see these things dealt with when it comes to education. I... It's not... Representative, don't take it that way."

Smith: "I would argue against that, Representative Eddy. I think it... I think it is very serious and I commend the Speaker for allowing us to do this in... in a short timeframe. We have only until May 4 to get this approved by this chamber and by the Senate in order for it to be on the ballot. So time is of the essence."

Eddy: "Well, Representative, and I... and I understand that and I will... I will... I want you to understand that was not a disparaging comment regarding you. I... I know your passion

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

and I know on education issues. But my point is, there is nothing in this that takes care of reduction of class size, nothing that guarantees induction and mentoring in this Bill, nothing that guarantees after school programs that you and I both know are tremendously important to... to some of the accountability reforms that we've talked about. We have worked on numerous Bills and discussed specific language to try and ensure and guarantee that some of the things everybody knows are in important to education accountability are taken care of specifically. We've worked on those. There's nothing in this that guarantees any of that is going to be addressed and that's my concern, not your sincerity. The fact that the way it is structured, those types of things aren't... aren't handled. And..."

Smith: "Well, the... This says that there would be a billion dollars (\$1,000,000,000) in new money for education and it leaves it up to us to decide where that's going to go. I hope it would go into some of the things you state."

Eddy: "Well..."

Smith: "I hope that it that we could do class size reduction..."

Eddy: "I think if we're going to be responsible... if we're going to be responsible with a billion dollars (\$1,000,000,00) in education, we're not just going to hope, we're just not going to wait for that process, we're going to make sure some of that money goes where we know it's going to do good. And... and that... That's the problem. There's nothing here that guarantees that. Ladies and Gentlemen of the House, to the Amendment. I want to work on education

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

reform and funding and I think there are some possibilities to get that done. But to... to say that a vote against this is... is a vote against education is just plain silly. This... ya... people that support education have supported education all our lives are going to vote against this. Not because we're voting against education, we want education to be done right. We're voting against this because this is not the right way to do it. And we need to take the proper time to do it right. And we need to make sure that if we're going to put more money into education that that money is spent wisely. This simply does not do that. This doesn't stand a snowball's chance, it never stood a chance when we came out here. This is done for one purpose and one purpose only and that's for a Roll Call vote. Let's get real, that's what we're doing here. This is not about public policy and whether or not we should have two tiers of income tax. This is too flawed to take a serious vote on. Let's work harder, let's come up with something better. Vote 'no' and let's get to work on something real."

Speaker Hannig: "Representative Ramey, you have 5 minutes."

Ramey: "Thank you, Mr. Speaker. Will the Representative yield for a question?"

Speaker Hannig: "He indicates he'll yield."

Ramey: "Very good. Representative, it's been stated over and over today that we're giving the people the ability to vote on your Amendment... your issue, correct?"

Smith: "That is correct, right."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Ramey: "And if this passes out and is signed then it would go to the ballot in November, correct?"

Smith: "That's right."

Ramey: "How many people will be voting to tax themselves?"

Smith: "How many will be voting to tax themselves?"

Ramey: "Correct. Because that's what the question is, to raise a tax. Correct? To give the people the ability to vote to raise a tax. Is that correct?"

Smith: "As I... As I stated earlier, this affects about approximately a hundred and seven thousand (107,000)."

Ramey: "So, one hundred and seven thousand (107,000) people, right, are... would be voting to tax themselves? That was a question."

Smith: "Yes."

Ramey: "Okay. How many of them do you think will vote to tax themselves?"

Smith: "I don't know, Representative Ramey. It's a secret ballot. I don't know how they'll vote."

Ramey: "Okay. How many people will be voting to tax other people?"

Smith: "I don't know, Representative Ramey. There'll be a lot more voting, obviously, and they'll be voting..."

Ramey: "Absolutely, there'll be a lot more."

Smith: "They'll be voting for a 95 percent tax relief package, for 95 percent of those voting."

Ramey: "So, they're going to vote to tax other people and then get a tax relief package. How many dollars does a person get in that tax relief package?"

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Smith: "Representative Ramey, we've stated that the personal exemption would be increased from two thousand dollars (\$2,000) to forty-five hundred (\$4,500)."

Ramey: "Okay. But per person, how much is their tax credit going to be?"

Smith: "I think it was stated earlier it would be approximately seventy-five dollars (\$75) per person..."

Ramey: "Seventy-five dollars (\$75)..."

Smith: "...average family of four (4) it's three hundred dollars (\$300)."

Ramey: "Seventy-five dollars (\$75) per person per year. Okay, that's great. So you... you think that the three, four, five million (3, 4, 5,000,000) people who will be voting to tax others and get that seventy-five dollar (\$75) credit will overwhelmingly vote for your Resolution?"

Smith: "You're asking me if they would vote for it?"

Ramey: "Yes."

Smith: "I have no idea, Representative Ramey. I would certainly hope so."

Ramey: "Okay. Do you think that's fair to pit... four or five million (4,000,000 or 5,000,000) people against a hundred and seven thousand (107,000)?"

Smith: "Are you saying it's not fair to give the voters that choice?"

Ramey: "That's not what I asked. I asked you a question. Do you think it's fair..."

Smith: "That is what you're asking, Representative Ramey, that's exactly what you're asking."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Ramey: "Okay. I... I would propose that it would be fair to ask all the voters the choice to tax ever... all the people... I'm sorry let me rephrase. I would say it would be fair that if you put the question on to tax everybody, then everybody would have the right to vote to tax themselves. But what you're asking is for four to five million (4 or 5,000,000) people to vote to tax a hundred and seven thousand (107,000). Correct?"

Smith: "That's correct, Representative Ramey. I mean, that's..."

Ramey: "So I don't see that as fair. Do you?"

Smith: "Representative Ramey, that's... that's democracy, isn't it?"

Ramey: "To a... To... throw the balance out of the question?"

Smith: "No, we're letting the voters decide."

Ramey: "To tax a hundred and seven thousand (107,000) people?"

Smith: "We're letting the voters vote on the question of amending the Constitution to change our structure."

Ramey: "Correct. So... I... okay, well, basically, it's a hundred seven thousand people (107,000) versus 4 or 5 million (4 or 5,000,000). I don't see that as a fair, valid question. Let me ask you this question. You say in your statement this is going to raise three billion dollars (\$3,000,000,000) and one billion (\$1,000,000,000) of those dollars will go to education. Correct?"

Smith: "That's right."

Ramey: "And it specifies in your legislation that that one billion dollars (\$1,000,000,000) would go dir... for education, the Governor cannot change that."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Smith: "It specifies that a third of the money generated would go to education."

Ramey: "Okay, so it... we're not guaranteed that's a billion dollars (\$1,000,000,000)?"

Smith: "No, that's the estimate."

Ramey: "That's the estimate. Okay. Whatever the money that comes in that's going to be guaranteed for education, is there anywhere in your legislation that guarantees that that's on top of what we spend on education or will it be replacing money that we spend on education?"

Smith: "That's not in this legislation, not in this Resolution..."

Ramey: "So as stated earlier, then there could be another shell game as they did with the lottery money. Could that possibly happen?"

Smith: "Representative Ramey, those decisions will be up to... to this Body..."

Ramey: "Well, my question was do you think that..."

Smith: "...and the General Assembly."

Ramey: "...is possible that it could happen?"

Smith: "I can't speculate on what we might do or not do. This would be..."

Ramey: "Has it... Let's say, let's look at history."

Smith: "...this would be much different than the lottery. This would be..."

Ramey: "Well, that was only six hundred million dollars (\$600,000,000)."

Smith: "...a clear constitutional mandate from the voters of the state."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Ramey: "That..."

Speaker Hannig: "Representative, your time has expired. Would you bring your remarks to a close?"

Ramey: "I wi... I will do that, Mr. Speaker. To the Bill. I... What I'm afraid of, Ladies and Gentlemen, well, one... we're misrepresenting about who's going to vote about which tax here. I think if we're going to ask the question to the people we should ask everyone to vote on a tax to... on everyone. And then secondly, the concern is with the shell game that we play with six hundred million dollars (\$600,000,000) in the lottery, they said this was going to be in addition to what we spend in a... on education, but we wound up, it was only six hundred thousand (600,000) to cover that, six hundred thousand (600,000) we took out of the General Revenue. So, it's quite possible that if we do reach a million dollars (\$1,000,000) for education that it's just going to be a cover-up, a shell game and we won't realize an extra million dollars (\$1,000,000) or... I'm sorry, billion dollars (\$1,000,000,000) in spending on education. Thank you."

Speaker Hannig: "Representative Cross, you're seeking recognition? You've spoken in debate?"

Cross: "I did and my name was used in debate and I'd like to just make a couple of comments, Mr. Speaker, in response to that. In fact, I think it was used a couple times. I'm intrigued by the comments about capital and that this will solve our capital Bill. I... I really hope that those of you that are going to vote for this don't for one minute believe this is a capital Bill and you can say I voted for

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

capital, so it's all over. Don't worry, I don't... I don't have to worry about it anymore and those of you that didn't, you're real bad people because you didn't support capital. This isn't a capital Bill. In the best case scenario... in the best case scenario, if this passed the House, passed the Senate, passed or got the voters' approval, we would have money,... best case scenario, sometime next year. But in reality we wouldn't be doing a capital Bill for a couple years. That's the first point. You know this isn't serious. The second problem is, what did we all say when the Senate sent that capital Bill over? You can't do a capital Bill without everybody sitting down at a table and working out the revenue stream and working out how it's going to be spent. So, for any of us to actually believe that you're serious about capital through this approach, we don't buy that. And the people that need and care about a capital Bill aren't going to buy it either. They know what's going on. They know that you're not serious. And Representative, don't aim... none of this is aimed at you personally, as Representative Eddy said, but we know what we're doing here. And we all know the serious nature of the need for a capital Bill. And to play games with this one more time to say, oh, we've passed capital so it's all over, we don't have to worry about it, if we don't have capital then it's not our fault is a... the wrong way to treat people of the state. And we all know why we need a capital Bill. The only way we get it done is if we go downstairs in the Governor's Office with four (4) Leaders and the Governor and maybe we don't like everybody

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

in that room and that's fine. But we have to get this worked out and we need to do it sooner than later and this isn't the way to do it. The kind of ironic part about all this is I'm about to, with the other Leaders, go downstairs and meet with Speaker Hastert and Congressman Poshard and talk about capital. That's the only way we're going to get it done. You can't send one over there and let them send one over here and it ain't going to happen and you know that. You don't even have a breakdown of how it's going to be spent. You don't know if it's for roads, we don't know if it's for mass transit, we don't know if it's for higher ed, school construction. So let's cut the nonsense, let's get everybody together in a room, which we're going to do in a few minutes and get this done. So, I... I would hope the games would cease in calling this the solution to a capital Bill. Thank you, Mr. Speaker."

Speaker Hannig: "We've got three (3) more seeking recognition. Why don't we just allow them to speak and then we'll go to a close. So, Representative Lang, you're recognized for 5 minutes."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I intend to address the substance of this Amendment, but first I'm compelled to talk about hypocrisy on the floor of the House. Got a number of people on the other side of the aisle talking about any number of things that may be on their mind, but don't have a whole lot to do with reality. Got many people on the other side of the aisle saying this is not a full solution to all the problems of Illinois. Well, I don't think Representative

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Smith said that. Many on the other side of the aisle have complained that we haven't dealt with any number of issues in the State of Illinois and perhaps this Amendment does not deal, with that but it doesn't purport to. It purports to provide dollars for three areas that are needed in the State of Illinois. One is capital, maybe not all the capital we need; one is education, certainly not all the education dollars we will need; and one is tax relief, probably not as much tax relief as we'd like to provide for everyone in Illinois who needs it. I've heard some comments regarding living within our means, which I find ludicrous from a Party who supported it's Governor before Governor Blagojevich who spent every single dollar the State of Illinois could bring in and every single dollar in the Rainy Day Fund the State of Illinois had. I find it difficult to understand the tears on that side of the aisle regarding capital when as Chairman of the House Gaming Committee, everyday people who have spoken on the other side of the aisle on this issue, have come to me and they've said, Representative, you know they whisper, I really can't vote for the gaming Bill, but I sure hope you pass it, because I want those projects in my district, I want that new school in my district. I want that new road in my district; I want that new bridge in my district. I have to have that new library in my district or I'll just die. So, I will not vote for your capital Bill, Representative, but I sure hope everybody else takes the leadership role and makes sure that passes and I'll be in that line to pick up those checks, Representative. So,

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

let's stop the hypocrisy. Everyone in this House knows we need more money for schools. Everyone in this House knows we need more money for capital and we don't have another plan on the table and you folks talk about Leadership. Well if a proposal like this isn't leadership, what is it? Vote 'yes', vote 'no', but you can't say that Representative Smith has not stepped forward with a bold plan to do something in these three (3) areas for the State of Illinois and to say otherwise is untruthful. Ladies and Gentlemen, somebody ought to mention that this proposal is the largest tax cut ever proposed in the history of the State of Illinois. It's an eight hundred and fifty million dollar (\$850,000,000) tax cut for the citizens of the State of Illinois. Over 90 percent of Illinoisans will get a tax cut if we put this on the ballot and the voters ratify it. 93 percent of Illinoisans will get a tax cut. If you're at the median in Illinois salary and you have a family of four (4), you will end up with a 12 percent tax cut. Now Ladies and Gentlemen on the other side of the aisle, that sounds pretty Republican to me. No wait. No wait. The tax cuts you guys are for are the Bush tax cuts. Let's cut taxes for the rich and soak the poor. Let's do that. This proposal is not perfect, in fact, I propose some changes to this myself. They aren't going to happen today. And so, Ladies and Gentlemen, this is what we're presented with. We're presented with a proposal to put a billion dollars (\$1,000,000,000) into schools, a billion dollars (\$1,000,000,000) into capital, which could turn into twelve billion dollars (\$12,000,000,000) of capital and to provide

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

eight hundred and fifty million dollars (\$850,000,000) of tax cuts to Illinoisans. You want to talk about leadership, this is it. You want to talk about hypocrisy, vote 'no'. Ladies and Gentlemen vote 'aye' on this legislation."

Speaker Hannig: "Representative Ryg, you have 5 minutes."

Ryg: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Ryg: "Thank you. My question re... is in regards to the trust fund that the new revenue is allocated to three (3) separate trust funds, is that correct?"

Smith: "Right."

Ryg: "So, that money will be available in addition to any GRF that might be used for education?"

Smith: "That's right."

Ryg: "So, this is intended to be an enhancement of GRF, not..."

Smith: "Absolutely right."

Ryg: "...a replacement of that."

Smith: "Right."

Ryg: "Okay. So... but this particular opportunity for new revenue with the money being allocated for those trust funds means that none of this new money is available to address other needs that we've recognized in the state?"

Smith: "That's right, Representative Ryg."

Ryg: "Okay. And was there any thought given to how we need... how we can find revenue to meet the challenges in the Human Services area in particular?"

Smith: "Absolutely and... and I'm very sensitive to that. I... I know that the needs are... are grave there. I know that the

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

needs for a... to do something on our Medicaid debt is serious, pension debt is serious. But we simply couldn't do that without, you know, some huge increase and this is something I think that's that's... manageable, that's sellable to the public, that can allow us to do at least education and a capital budget."

Ryg: "Okay. Thank you. To the Bill. While I appreciate this opportunity to consider a revenue source to meet our capital and education needs, I'm very, very, very concerned about the lack of attention to some overriding priorities that we face in the State of Illinois. We all know about our Medicaid backlog. We know that we are not paying the people who are providing the services to our seniors. Two (2) out of every three (3) residents of a nursing home is there on the Medicaid dollar and we're not providing the payments to those providers. I think it's important for people to understand that when it comes to human service delivery for our most vulnerable Illinois residents, in a recent report from the state of the states, Illinois is now fifty-first (51) dead last among all the states and the District of Columbia in the way it funds services for persons with developmental disabilities. We have received a failing grade in the way that we provide services and programs for persons with mental illness. Our substance abuse providers have not had a cost of doing business for ten (10) years. The health care programs that we support as Members of the General Assembly can't find doctors to serve the children in those programs that we all recognized as important, because the rates are too low. So, while I

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

recognize that education and capital needs are huge, we continue in the debates of the challenges that face us as a state to fail to pay attention to the human service needs. We all have constituents. One in every... every one hundred and fifty children (150) is going to be diagnosed with some form of autism. We don't have the programs and services in place to meet those needs and yet, every time we talk about new revenue from gaming, from an income tax, from this proposal, those providers and families and children are assured that we will get to them. But we never include them as a priority in our spending. I think we can get there. I hear from both sides of the aisle, both chambers, that people really care about doing the right thing to change the way we meet human service needs in Illinois. But yet, we never have them at the table, we never list them in a trust fund. And so this particular Amendment strikes me as premature. There are still needs that are not identified in terms of resources and we need to continue those discussions and debates. And I would just ask all Members of this chamber and all Members of the General Assembly to listen to the constituents that can tell you their stories of how their lives are being impacted and they... they are being told that if they want their adult children with a developmental disability to have opportunity to live independently in their own..."

Speaker Hannig: "Representative, could you bring your remarks to a close?"

Ryg: "Families are being told, move out of Illinois because it's very unlikely you'll get what you need under the

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

current state of affairs. The current state of affairs needs to change and we need to make human service funding a priority in whatever revenue source we agree to."

Speaker Hannig: "One more speaker and then we'll close.

Speaker Madigan is recognized. Speaker Madigan."

Madigan: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Thank you all of you for participating in this debate. I found the remarks of several people to be very, very interesting. The matter before us now is a Constitutional Amendment. It's concerned with the tax structure for the State of Illinois and if this Amendment were to be sent to the people and approved by the people in a referendum vote, the change brought on by this action would relate to a tax structure of the state. This does not relate to budget making, this does not relate to management of the Executive department of the government. But, during this debate I heard numerous comments, questions, statements; well, is there a guarantee that there'll be roads built? Well, you don't get that kind of a guarantee in a constitution. Is there a guarantee that the money will be used for my particular favorite idea in education? Well, the answer is no, you don't get that kind of a guarantee in a constitution. What we've provided for in this particular language is that there will be a newly created fund which will capture one third of the proceeds for education, and the spending of that money will be decided right here in the Legislature as it is always decided in the Legislature. There were a lot of comments about giving more money to the current Governor of

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

Illinois; that you can't trust how he's going to spend the money. And it was accurately pointed out by previous speakers that this particular Governor has done five (5) budgets. In three (3) of the five (5) 60 percent have been with the involvement of both political parties in the General Assembly. So, if you're looking to blame someone for what you would consider to be mismanagement, overspending, don't look to far beyond the end of your nose. Let's step back, let's step back from all the rhetoric offering reasons why you don't want to be for this. We've all been here long enough to know if you don't want to be for an idea, if you don't want to be for a Bill, for a Resolution, it's pretty easy to think of reasons to be against. It's not so easy to think of reasons to be for. So, let's just step back, let's understand the first, most significant thing that this Resolution would do. It would provide the greatest tax relief in the history of Illinois. That doesn't relate to how Governor Blagojevich spends money, that doesn't relate to your favorite idea for spending education money. It relates to tax relief for over 90 percent of Illinois taxpayers. Over 90 percent of Illinois taxpayers would get relief. They would get it through an increase in the personal exemption. There would be an inflation factor put on that personal exemption, so every year over 90 percent of Illinois taxpayers would get yet more tax relief on the Illinois income tax. And all of this would happen automatically, pursuant to the Constitution. We're not talking about some tax relief in the statutes that could be changed, we're not talking about

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

some kind of tax relief supported by a fund where in tough difficult... in difficult budget times why maybe we would underfund that particular program because the money is needed somewhere else. None of that, no doubt, no speculation in the Constitution, Constitutionally enforceable. As has been said by others, automatic flow of money to education; spending of the education money decided right here. Automatic flow of money for a construction program. Is there any guarantee as to where the money is going to be spent in the Constitution? No. That's not what a Constitution does, but there would be an automatic flow of money for a construction program. Now maybe you're concerned that you may not participate in the spending on construction; maybe you're concerned that you're not in the Majority Party in the Legislature. What are we supposed to do about that? What are we suppose to do about that? We're not going to fall down on election day. But that's just the reality of where we are. And then lastly, this takes the matter to the people. How many times have we've heard people in the House talk about power to the people. Let people decide. Numerous Bills are brought in for local governments, where there'll be an increase in the tax pursuant to referendum. Referendum, always referendum. If there's a change in the structure of a local government, referendum. That's what we're talking about here. This is an idea, tax relief for over 90 percent of Illinois taxpayers, new money for education, new money for capital construction decided by the people. When did we become afraid of letting the people vote on a governmental matter?

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

When did that happen? I forget. Maybe somebody can help me. Remember, by the people, for the people, that's what this is, to the people. I don't think you should be afraid of this. You may not like all the details here, you may not like the fact that there'll be two (2) classes of taxpayers, maybe you'd like more. But remember, the one class is less than 10 percent of the taxpayers, less than 10 percent of the tax payers. They would pay more, the other 90 percent would pay less. It's not terribly complicated unless you want to make it complicated. And in the end, we won't make the final decision, it'll be the voters of the State of Illinois. Mr. Speaker and Ladies and Gentlemen, I strongly recommend the passage of this Resolution so that the Senate can have an opportunity to consider the same language and hopefully, put this question to the voters in November of this year. Thank you very much."

Speaker Hannig: "Representative Smith, you're recognized to close."

Smith: "Thank you, Mr. Speaker, and I think the Speaker's remarks can stand as a closing on this Resolution. I would simply ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall House Joint Resolution Constitutional Amendment 42 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Dunn, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 52 voting 'yes' and 60 voting

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

'no'. And the Amendment fails. Mr. Clerk, read the Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions. House Resolution 1156, offered by Representative Cross. House Resolution 1157, offered by Representative Cross. House Resolution 1158, offered by Representative Cross. House Resolution 1159, offered by Representative Howard. House Resolution 1161, offered by Representative Pihos. House Resolution 1162, offered by Representative Pihos. House Resolution 1164, offered by Representative Smith. House Resolution 1165, offered by Representative Reis. House Resolution 1166, offered by Representative Mulligan. House Resolution 1168, offered by Representative Colvin. House Resolution 1169, offered by Representative Madigan. House Resolution 1171, offered by Representative Saviano. House Resolution 1172, offered by Representative Smith. House Resolution 1173, offered by Representative D'Amico. House Resolution 1174, offered by Representative D'Amico. House Resolution 1175, offered by Representative D'Amico. House Resolution 1176, offered by Representative D'Amico. And House Joint Resolution 123, offered by Representative Gary Hannig."

Speaker Hannig: "Representative Currie moves for the adoption of the Agreed Resolutions. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Agreed Resolutions are adopted. Mr. Clerk, read the Adjournment Resolution."

Clerk Mahoney: "House Joint Resolution 125, offered by Representative Currie, RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Thursday, April 10, 2008, they stand adjourned until Tuesday, April 15, 2008, at 12:00 noon."

Speaker Hannig: "Representative Currie moves for the adoption of the Adjournment Resolution. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Adjournment Resolution is adopted. Are there any announcements? Then allowing perfunctory time for the Clerk, Representative Currie moves that the House adjourn until Tuesday, April 15, at the hour of 12:00 noon. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Motion is adopted and the House stands adjourned."

Clerk Mahoney: "And House Perfunctory Session will come to order. Introduction and reading of House Joint Resolution Constitutional Amendments, First Reading. Representative Will Davis, offered the following House Joint Resolution Constitutional Amendment 43: RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 3 of Article IX of the Illinois Constitution as follows:

ARTICLE IX

REVENUE

SECTION 3. LIMITATIONS ON INCOME TAXATION

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

(a) A tax on or measured by income may be at a graduated rate. At any one time there may be no more than one such tax imposed by the State for State purposes on individuals and one such tax so imposed on corporations. In any such tax imposed upon corporations the rate shall not exceed the weighted average rate imposed on individuals by more than a ratio of 8 to 5.

(b) Laws imposing taxes on or measured by income may adopt by reference provisions of the laws and regulations of the United States, as they then exist or thereafter may be changed, for the purpose of arriving at the amount of income upon which the tax is imposed.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. The House Joint Constitutional Resolution (sic-Amendment) 40... was taken up, 43, was taken up, read in full first time, ordered, reproduced and placed in Committee on Rules. Representative Brosnahan introduced the following Resolution: House Joint Resolution Constitutional Amendment 44. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 2 and 3 of Article IV of the Illinois Constitution as follows:

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

ARTICLE IV

THE LEGISLATURE

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the Senate, by resolution, shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.

(b) In 2012 and every two years thereafter one Representative shall be elected from each Representative District for a term of two years.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Legislative Districts shall be compact, be contiguous, be substantially equal in population, reflect minority voting strengths, and consider political boundaries. Representative Districts shall be compact, be contiguous, be substantially equal in population, reflect minority voting strengths, and consider political boundaries. A Representative District need not be entirely within a single Legislative District.

(b) In the year following each Federal decennial census year, the Senate, by resolution adopted by a record vote of

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

three-fifths of the members elected, shall redistrict the Legislative Districts and the House of Representatives, by resolution adopted by a record vote of three-fifths of the members elected, shall redistrict the Representative Districts. An adopted redistricting resolution shall be filed with the Secretary of State by the presiding officer of the house that adopted the resolution. Each house shall file an adopted resolution not later than June 30.

(c) A Legislative District Redistricting Commission shall be constituted by April 1 of the year following each Federal decennial census year. The Commission shall consist of four members, no more than two of whom shall be members of the same political party.

The President and Minority Leader of the Senate shall each appoint two persons to the Commission.

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission. The Commission may hold public hearings and collect information regarding the redistricting of Legislative Districts.

If the Senate has failed to file a redistricting resolution with the Secretary of State by June 30, the Commission, by resolution adopted by record vote of at least three Commissioners, shall redistrict the Legislative Districts.

Not later than July 31, the Commission shall file an adopted resolution with the Secretary of State. If the Commission

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

fails to file an adopted resolution by July 31, the Chief Justice of the Supreme Court and a Supreme Court Judge selected by the Supreme Court Judges from a political party other than the political party of the Chief Justice shall jointly appoint one person to act as Special Master to redistrict the Legislative Districts, who may not be the same person appointed Special Master under subsection (d). The Special Master shall be appointed and certified to the Secretary of State not later than August 10. The Special Master shall file a redistricting map of the Legislative Districts with the Secretary of State not later than September 5.

(d) A Representative District Redistricting Commission shall be constituted by April 1 of the year following each Federal decennial census year. The Commission shall consist of four members, no more than two of whom shall be members of the same political party.

The Speaker and Minority Leader of the House of Representatives shall each appoint two persons to the Commission.

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission. The Commission may hold public hearings and collect information regarding the redistricting of Representative Districts.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

If the House of Representatives has failed to file a redistricting resolution with the Secretary of State by June 30, the Commission, by resolution adopted by record vote of at least three Commissioners, shall redistrict the Representative Districts.

Not later than July 31, the Commission shall file an adopted resolution with the Secretary of State. If the Commission fails to file an adopted resolution by July 31, the Chief Justice of the Supreme Court and a Supreme Court Judge selected by the Supreme Court Judges from a political party other than the political party of the Chief Justice shall jointly appoint one person to act as Special Master to redistrict the Representative Districts, who may not be the same person appointed Special Master under subsection (c). The Special Master shall be appointed and certified to the Secretary of State not later than August 10. The Special Master shall file a redistricting map of the Representative Districts with the Secretary of State not later than September 5.

(e) A redistricting resolution or redistricting map filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General.

SCHEDULE

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

The State Board of Elections shall proceed, as soon as all the returns are received but no later than 31 days after the election, to canvass the votes given for and against this Constitutional Amendment, as shown by the abstracts of votes cast. If this Constitutional Amendment is approved by either three-fifths of those voting on the question or a majority of those voting in the election, then the State Board of Elections shall declare the adoption of this Constitutional Amendment and it shall, upon declaration of its adoption, take effect and become a part of the Constitution of this State. This Schedule supersedes and applies notwithstanding any statute to the contrary, and no other requirements, including without limitation proclamation of the results of the vote or notice by publication, are necessary for its effectiveness. This Constitutional Amendment applies to redistricting beginning in 2011 and to the election of members of the General Assembly beginning in 2012. The foregoing House Joint Resolution Constitutional Amendment 44 was taken up and read in full a first time. Rules Report. Representative Barbra Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on April 10, 2008, reported the same back with the following recommendation/s: 'approved for floor consideration' is House Bill 2819, House Bill 2426. Representative Barbra Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on April 10,

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

250th Legislative Day

4/10/2008

2008, reported the same back with the following recommendation/s: 'approved for floor consideration' is House Bill 2649 and referred to the Order of House Bills-Second Reading. Referred to the House Committee on Rules is House Resolution 1170, offered by Representative Mulligan and House Joint Resolution 124, offered by Representative Stephens. Introduction and reading of House Bills-First Reading. House Bill 6332, offered by Representative Reboletti, a Bill for an Act concerning transportation. Introduction and reading of Senate Bills-First Reading. Senate Bill 898, offered by Representative Hernandez, a Bill for an Act concerning public aid. Senate Bill 1857, offered by Representative Saviano, a Bill for an Act concerning revenue. Senate Bill 1872, offered by Representative Reboletti, a Bill for an Act concerning elections. Senate Bill 1987, offered by Representative Holbrook, a Bill for an Act concerning regulation. Senate Bill 2013, offered by Representative Lang, a Bill for an Act concerning education. Senate Bill 2210, offered by Representative Lang, a Bill for an Act concerning gaming. Senate Bill 2290, offered by Representative Mautino, a Bill for an Act concerning aging. Senate Bill 2603, offered by Representative Golar, a Bill for an Act concerning education. Senate Bill 2821, offered by Representative Currie, a Bill for an Act concerning juveniles. There being no further business, the House Perfunctory Session will stand adjourned."