

STATE OF ILLINOIS  
97th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

72nd Legislative Day

12/13/2011

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

The regular Session of the 97th General Assembly will please come to order. Will the Members please be at their desk? Will our guests in the galleries please rise? The invocation today will be given by Father Tom Donovan, St. Aloysius Catholic Church -- Aloysius Catholic Church, Springfield, Illinois. Father Donovan.

FATHER TOM DONOVAN:

(Prayer by Father Tom Donovan)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR MALONEY:

(Pledge of Allegiance, led by Senator Maloney)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY ROCK:

Senate Journals of May 23rd, 24th, 25th and 26th, 2011.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hunter.

SENATOR HUNTER:

Madam President, I move that the Journals just read by the Secretary be approved, unless some Senators has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hunter moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Madam Secretary, Reading and Approval of the Journal.

SECRETARY ROCK:

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Senate Journal of Tuesday, November 29th, 2011.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hunter.

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hunter moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. Jason Ronimous, WICS, requests permission to record video. Leave is granted. Larry Foulk, WEEK/WHOI, requests permission to video. Leave is granted. Randy Squires, Chicago News Co-op, requests permission to still photograph. Leave is granted. Jared Roberts, WSIL-TV, requests permission to take video and still photos. Leave is granted. Patrick Keating, WLS-TV Chicago, requests permission to videotape Session. Leave is granted. Madam Secretary, Resolutions.

SECRETARY ROCK:

Senate Resolution 474, offered by Senators Harmon, Lightford and all Members.

Senate Resolution 475, offered by Senators Harmon, Lightford and all Members.

Senate Resolution 476, offered by Senator Holmes and all Members.

Senate Resolution 477, offered by Senator Haine and all Members.

Senate Resolution 478, offered by Senator Wilhelmi and all

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Members.

Senate Resolution 479, offered by Senator Jacobs and all Members.

Senate Resolution 480, offered by Senator Althoff and all Members.

Senate Resolution 481, offered by Senator Frerichs and all Members.

Senate Resolution 482, offered by Senator Kotowski and all Members.

Senate Resolution 483, offered by Senator Koehler and all Members.

Senate Resolution 484, offered by Senator Koehler and all Members.

Senate Resolution 485, offered by Senator Haine and all Members.

Senate Resolution 486, offered by Senator Duffy and all Members.

Senate Resolution 487, offered by Senator Frerichs and all Members.

Senate Resolution 488, offered by Senator Haine and all Members.

Senate Resolution 489, offered by Senator Radogno and all Members.

They are death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Madam Secretary, Resolution Consent {sic}. Madam Secretary, Introduction of Senate Bills.

SECRETARY ROCK:

Senate Bill 2539, offered by Senator Haine.

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(Secretary reads title of bill)

Senate Bill 2540, offered by Senator McCarter.

(Secretary reads title of bill)

Senate Bill 2541, offered by Senator McCarter.

(Secretary reads title of bill)

Senate Bill 2542, offered by Senator McCarter.

(Secretary reads title of bill)

Senate Bill 2543, offered by Senator McCarter.

(Secretary reads title of bill)

Senate Bill 2544, offered by Senator McCarter.

(Secretary reads title of bill)

Senate Bill 2545, offered by Senator Silverstein.

(Secretary reads title of bill)

Senate Bill 2546, offered by Senator Silverstein.

(Secretary reads title of bill)

1st Reading of these Senate bills.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Madam Secretary, Appointment Messages.

SECRETARY ROCK:

Appointment Message 305

To the Honorable Members of the Senate, Ninety-Seventh  
General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the  
advice and consent of the Senate, appointing the following named  
individual to the office enumerated below. The advice and  
consent of this Honorable Body is respectfully requested.

To be Director of the Illinois Department of Children and  
Family Services:

Richard H. Calica

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Annual Compensation: \$150,228

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Madam Secretary, Messages from the House.

SECRETARY ROCK:

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

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

Senate Bill 397.

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

House Amendment 3 and House Amendment 7.

We have received a like Message on Senate Bill 400, with House Amendments 1 and 2. They passed the House, as amended, December 12th, 2011. Timothy D. Mapes, Clerk of the House.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Jason Wambsgans, from the Chicago Tribune, requests permission to still photographs. Leave is granted. Senator Forby, for what purpose do you rise?

SENATOR FORBY:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point, Senator.

SENATOR FORBY:

Today, Senator Sandoval, he has some business in his district today. He wanted me to announce that. So he will not be here today.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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Thank you very much, Senator. The record will reflect. The Senate will stand at ease for a few minutes to allow the Committee on Assignments to meet. The members of the Committee on Assignments, will you please come to the President's Anteroom immediately? The Senate will stand at ease. Senator Crotty in the Chair. (at ease) The Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to the Executive Committee - Motion to Concur with House Amendments 3 and 7 to Senate Bill 397, Motion to Concur with House Amendments 1 and 2 to Senate Bill 400, Motion to Concur with House Amendment 1 and 2 to Senate Bill 1830; refer to the Executive Appointments Committee - Appointment Message 305.

Signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen of the Senate, may I have your attention, please? Ladies and Gentlemen, the following committees will be meeting to take up concurrence motions: The Executive Committee will meet in Room 212 at 1:20 p.m. The Executive Committee will meet in Room 212 at 1:20. Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Thank you very much, Madam President. For purpose of an announcement.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Please state your announcement.



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SENATOR TROTTER:

Yes, immediately upon recess, the Senate Democratic Majority will caucus for forty-five minutes.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR MURPHY:

Purpose of an announcement, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your announcement.

SENATOR MURPHY:

The Senate -- Senate Republicans will also caucus, in Room 409, at the same time as Senator Trotter just indicated the Majority will.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Ladies and Gentlemen of the Senate, the Senate Democrats and Republicans have moved to recess for purposes of a forty-five-minute caucus. Seeing no objection, the motion is granted. The Senate now stands in recess until the call of the Chair. The Senate will resume Floor business after committee meetings. The Senate stand {sic} in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SECRETARY ROCK:

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Senator Harmon, Chairperson of the Committee on Executive, reports Motion to Concur with House Amendments 3 and 7 to Senate Bill 397, Motion to Concur with House Amendments 1 and 2 to Senate Bill 400, and Motion to Concur with House Amendments 1 and 2 to Senate Bill 1830, all recommended Do Adopt.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Madam Secretary, Resolutions.

SECRETARY ROCK:

Senate Resolution 490, offered by Senator Koehler and all Members.

Senate Resolution 491, offered by Senator Koehler and all Members.

They are death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Madam Secretary, Resolution Consent Calendar. Ed Cross, WAND-TV, requests permission to video. Leave is granted. James Carder, blue -- blueroomstream.com, requests permission to videotape. Leave is granted. Would all Members please report to the Senate Floor for substantive Floor action? Would all Members of the Senate please come to the Senate Floor? Would all Members -- would all Members at the sound of my voice please report to the Senate Floor? Would all Members please report immediately to the Senate Floor for Floor action? Senator Jones, on Senate Bill 1830. Senator Emil Jones, on Senate Bill 1830. He indicates he wish to proceed. Madam Secretary, please read the bill.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1830.

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Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Jones.

SENATOR E. JONES:

Thank you, Madam President and Ladies and Gentlemen of the Senate. And must I add, you look very nice in red today, Madam President. Senate Bill 1830, as we all know, this is our cemetery legislation, which we adopted a little bit over two years ago.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Excuse me, Senator. May I have order on the Senate Floor, please? We have begun with our Floor action. Please give the Senator your attention. Thank you. Senator Jones.

SENATOR E. JONES:

Thank you, Madam President. We passed cemetery legislation a little bit over two years ago in wake of the Burr Oak tragedy, in which the bill that we passed was a little bit too harsh for our smaller cemeteries throughout the State. So, through recommendations to JCAR, we presented this trailer bill. And even with this trailer bill, this particular piece of legislation will still be the toughest cemetery legislation throughout all fifty states. Also, with this legislation, it also provides a fund for abandoned and neglected cemeteries. Throughout my research on working on this piece of legislation, there's over fourteen thousand cemeteries in the State of Illinois and a lot of 'em are small cemeteries and a lot of 'em are neglected and abandoned. So I'll be happy to answer any questions about this legislation, but I'd appreciate your full support, and as of right now, I know of no opponents at this

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time.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator John Jones, for what purpose do you rise?

SENATOR J. JONES:

Thank you, Madam President. To the motion.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please speak to the motion, Senator.

SENATOR J. JONES:

You know, I -- just for the benefit of the -- of my caucus, really, more than anything, but I -- I was opposed to this bill, but we've got some pending rules in JCAR, really, that this piece of legislation does need to move forward. I -- what we've done is we've overreacted and -- and I don't deny that there needs to be some rules and -- and some -- some tighter things done to the cemetery oversights. But I think, you know, with last year's primary election with two Governor candidates, this really got blown out of proportion. A tragedy did happen in Senator Jones' district and -- and, you know, we -- we don't ever want see that happen again. But those people broke the law and -- and we have laws to take care of that. My only fear with this is that we've - well, the previous legislation - we -- we really jumped out there way too far. We were going to have -- and we still will have it - there's no doubt about it - we will still have small cemeteries throughout this State that the volunteer trustees and the like will just step back and say, "You know what, you guys take care of it in Springfield. We don't want mess with these cemeteries anymore." And so we're still going to have that, but not maybe as -- as big a -- an impact as -- as we would have had if we didn't pass this bill

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and let those rules that's sitting at JCAR move forward. So, I -- reluctantly, I'm going to rise in support of the bill. And hopefully we can address, in the spring, a bill that I have introduced, along with Emil Jones, III, to repeal the whole Cemetery Act and then do the right thing and have input from everybody and not do it by knee-jerk reaction. So, reluctantly, I rise in support of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any further discussion? Seeing none, Senator Jones, to close.

SENATOR E. JONES:

Thank you, Madam President. I appreciate a Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen of the Senate, as this bill has an immediate effective date, it is the ruling of the Chair that pursuant to Section 10 of Article IV of the Illinois Constitution, the passage of this measure requires a three-fifths majority. The question is, shall the Senate concur in House Amendment Nos. 1 and 2 to Senate Bill 1830. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 voting Yea, 0 voting Nay, 0 voting Present. Senate Bill 1830, having received the required constitutional majority, the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 1830, and the bill is declared passed. Senator Emil Jones.

SENATOR E. JONES:

You know, Madam President, I was just so overjoyed by that

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roll call, I forgot to hit my own button. I want to be recorded as a Yes on Senate Bill 1830.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The record will reflect your intention, Senator, since I did -- get a complimentary vote {sic}. Senator McCarter, for what purpose do you rise?

SENATOR McCARTER:

For purpose of announcement.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your announcement, Senator.

SENATOR McCARTER:

I'd like the record to reflect that Senator Duffy is absent today due to prescheduled business and Senator Millner is -- is absent today due to a family illness. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. So noted. Senator Hutchinson, on Senate Bill 400. She indicates she wish to proceed. Madam Secretary, please read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 400.

Filed by Senator Hutchinson.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson, on the motion.

SENATOR HUTCHINSON:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 400, as amended by the House, does two things: It increases the standard exemption for individual taxpayers from two thousand to two thousand fifty in 2012 and

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then increases it by the Consumer Price Index for future years. Secondly, it increases the earned income tax credit from five percent of the federal EITC to 7.5 percent in 2012 and then ten percent in 2013. I'm happy to answer any questions and I hope I have all your support.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the -- oops. Senator Murphy, for what purpose do you rise?

SENATOR MURPHY:

To the bill, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR MURPHY:

This is obviously the exact same legislation as we saw in here and approved with a supermajority a couple weeks ago, so it doesn't need to be beat to death, certainly. But it does bear repeating that we are here because of the tax increase that was passed in January. This is an admission that that tax increase went too far. And this is tax relief for individuals. I intend to support it for that reason. There's one piece in particular I think the Chamber should understand, and -- and on both sides of the aisle, with regard to the earned income tax credit. This is an opportunity to help people grab the bottom rung of the ladder, to start and get away from the dependency of welfare and get to work. This is a reasonable piece of tax relief for most who get that tax credit and it's something that I'd like to see, on both sides of the aisle, us support, because it's the right thing to do. I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Thank you, Madam President. Two questions for the sponsor.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The sponsor indicates she will yield. Senator Lauzen.

SENATOR LAUZEN:

Senator, where will the money come from, when we have eight billion dollars of unpaid bills? We have debt. Our -- our credit score is going down the tubes. We're listed as the forty-eighth worst-run state in the union. Where will the money come from to pay for approximately one hundred and fifty-five million dollars in Fiscal Year '14?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

There were a lot of concerns that were raised about whether or not we should decouple to pay for this bill. And in the first iteration of the package, we proposed decoupling from the federal code to save the money that was negotiated by President Obama and Speaker Boehner on when people could write off their depreciation on -- on equipment and things that they had bought. We decided not to do that for this particular bill, because by doing nothing as a measure of law, that money is going to come back on the books. Now the revenue estimates from the House, as well as the COGFA estimates, have us understanding that we're going to see that money come back. And so this package is paid for by expected revenue growth. It also doesn't -- it -- it doesn't inhibit our ability to stay beneath our caps.

PRESIDING OFFICER: (SENATOR LIGHTFORD)



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Senator Lauzen.

SENATOR LAUZEN:

I'm sorry, I -- I listened very closely to your answer, but I don't understand. Where will the money come from to provide tax relief of a hundred and fifty-five million dollars next year? You said something about revenue. And there is a shortage, according to, I think, analysis on both sides of the aisle that the cost of this is a hundred and fifty-five million dollars. Where will that money come from?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson. Testing. Senator Hutchinson.

SENATOR HUTCHINSON:

We understand that we passed an income tax increase and we have a higher number of revenue that's coming in from that, as well as the fact that we are not decoupling from the federal code and that cost us, just on that bonus depreciation, nearly a billion dollars in revenue, which we will not have to spend once that break goes away. So, again, this is coming from revenue that's expected to come into the State and it stays beneath our established caps.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. Then, secondly, could you quantify the benefit of the increase in the personal income tax exemption? I understand that it's going up as a deduction -- or, as an exemption on the tax return of fifty dollars a year. Is it -- is it accurate to say that that then needs to be multiplied times the five percent -- the five percent tax rate in the State

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of Illinois? So, fifty dollars times five percent is two dollars and fifty cents per year. So that's approximately twenty cents per month for a family, is the extent of that portion of the bill. Is that accurate?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

Yes, the way you describe that is accurate -- accurate. I would note the most important part of the reason we need to index this to the CPI is that this is a -- a first opportunity for us to add some progressivity to our Tax Code. When the income tax was created in 1969, the exemption was one thousand dollars per family. If it were indexed to CPI back then, that exemption would be worth six thousand one hundred dollars today. That would be twenty-four thousand dollars for a family of four that would be untaxed - twenty-four thousand off the top had they been a little more progressive when they instituted the income tax in the beginning. Because we didn't think that far, we're doing it today. So, yes, it can seem insignificant right now. The point is the indexing - so that it keeps up with the times. There'll be plenty of times for us to argue about tax breaks and incentives and things like that for businesses. This is an opportunity to actually codify in the Code the exemption that goes to everybody else - the people that you go to church with, the folks that your children go to school with, the people you see in the grocery store. This will grow over time and that's the reason why we need to index it to the CPI so that it keeps up with the times and inflation as we move forward. The issue's not today, sir, it's in the future.

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Lauzen, for a final question, Senator?

SENATOR LAUZEN:

No. To the bill. And we have plenty of time...

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. To the bill. To the -- to the bill, Senator.

SENATOR LAUZEN:

Right. We've -- we've come a long way, all of us. We have plenty of time, so -- and this is millions -- hundreds of millions of dollars is on the table. Certainly I appreciate the portion of it that's the indexing. I just don't want us to derive a false comfort from a -- a fifty-dollar increase in the personal income tax exemption. Think about what we've done to the typical family with a sixty-seven percent income tax increase, which, for people in my district, will increase it from somewhere between five hundred dollars a year and fifteen hundred dollars a year, and then with -- with this bill, we're going to hand back to them two dollars and fifty cents. Thank you very much. I suggest a No vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Leader Radogno, for what purpose do you rise?

SENATOR RADOGNO:

Thank you, Madam President. I'd like to speak to this bill, but before I get to that, I think it's important to recognize the context of the package that we're dealing with today and the fact that we are in a very difficult position. We knew - at least, certainly, this side of the aisle predicted -

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that we would have consequences once that sixty-seven percent income tax increase and the corporate income tax increase was passed. Now it's come to fruition. Many people are struggling. Businesses are threatening to leave. The income tax was a portion of it. There clearly are other factors as well, but now here we are, having to deal with some sort of relief. Now there's two ways to look at -- at this whole package. One is that we should just say no to everything and that we should allow the chips to fall where they may and not choose winners and losers, which is essentially what the other alternative is if we vote Yes for that. We are choosing some winners and some losers and that's unfortunate. We need to be working towards rolling back this tax and making it temporary, as it was indicated it would be in the first instance. But the other way to look at this and the way that I'm looking at it and going to be voting is that there is some tax relief here. In the case of CME, it's a correction in the Tax Code. There's some relief to businesses. I'm for getting tax relief to businesses. They are the ones that create the jobs. But on this bill in particular, the bill for individual tax relief, yes, it is meager. There is no question about it, but at least it's something and it's some recognition of what the actions of this Body has done to the average income taxpayer in this State. The EITC has become somewhat controversial, which I find fascinating, because I think it's important to remember that the people that receive the earned income tax credit are, in fact, working and making enough money that they have to pay taxes. So these people, hopefully, by getting a little more money back, will, one, spend it and help the economy and, secondly, in some instances, it may

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be the margin between them going on unemployment or some other type of assistance. Finally, I know there's been some controversy about the refundable aspect of the EITC. Again, I think it's important to remember that the refundable portion is not money that can be used for any other purpose. It is money that -- it comes from the federal government and can only be used for activities that support the working poor. So it is not money that would otherwise be going to GRF and may provide some extra help to those people, as Senator Murphy said, who are trying to grab onto that bottom rung. So I would suggest that people vote Yes on both of these bills. I think that it's the least we can do, although it's certainly not adequate. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Seeing none, Senator Hutchinson, to close.

SENATOR HUTCHINSON:

Thank you for those remarks, especially Leader Radogno. This is -- it is true that, in the media and in the press, these two bills, or this negotiated package, has been largely described as just CME and Sears. That is so -- there's so much more in this package than just those two provisions and this was an opportunity for us, while they were negotiated as a package, for us to start to give some tax relief to the people who need it the most. I would ask for all your support.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 400. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 voting Yea, 4 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 400, and the bill is declared passed. Now on the Order of Senate Bill 397. Senator Hutchinson, on Senate Bill 397. She indicates she wish to proceed. Madam Secretary, please read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 3 and 7 to Senate Bill 397.

Filed by Senator Hutchinson.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson, on the motion.

SENATOR HUTCHINSON:

Thank you, again, Madam President, and here we are again. This has been a long road coming. I really want to say thank you to Members in the House, who really did say they wanted to take a slower look at this to make sure that we didn't rush into something not fully understanding the full implications of what it was we were doing. This was -- this was the -- this was an attempt on the -- on the -- behalf of the General Assembly for us to take the urgency that a crisis demands and balance that with the measured approach that you need to do to do good public policy. And tax credits are some -- are one of those things that can be controversial at times. I understand that. But there have been plenty of questions asked about whether or not we can afford to do this and I would contend that we need to change the -- the frame to: How can we afford not to right now?

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We are in a position right now where we have to compete. We have to compete across the Midwest. We have to compete across this country. Illinois, as the fifth-largest State in the country, is playing on the world stage and we need to let everyone - and especially all of our friends across the Midwest, who are doing everything they possibly can to steal businesses from this State - we need to let 'em know that we're open for business. Senate Bill 397, as amended by the House, creates the Illinois Independent Tax Tribunal Act; creates the Live Theater Production Tax Credit; extends the Sears EDA for up to fifteen years; extends the R&D credit through 2015; allows companies to utilize one hundred thousand dollars of net operating losses starting in 2012; extends all credits, deductions and exemptions that would expire in '11, '12 or '13 due to the automatic sunset provision by five years; creates a new apportionment method for federally regulated exchanges; allows Sears and Champion Labs to utilize an EDGE credit against their withholding liability; extends a partial sales tax exemption for ethanol fuels; and increases the exemption amount for the estate tax. I will go over just a few of the little points that are -- just slightly different in the two bills, because they are largely identical. The Illinois Independent Tax Tribunal Act, there's a minor technical change from what we originally passed. For CME, it phases in apportionment formula over two years and it deletes the Section related to market data - otherwise, the language is identical. The estate tax - increases the exemption from two million to three million in 2012 and 3.5 million in 2013. That is what we originally passed. In this one, it increases from two to three {sic} and then to four in 2013. The new -- the new

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provisions in this bill include the Champion EDGE credit; the business location efficiency incentive; the small business job creation tax credit; the food and drug sales tax exemption, which extends exemption for people receiving aid under the Public Aid Code; and the historical society property tax abatement, which is revenue-neutral to the State - that is solely a local issue. This bill is largely identical to the bill that got thirty-six votes in this Senate. We are in the position right now where - yes, it's unfortunate - there are businesses that are coming and holding us over the barrel and I understand that that leaves a bad taste in a lot of legislators' mouths. But the one thing I understand even more than that is that it's more than about just one job. Every person who's working also pays additional taxes. When you look at the Sears situation, that was six thousand two hundred jobs. Every one of those people who are working, live here. They pay sales taxes. They pay income taxes. And I don't know that the people who are in the middle of the jockeying about whether or not we were going to pass this relish being used as political pawns. We are in a serious situation right now. We did the best we could with the negotiations we had. This is a bill that you can go home and defend. I would ask for those thirty-six people who voted last time to do it one more time. Thank you so much and I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR DILLARD:

Thank you, Madam President, and merry Christmas and happy



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holidays, everyone. I'm sorry that we have to be here a couple of weeks before Christmas, but, as Senator Murphy pointed out, we're here doing this today because you, the Majority Party, thought a sixty-seven percent income tax increase was needed on the last day of the last General Assembly. But I want to point out that this State needs comprehensive tax reform. Our Tax Code needs to be updated. It needs to have something done to it, like the CLEAR Commission that Senator Cullerton and others worked on, where we looked at our Criminal Code from top to bottom. The Chicago Mercantile Exchange points out that, in a changing economy, we need to make major changes in our tax policy to bring it up to 21st century standards. I do want to point out today that it gives me a little bit of relief that both the Chicago Mercantile Exchange and Sears are longstanding Illinois companies and entities. And I do believe that I rest more comfortably at night knowing that these two companies that we are picking as winners today have been here for a long time. One of the things that I think gets overlooked in this package - and it is important to small family-owned businesses and farmers - is the change in the estate tax, which is in this package as well. That's important. And while we've already passed the earned income tax credit portion - I voted for that, Senator Hutchinson - I think that was important to remember -- or, it is important to remember that, at least for our side of the aisle, President Ronald Reagan was a major champion of the earned income tax credit, and I think Senator Radogno, my Leader, explained it well. But, next year, I think we need to start down the path of comprehensive reviews of our Tax Code in Illinois. Ten percent of the people of this State are

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unemployed as we go into this holiday season and it's time to make Illinois work again. You know, you can't stand in here and -- and -- and stand in the way of progress or the possible, looking for the perfect. And this is not perfect legislation. I wish we weren't here. I wish you didn't pass that sixty-seven percent income tax increase. But I rise in support of this and it's time to put our people back to work. And I want to commend you - I see Representative Bradley - and others that worked on this for their hard work, especially during these holiday seasons. But I'd urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Jacqui Collins, for what purpose do you rise?

SENATOR J. COLLINS:

To the bill, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR J. COLLINS:

Thank you. I am conflicted about this piece of legislation and I rise to speak on behalf of the average taxpayer without demonizing our large corporations that bring jobs and investment to the State. While some adjustment to the tax scheme makes sense, I believe the timing is wrong. Is this the solution to the problem in a time when Illinois is walking its own fragile, financial tightrope? CME raises the issue of fairness and there is merit with this argument; however, I feel a better remedy would be working to reform the Illinois Tax Code and working to close corporate loopholes to ensure that all Illinois corporations pay their fair share of taxes. I don't know how or if my constituents would understand how we can provide a tax

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break to a company that was able to retain fifty-four percent of its eight billion dollars as clear profit. That's a higher percentage than any other top one hundred companies in the country. I believe I have a fiduciary responsibility to the average Illinois taxpayer, the State vendors, the medical and human service providers, school districts, who are struggling for survival because of a lack of State funding and unpaid bills. My concern with the legislation is with the future, the outyear costs, when we will be faced -- or, forced to place the tax onus even more squarely on the burden -- on the backs of the middle class and working families. I commend Representative Bradley and I commend the sponsor, Senator Hutchinson, for her hard work. And I have no doubt that the bill will pass because of their tenacity and perseverance. However, I would like to say, just on principle, I will be voting No.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Crotty, for what purpose do you rise?

SENATOR CROTTY:

I move to the previous question.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Just one moment. There are seven previous speakers, Senator - seven. Since we do have seven Members seeking to speak and be recognized, the timer will go on. Each Member has five minutes. Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

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SENATOR ALTHOFF:

Thank you. I intend to support this legislation; however, I'd like to note for my colleagues and for the record that I believe it is the intent of this bill, as stated eloquently by the sponsor, to retain jobs here in Illinois. When CME Chairman Duffy testified before the House committee, he stated there were five thousand jobs on the CME floor that would be lost if the Exchange moved. However, in the two-week interim between our last Session day on November 29th and today, CME instituted an administrative rule change which cuts administrative overhead. And I am certainly hopeful, as I stand here, that these new administrative rules, these overhead reductions, do not result in the elimination of any of these jobs, as those of us voting on the affirmative side, as I intend to do, do so with the firm belief it is with the intent to preserve jobs, and in particular, the jobs of these men and women who work on the floor at these exchanges. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Brady, you will be recognized; however, your light did come on after the previous question had been moved. But I'm not recognizing you just yet, Senator. Senator Raoul, for what purpose do you rise?

SENATOR RAOUL:

To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR RAOUL:

And I -- I won't need five minutes and I don't yield the rest of my time to Senator Brady. This is -- this commentary is

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probably more appropriate for our previous bill, but since there was discussion about the previous bill, I just want to say that I do agree with all of the speakers that we do need comprehensive tax reform. And I also want to say that, you know, we're dancing around the truth here. The truth of the matter is that a few years ago, Senator Frerichs put forth an amendment to the Constitution calling a -- for a progressive income tax. What we just did a few moments ago is we added a little bit more progressivity, and, you know, as the previous speaker spoke about it, even Ronald Reagan was in favor of progressivity. So let's -- let's -- a -- a child of Illinois. So it's high time that Illinois embrace the fact that we need a progressive income tax, like most of the states of the United States of America, like our federal government has, and remove this mandate of the flat tax from our Constitution. We're -- we're dancing around it. We're all pretending like we're not for it, but we voted for it. So let's change our Constitution and let's bring a progressive income tax to the State of Illinois, like Ronald Reagan would want.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCarter. For what purpose do you rise, Senator?

SENATOR McCARTER:

To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR McCARTER:

Ladies and Gentlemen, there are -- there are a lot of good things in this bill, like the R&D tax credit, like the net operating loss. Essentially what we've done is said we're going

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to give back what was small businesses -- what was -- what was rightfully theirs. I've had small businesses come to me and say, "What do you mean this is supposed to show my typical income over time, instead of just in a bad year in the middle of a recession? I was planning on that money." Well, we give it -- we give it back to 'em in the next year. That's good. The estate tax deduction, you know, in Illinois, it doesn't take too many acres as a -- as a farmer at ten thousand dollars an acre for this to be an issue in good times. So, I admit there are a few good things here, but, once again, we're picking winners and losers. That's why this bill is unfair. And these special deals are bad public policy. Essentially, if you can't hire a bigtime lobbyist with connections, you don't get any of your money back from the tax increase. This is a great bill for lobbyists. In fact, we may ought to -- maybe we could rename this bill "The Lobbyist Dream Act", because every business in this State will, and probably should, line up to get their money back and they're going to need a lobbyist. So it's a good day from them. Special exemptions and benefits make the unfair tax system more unfair. What are we giving them? We're giving them back two pennies on the dollar from what we took from them. We're not giving them any. We're giving 'em two -- two pennies back, what was rightfully theirs. And despite these token breaks for the working families, well, maybe not working families, because let's face it, this doesn't help working families. They paid nine hundred to fifteen {sic} dollars more and they get nothing out of this. But to cite these token breaks -- this legislation is about making deals between lobbyists and elected officials even that much more desirable.

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It's an abuse of our political system. It's an abuse of the goodwill of taxpayers and abuse of the public trust. I'm lobbying today for the hardworking, taxpaying middle class, the ones we penalized, the one who we -- who we took money away from that was rightfully theirs in the last tax increase. Despite the few good things in this bill, we need to make this fair for everyone. I -- I urge an Aye -- a -- a No vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Cultra, for what purpose do you rise?

SENATOR CULTRA:

To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR CULTRA:

And why I -- I do agree with the previous speaker, but the district that I represent, the 53rd District, is a huge agricultural area and it's made up of many hundreds of small family farms. And when we decoupled from the federal estate tax deduction, where the federal deduction is five million dollars and the Illinois deduction currently is two million, that -- that puts the family farm in peril, when -- when farm ground is approaching anywhere from -- my area, from eight to twelve thousand dollars an acre. And we have many Centennial Farms in my area, where -- where the farm ground has been in the same family for -- for over a hundred years. And basically what we've done in Illinois by decoupling and having a two-million-dollar threshold is, is that you're forcing -- just because someone died, you're forcing them to sell some of their farm ground in order to pay the taxes. And that's why I rise in

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strong support of this bill, is to help preserve the family farm, which this bill would do by raising the threshold to 3.5 million dollars and eventually in 2014 -- or '13 to four million dollars. Even though the federal is five million, four million is certainly much better than two million. I also think it's important that we reinstate the net operating loss for all small businesses. You have a bad year, you should be able to deduct that loss if you make money the next year, and that's important to all businesses throughout this State, not just the big guys. Research and development tax credit, that's important to all business. So we're helping some big guys out here, but we're helping a lot of smaller guys, too. So I rise in strong support of this bill. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR NOLAND:

Thank you, Madam President. I rise to just simply allow my voters and my constituents in School District 300 and Hoffman Estates' representatives, in which are right behind me here, to understand clearly why it is that I'm opposing this bill. First of all, I want to say thank you to the sponsor. She's been very sensitive and very diligent in listening to School District 300 and trying to craft a reasonable solution that would benefit both the State and the school district. Unfortunately, I don't think that this rises to the level of -- of -- or, it -- the contents of this bill do not inform me that it rises to the level that I should -- should necessarily support and for the follow reasons: Number one, Sears can at any time in the future



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move. There is nothing in this bill that actually requires them to stay. Under -- under current case law, under our Constitution, third-party beneficiaries and obligors can take the place of Sears any time and they will. Secondly, Hoffman Estates can take the money that they are obtaining through the EDA and they can pay for the Sears Centre. They can move money around and do anything that they choose to do with this money. So there's been -- been nothing that has been given to the school district that -- in that manner. Now also, too, School District 300 is -- is having to sacrifice upwards of eighteen million dollars a year. It has been said that School District 300 is being given double what they had been given before. So they had three -- three million, they're being given six. You're giving them basically thirty cents on the dollar. So, you know, it's not like you're giving them anything that they did not already have coming to them. And I want to say thank you to School District 300 for having not been satisfied with just simply standing on the outside with their nose up against the glass as though they were looking at the party and being left out. They kicked down the door. They demanded a seat at the table and they took at least something for their trouble, which was only approximately 1.2 million dollars. Only the future will tell us exactly what will happen, whether Sears will stay or Sears will move. Our changing economy has caused Sears to decline in ways that are irretrievable. So, I just want to simply go on the record and say that I -- I'm sorry that I can't support this. The other provisions of the bill, the CME, the small business tax credit and the net operating losses are all attractive features, but they're not strong enough to win

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approval here. And to Senator Dillard and to others who agree that we need comprehensive tax reform, I hope this comes next year and not in a gubernatorial election year, so that we can truly talk about the things that need to be done in a -- truly comprehensive manner in the very next Session. And so with that, I think I've stated everything that I needed to say. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Thank you, Madam President. Just four -- four quick points to put in context the rest of my remarks. First of all, I would like to say that I deeply respect the sponsor, Senator Hutchinson. I think you do a wonderful job. It's a pleasure to serve with you. Second, I feel very badly for the Chicago Mercantile Exchange to be attached to what has been labeled a tax break. The CME portion of this bill is nothing more than a correction of a tax miscalculation. Gross revenue less expenses equal profit, multiply that times the percent made in Illinois of revenue and profit, that's how much you're supposed to pay. That's not what's being paid here. They should have a correction. It doesn't belong in anything labeled a tax break. Third, I certainly appreciate Sears as a company and employer. I intend to give some Craftsman tools as Christmas presents. And then, number four, I also recognize the good that's been incorporated into this bill to entice enough votes to pass the legislation, including the estate tax, R&D, and net operating loss that Senator Cultra referred to. However, there's a basic poison pill put into this piece of legislation. The giveaway to

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a favored few is another example of a pattern of bad fiscal behavior. Wall Street Journal article, just yesterday in the Review and Outlook section, different from which you pointed out to me, was titled "Corporate Carve-out Revolt". It says, "After raising taxes, Illinois debates special favors for big business." And it says, "It's not often that the Occupy Wall Street and" street -- "and tea party movements see eye-to-eye, but a tax bill before the Illinois legislature is testing whether left and right can combine to limit corporate tax favoritism." It goes on later in the article to point out that "the better policy would be for the Governor and" legislator -- "legislature to admit their blunder and repeal the tax increase on all companies, large and small. According to the Illinois Policy Institute, a free-market research shop, the cost of repealing the Quinn corporate tax increase would be less over fifteen years than the cost of the new tax carve-outs." It points out that we've lost eighty-nine thousand jobs in the last six months following the revenue -- the tax increase and Illinois jobless rate is now 10.1 percent, well over the 8.6 national average. This is corporate welfare. The last time we did this, with Motorola, shortly after providing them a hundred and seventeen million dollars, they sold themselves to Google for 12.5 billion dollars. The CEO was given a sixty-six-million-dollar bonus for what he had done. Now, how I count it, that's half of the -- half of that, that's half of the money that was given to Motorola Mobility, ends up in a CEO's incentive for selling the business - not good policy. Finally, the worst part of this bill, Ladies and Gentlemen, it won't solve the problem. We will now have more people who have been

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encouraged as a reflex to come to the State of Illinois to ask for theirs. Whatever happened to, ask not what your country can do for you, but ask what you can do for the country? Now that's been modified to, what's in it for me or where's mine - the Chicago way. So, get ready, strap on your seatbelts, because there's a third wave of people who are going to be coming to the State of Illinois to get their share of the pie and we've trained 'em to do it. I ask you for a No vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR BRADY:

Thank you, Madam President. I stand here both enlightened and hopeful - enlightened that Senator Raoul is referencing Ronald Reagan. Just -- just thinking about the fact that once, too, Ronald Reagan was a Democrat and saw the light and became a Republican. Maybe there's hope. I also stand here hopeful. You know, Senator Cullerton oftentimes has told the story of how many ways there are to leave this august Body - alternatives. So often we've only heard from the other side of the aisle that the ways to raise revenues is to raise rates. But, yet, the sponsor of the bill admits - and I wholeheartedly agree - that this legislation will more than pay for itself by retaining and encouraging economic development and growth. Ladies and Gentlemen, a rising tide lifts all boats and that's what this legislation is about to do. I only hope that, as we realize the ill effects of the sixty-seven percent increase in which the emperor bearing little led us down the path to, that we realize that that, too, can lift all boats, bringing economic

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development and revenues to the State of Illinois to move our State in the forefront. This is a good, if not a great, piece of legislation. There's not one issue in this bill that I can't wholeheartedly embrace, because it works to help the families of this State. I want to compliment all those who have put public input into this, as well as private. This truly is the way bipartisan legislatures should work. I only regret we didn't complete this earlier.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Final speaker, President Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Yes, thank you, Madam President, Members of the Senate. I also would like to congratulate Senator Hutchinson on her work in the Senate, as well as going over to the House and educating them about the merits of this bill. And I also want to thank Senator Radogno and the Republicans who have spoken in favor of this. Just to review: The R&D tax credit, which was about to expire, a number of folks on both sides of the aisle had asked that we renew it and I'm very happy that we're able to do that. The net operating loss is geared towards small businesses. I think that's very smart. There's a very small provision in here dealing with live theater. I've been told by the folks in -- in Chicago that this will bring the equivalent of a Broadway play to stay for at least a year in Chicago or other areas where this is eligible - I think Aurora, Rosemont - that actually more than pays for itself. I think it's a very good idea. With regard to the estate tax, we're told -- I've been told recently we're one of the highest estate taxes currently. These exemptions change.

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The federal government is actually going to go back down to, I think, a million-dollar exemption in a few years, unless they change it. So, it's good to increase the exemption for the estate tax. With regard to Sears, they employ sixty-one hundred people at their headquarters. They have invested two hundred million dollars in infrastructure in the last number of years since they moved here in 1992 to Hoffman Estates. They have paid over two hundred and fifty million dollars in property taxes. They've spent three hundred million dollars on their facility. And I'm told that the people that they cooperated with, District 300, Hoffman -- the Village of Hoffman Estates, agree with the bill, that they will be receiving fifteen million dollars for ten years. However, they have to invest three hundred million dollars in new capital expenditures, and if, for some reason, they drop below the employment rate, the -- the numbers that are in the bill, they lose the credit and have to pay it back. So I think that's the type of measure, similar to other bills that we have considered, where we've decided it's worth the expenditure, if you will, to get them to stay. It's weigh the idea of them leaving versus how much it costs us, if you will, to ask them to stay, and we're a net beneficiary. We did that with other companies; some we lured to Illinois, like Navistar from the great State of Indiana. So I think it's smart to have this in the bill. Now with regard to the CME measure, let me tell you how my role -- what role I played in this part of the bill. I read in the paper that the -- Terry Duffy, head of CME, was considering leaving the State of Illinois because of unfair tax treatment. I didn't wait for his bigtime lobbyist to call me. I called him. I'd never met him before. I wanted to

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meet him. I didn't wait for a bigtime lobbyist to call me. This part of the bill has nothing to do with bigtime lobbyists. So I went over and figured it was a guy who was going to complain about the income tax increase and threaten to leave. And I sat there and he explained what was happening to his company, something I'm very familiar with. The old Board of Trade, the guys down in the pits, that had changed. Now, global financial business doing electronic trades. But because of the anomaly of the way our Tax Code was written, the default was they're all taking place in Illinois. And so we come to find out that he said, "We need you to look at this." And that was the first thing I said, "We can go and figure out what percentage should be attributed to Illinois." That would be a correction, as was previously stated by other sponsors. I talked to him. I'm going to disappoint you here a little bit, 'cause I talked to him about the impact of the income tax. He said, "That's not the problem." He knows that all those people that work there, a lot of them make a lot of money. He knows they're now paying five percent instead of three percent. He gets that. But the unfairness of the way it's applied to his company became obvious. They told us how much money they were making -- or, how -- how much money they were paying - the largest taxpayer in the State of Illinois. They're not the largest company in the State of Illinois. They're not the one that should be paying the most, but they have been. And here's what's amazing to me, after we make this change, I think they're still going to be the largest taxpayer in the State of Illinois. So, it calls out for us to make this change and it is unfortunate that it's been lumped together as some kind of a tax

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giveaway. We're not giving 'em anything. They're still going to be paying us. Can you imagine being in another state, other than Illinois, sitting in the legislature and the CME portion of this bill is brought to you and says, "Here, Senator, would you please vote for this bill? Here's the deal. You vote for this bill, CME will move to your state and you don't have to give 'em anything. They'll soon be paying you fifty-eight million dollars in taxes." How could you possibly vote No on something like that? That's what is before us. Now, as far as reform of the corporate Tax Code, I'm all for it. You may recall that not in the middle of the night, but during the day, those of us in the Senate voted for a tax increase that had the corporate income tax only go to five percent. That would be what our first choice was, the same as an individual. That provision was rejected by the House and it did not pass, and as a result, when we negotiated the tax increase, the corporate tax was as high as it was. It's been frequently misrepresented as being even higher than seven percent, because people like to add on the corporate personal property replacement tax to its total, which is not fair. It is seven percent and it brings in a little less than two billion dollars. Any way we can redo this tax that only two-thirds of the corporations in Illinois pay, I'm all for it. We should do it next year. As long as we bring in some money or the chance to even grow more businesses so we bring in the equivalent amount of money, I'm for that reform, and we should take that up. So, this is a first start in that effort to reform the corporate Tax Code. And for that reason, I think we should have a strong bipartisan Yes vote. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)



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Senator Hutchinson, to close.

SENATOR HUTCHINSON:

Well, I just want to thank my colleagues in this Chamber. You always make me proud - always. The level of debate we have in this Chamber is always elevated for the most part. I am standing here today -- I feel like this is a little bit through the looking glass, because I grew up under -- believing that Republicans were always for tax breaks and were always for tax incentives and were for -- never for raising taxes, but you could give tax breaks and we didn't really have to talk about how you paid for 'em. And here I am, a Democrat, carrying a bill that could be largely derided as just a pro-business bill, because it's really easy to talk about the lowest common denominator instead of talking about the details that are actually in the piece of legislation. I -- I remember thinking about the net operating loss provision of it and there are a lot of people on my side that say only big corporations, only rich people were really concerned about net operating losses. So one of the things that they negotiated, actually, was to target that to a hundred thousand dollars, so that small and midsize businesses would, in a larger proportion, take advantage of that. Then I thought about minority businesses that fail at larger rates than other businesses do. Either they have not -- not enough access to the start-up capital or you lose money in the first five years. So the ability to carry forward a loss becomes critical. And I agree with the other -- the other speakers - that is money that belongs to them. I came to this Senate in 2009, two weeks before an impeachment trial. It has been a crisis since the day I walked in here - a crisis at every

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turn. But I still would contend that we have to do more than one thing at one time. Right now, what's the issue in front of us right now is whether or not we can provide tax relief to people who need it. People, who argue against that, I don't really understand. There are people who are hurting today, who need tax relief today, who have a whole lot of month left at the end of that check and need tax relief today. This State is -- is just -- it -- we understand that we're in a fiscal crisis right now. Everybody understands that we're in a fiscal crisis right now. But we also have to be engaged, for the fact that there are states all over the place trying to steal our companies. That's not the great Chicago way. That's the Republican Governor way of the Midwest. So we can make this about politics. We can listen to people who said no to the income tax increase and no to social services and no to families and no to children and then stand here and say no to tax relief because we did all those cuts to the social services. You can't have it both ways. Right now, this State has to do everything we possibly can to right the ship and it's a heavy lift. But we do our best work, we do the best we can do, when we work together - when we stand up, take the issue at hand, take the politics out of it, and do what we need to do for the people we say we represent. That's the whole reason you have a package, because government can't be a zero-sum game. We're not always going to get everything we want. There has to be this wonderful word - wonderful word - called "compromise". And those of us who watch this, who are sick of all of the gamesmanship, understand that when we come together, when we work together, when you get some of what you want and we get some of what we

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want, really good bills pass. This is one of those days. Please vote Yes.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The question is, shall the Senate concur in House Amendment Nos. 3 and 7 to Senate Bill 397. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 voting Yea, 9 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 3 and 7 to Senate Bill 397, and the bill is declared passed. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Madam Secretary, have there been any objections filed to any resolutions on the Consent Calendar?

SECRETARY ROCK:

No objections have been filed, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the resolutions are adopted. Madam Secretary, Messages from the House.

SECRETARY ROCK:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the

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concurrence of the Senate, to wit:

House Joint Resolution 54.

Offered by Senator Clayborne.

(Secretary reads HJR No. 54)

It was adopted by the House, December 12th, 2011. Timothy D. Mapes, Clerk of the House.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

On the Order of Resolution is House Joint Resolution 54. Madam Secretary, please read the resolution. Senator Clayborne moves to suspend the rules for the purpose of the immediate consideration and adoption of House Joint Resolution 54. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Clayborne moves for the adoption of House Joint Resolution 54. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Ladies and Gentlemen of the Senate, there being no further business to come before the Senate, the Senate stands adjourned. Pursuant to House Joint Resolution 54, the Senate stands adjourned.