

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

104th Legislative Day

2/21/2012

Clerk Hollman: "House Perfunctory Session will come to order. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on February 21, 2012: recommends be adopted is Floor Amendment #1 to House Bill 3935 and Floor Amendment #3 to House Bill 3972."

Speaker Lyons: "Good afternoon, Illinois. Your House of Representatives will come to order. Members are asked to please be at your desks. We shall be led in prayer today by Dr. Mike Fogerson, who is with the First Baptist Church in Chester, Illinois and Chaplin at the Chester Mental Health Center. Dr. Fogerson is the guest of Representative Costello. Members and guests are asked to please refrain from starting their laptops, turn off all cell phones and pagers, and rise for the invocation and the Pledge of Allegiance. Reverend Fogerson."

Dr. Fogerson: "Let's pray. Almighty God, I come before You at the center of government of the great State of Illinois to give You praise for Your greatness, and petition You for Your grace. Before Illinois was, You were. Before the United States was, You were. Before the world was, You were. Before the Heaven and the Earth, You were. Father God, may we seek the Lord while we can find Him, call upon now Him while He is near. Let us cast off our wicked deeds. Let us banish from our minds the very thought of doing wrong. Let us turn to the Lord, that He may have mercy upon us. To our God, for He will abundantly pardon. Lord, Your word assures us that this plan of Yours is not what we would have worked out neither are Your thoughts are the

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same as ours. For just as the Heavens are higher than the Earth, so are Your ways higher than ours, and Your thoughts than ours. God of Abraham, Isaac and Jacob please give us Your heart to love those who are broken. Give us Your mind to discern between good and evil. Give us Your attitude towards sin and unrighteousness, and Lord You hate sin and unrighteousness. Forgive us for abandoning our foundation of faith. Please pardon our arrogance for assuming we could keep Your favor while ignoring Your ways, Your word, and Your will. Lamb of God, I invite You to lead this state's Representative government to honor You and all this decisions. May they strive to bring You glory and please You with their service as they serve the people of this great state. May each Member here boldly and courageously stand for the kingdom of God, even though they may stand alone. I ask You to sear into their hearts a burning desire to see the God of Israel be the God of Illinois. I ask that this government seek Your face, receive Your forgiveness, receive Your redemption, receive Your salvation and receive Your favor. I ask this prayer in the faith and in the name of King Jesus who is mighty to save, who was, and is and will forever rule and reign, and Amen."

Speaker Lyons: "Representative Costello would you lead us in the Pledge of Allegiance."

Costello - 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."

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Speaker Lyons: "Roll Call for Attendance. Leader Mike Bost, status on the GOP."

Bost: "Thank you, Mr. Speaker. If the record would reflect that Representative Dwight Kay is excused on the Republican side of the aisle today. Thank you."

Speaker Lyons: "Thank you, Michael. Majority Leader Currie, how are the Democrats doing?"

Currie: "Thank you, Speaker. Please let the record reflect the excused absence of Representative Acevedo."

Speaker Lyons: "Mr. Clerk, take the record. There are 115 Members responding to the Roll Call a quorum is present. We're prepared to do the work of the people of the State of Illinois. Mr. Clerk. Representative May, a Resolution."

May: "Yes. Speaker, I ask for a point of personal privilege to present House Resolution 691... 691. I just wish to speak to it and it will be moved on Friday. But I would like the chamber to recognize the proud women of Hadassah chapters in Illinois. They're seated behind me, if you would rise and be recognized. Bringing this group to Springfield is my Chief of Staff in the district office, Karen Davidman, a remarkable woman of her own. In addition to serving the people of Illinois, she is a Hadassah President who started a new chapter. So, House Resolution 691 recognizes the 100th anniversary, on this Friday, February 24, of the Hadassahs in the United States. Hadassah was founded in 1909 by Henrietta Szold and her mother when they took a trip to the pre-state of Israel. One of their first missions was to provide pasteurized milk to the infants of the state. They have worked with the disabled; they have

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worked in health care in Israel. And as early as 1942, the U.S. State Department named Hadassah as the one of the five largest contributors to the overseas relief effort after World War II. Hadassah founded, owns, and supports two major world-class medical centers in greater Jerusalem that serves not only the Jews of Israel but the Arabs in the area also. I have witnessed what they've done; it is remarkable work. So, since its inception, Hadassah has taken advocacy positions on the First Amendment issues, such as public health, support of Israel and a vast array of social concerns. With 300 thousand members strong, Hadassah is the largest Jewish volunteer organization in America and one of the largest women's volunteer organizations in the world. I welcome Lou Lang as a... as a Sponsor of this Resolution. So, Friday we will commemorate the 100th anniversary of Hadassah, and it will be designated as Hadassah Day in the State of Illinois. After hearing of this good work, I know you will all want to vote for this Resolution, recognizing the work of the women from Chicago, the North Shore, and Springfield who are here representing the women of Hadassah worldwide. Thank you very much women for your excellent work."

Speaker Lyons: "Mr. Clerk. On the Resolution."

Clerk Hollman: "RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the members of Hadassah on the occasion of the organization's 100th anniversary and wish them continued success and happiness in the future; and be it further

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RESOLVED, That the date of February 24, 2012 be designated as Hadassah Day in the State of Illinois; and be it further RESOLVED, That a suitable copy of this resolution be presented to Hadassah as a symbol of our esteem and respect."

Speaker Lyons: "Hadassah, welcome to your Capitol, we're honored to have you, happy 100th anniversary. The Resolution will be adopted tomorrow pending the Rules Committee which will happen as a formality. But welcome to your Capitol, it's an honor to have you here. Mr. Clerk."

Clerk Hollman: "Introduction of Resolutions. House Resolution 767, offered by Representative May. House Resolution 770, offered by Representative Flowers. House Resolution 774, offered by Representative Eddy. House Resolution 775, offered by Bill Mitchell. House Resolution 776, offered by Representative Brauer. House Resolution 778, offered by Representative Monique Davis. House Resolution 781, offered by Representative Brady. House Resolution 783, offered by Representative Nekritz. House Resolution 788, offered by Representative Costello. House Resolution 790, offered by Representative Franks. House Resolution 795, offered by Representative Kay. House Resolution 798, offered by Representative Ford. House Joint Resolution 63, offered by Representative Morthland. House Joint Resolution 64, offered by Representative Morthland. House Joint Resolution 65, offered by Representative Ford. House Joint Resolution 66, offered by Representative Evans, Paul. And House Joint Resolution 67, offered by Representative Will Davis. These are referred to the Rules Committee."

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Speaker Lyons: "Representative Pritchard, for what purpose do you seek recognition?"

Pritchard: "Thank you Mr. Speaker. Ladies and Gentlemen many of you are members of or adopted Legislators of Farm Bureaus in various counties across the state. One of the Farm Bureaus next to me had a wonderful program over the last few days where they asked Legislators who touch Kane County to go on a shopping spree for a local food bank. And I have a trophy here because I participated in that, yesterday in fact, but this trophy also has the names of Representative Chapa LaVia, Representative Hatcher, Representative Ramey and Representative Schmitz. And for those individuals, they know that in the shopping spree we have five minutes to run around the various aisles of one of the grocery stores in the area and whatever we collect goes to the food bank, but the Farm Bureau pays for it. My shopping spree resulted in a check for over \$2 thousand. So, please, if you have a chance to talk to your county Farm Bureaus, ask them to sponsor a similar program where they can use abundant food from here in Illinois to help our various food programs. Thank you."

Speaker Lyons: "Ladies and Gentlemen, on the order of some House business we're going to proceed with some Second Reading Bills. So, on page 2 of your Calendar there are some Bills that are ready to move to Third. So, if you have something on page 2, I know it's the first day back, and the noise level in here is similar to a college football game or a basketball game, but we do want to try and get some business done on behalf on people who have Bills that are

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ready to be moved along. Representative Dan Beiser are you on the floor? Okay. Your Bill... out the record. Representative Bob Rita, on page 2 of the Calendar, you have a House Bill 1697. Out of the record. Representative Mike Unes. Representative Unes, on page 2 of the Calendar, you have House Bill 2562. He's not listening. Mike Unes, you've got a Bill on Second Reading, House Bill 2562. Do you... you want to move it to Third? Out of the record. Representative Jerry Costello, on page 2 of the Calendar, on the Order of Second Reading, you have House Bill 3802. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 3802, a Bill for an Act concerning criminal law. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions are filed."

Speaker Lyons: "Third Reading. Representative Linda Chapa LaVia, on the order of Second Reading House Bills, you have House Bill 3819. Read the Bill Mr. Clerk."

Clerk Hollman: "House Bill 3819, a Bill for an Act concerning education. Second Reading of this House Bill. Amendment #2 was Adopted in committee. No Floor Amendments. No Motions are filed."

Speaker Lyons: "Third Reading. Representative Mike Unes, you also have House Bill 3825. Out of the record. Representative Elaine Nekritz, on the bottom of page 2, you have House Bill 3944. Elaine, Representative Nekritz, House Bill 3944. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 3944, a Bill for an Act concerning criminal law. Second Reading of this House Bill. Amendment

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#1 was adopted in committee. No Floor Amendments. No Motions are filed."

Speaker Lyons: "Third Reading. Representative Greg Harris. Greg, you have House Bill 3935. Out of the record. Have you had a change of heart, Representative Harris? Mr. Clerk, what is the status on House Bill 3935?"

Clerk Hollman: "House Bill 3935, a Bill for an Act concerning regulation. This Bill was read a second time on a previous day. No Committee Amendments. Floor Amendment #1 has been approved for consideration."

Speaker Lyons: "Representative Greg Harris on Floor Amendment #1."

Harris, G.: "Ladies and Gentlemen, this is a minor technical Amendment that corrects the name of the department. I would appreciate its adoption, and then we could discuss the entire Bill on Third Reading."

Speaker Lyons: "Is there any discussion? Seeing none, all those in favor of the adoption of Floor Amendment #1 signify by saying 'yes'; those opposed say 'no'. In the opinion of the chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Hollman: "No further Amendments. No Motions are filed."

Speaker Lyons: "Third Reading. Representative John D'Amico, on the top of page 3, under House Bills-Second Reading, you have House Bill 3972. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 3972, a Bill for an Act concerning transportation. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #3 has been approved for consideration."

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Speaker Lyons: "Representative D'Amico on Floor Amendment #3."

D'Amico: "Thank you, Mr. Speaker. Floor Amendment 3 is just technical in nature, I move that it be adopted."

Speaker Lyons: "You've heard the Gentleman's Motion. Any discussion? Seeing none, the question is, 'Should the Floor Amendment #3 be adopted?' All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Hollman: "No further amendments. No motions are filed."

Speaker Lyons: "Third Reading. Leader Renée Kosel, on page 3 of the Calendar, you have House Bill 4076. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 4076, a Bill for an Act concerning regulation. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lyons: "Third Reading. Leader Lou Lang, on the Order of Concurrences, on the bottom of page 4 of the Calendar, you have House Bill 1293 on Concurrence. Out of the record. Representative Mike Bost on a Motion."

Bost: "Thank you, Mr. Speaker. I'd like to make a Motion to Table House Bill 5891, please."

Speaker Lyons: "The Gentleman moves to table House Bill 5891. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the House agrees to put the Bill on the table. Mr. Clerk, the bottom of page 5, Motions in Writing. Ladies and Gentlemen, we have several Bills that will be put to be tabled in one call. So, Mr.

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Clerk, the Motions in Writing on the bottom of page 5, top of page 6. Mr. Clerk, read the House Bills to be tabled."

Clerk Hollman: "The Bills to be tabled are House Bill 1509, House Bill 2923, House Bill 2924, House Bill 3751, House Bill 3913, and House Resolution 361."

Speaker Lyons: "You've heard the Motion to Table the follow... the above listed Bills. Is there any discussion? All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Motions just read are considered tabled. Ladies and Gentlemen, on page 5 of the Calendar, under Concurrences, Representative Zalewski has House Bill 1927. Representative Zalewski."

Zalewski: "Thank you, Mr. Speaker. I move to concur in Senate Amendment #1, I believe, to House Bill 1927. It's a follow up piece of legislation to a Bill we did last spring that clarifies court forfeiture proceedings in Illinois. I'd be happy to answer any questions."

Speaker Lyons: "On the Amendment, Representative Roger Eddy."

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

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, basically the best way maybe to describe this is a, kind of a cleanup or..."

Zalewski: "There is some concerns, Representative, on the original Bill that we needed to address dealing with hardships, if the material were taken into possession by law enforcement you know, there was an innocent actor. How would the value of that be determined and what procedures could be put in place to relieve the agreed party in that

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situation. So, what were trying to do is wrap this whole issue up; there's a class action lawsuit. We're trying to wrap this whole thing up so the state's attorneys and law enforcement in Illinois can move along. So, that's sort of the reason for the trailer Bill."

Eddy: "So, basically, the change is in regards to orders of protection and one side, and also forfeiture of vehicles."

Zalewski: "I'm sorry, Representative. Can you repeat your question?"

Eddy: "Basic... basically, this deals with orders of protection and forfeiture of vehicles, a couple of different issues."

Zalewski: "The sec... the second part of your question I think is more accurate. A vehicle is probably one of the more common types of forfeitures. And what this, this specific piece of legislation does is if there's an issue where someone says, that's my vehicle, I need it back, you can post some reasonable value while the court determines the next best... next best steps."

Eddy: "Okay. So, if a person has a forfeiture act... action taken against them, the due process that's involved allows them some opportunities to recover the vehicle and during that time, there's a... there's a procedure here that allows them to use the vehicle if they can show some type of hardship?"

Zalewski: "What happens is they would file a Motion saying, 'hey this is my vehicle I... I would need to... I need to use it to get back to and from work.'"

Eddy: "Who determines... who determines whether this substantial hardship exists, the court, the judge?"

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Zalewski: "That... that would... that determination would belong to the judge, Representative."

Eddy: "Okay, all right. Thank you."

Zalewski: "You're welcome."

Speaker Lyons: "Seeing no further questions, the question is, 'Shall the House concur in Senate Amendments #1 to House Bill 1927?' This is final action. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Dunkin would like to be recorded? Mr. Clerk, take the record. On this Bill, there are 115 Members voting 'yes', 0 voting 'no'. And the House does concur with Senate Amendment #1 to House Bill 1927. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Kelly Cassidy, on page 2 of the Calendar, you have House Bill 3849. Would you like to move that Bill to Third Reading? Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 3849, a Bill for an Act concerning transportation. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lyons: "Hold that Bill on the Order of Second Reading on the Member's request. Representative Esther Golar. Representative Esther Golar, in honor of African-American Awareness Month, we think you have somebody to profile for us. Please proceed."

Golar: "Thank you, Mr. Speaker and Members of the House. A Day in African-American History. Alexander Lane, the first African-American man to graduate from what would become

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Southern Illinois University, moved to Chicago in the early 1890s. Lane enrolled at Rush Medical College earning his doctorate degree in 1895 and started a practice on the south side. Later, he was elected twice to the Illinois House of Representatives. The first time in 1906, three years before the NAACP was established. All this clearly qualifies Lane as a trailblazer for African-Americans in Illinois, yet one about whom little was known beyond that bare biographical outline. That was before educators at SIU Paul Simon Public Policy Institute made it a point last year to dig deeper. On February 27, the Institute plans to share its research at a reception here, where a new internship in Lane's honor also will be unveiled, but they agreed to give us a preview. Alexander Lane, it turned out, was born in pre-Civil War Mississippi. The date is unclear. His death certificate says he was born in 1860. Other records place it as early as 1855. Either way, Lane was born into an America where slavery was still in full force. His mother, researchers conclude, was a slave. His father was white. No other information is available about the father's identity although it's no secret how those things usually happened in those days. After the war, the young Lane spent time hanging around a Union Army camp, where he befriended a Union colonel named Lyons, according to a handwritten family history dug up by SIU history. Lyons stayed in Mississippi during the early years of reconstruction, then returned to Illinois, but not before asking permission from Lane's mom to take the child with him. As the story goes, she agreed on the condition Lyon

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provide Lane with an education, a not uncommon arrangement of the period. Once in Illinois, the colonel turned Lane over to the care of a rich landowner in far southern Perry County, Joseph Curlee, and his wife, Margaret. According to Smoot, the Curlees raised Lane as a member of their own family, and most likely made it possible for him to attend that, then Southern Illinois Normal College in 1876. Lane became the first principal of the East Side School for Negroes in Carbondale, where he stayed 10 years. Along the way, Lane took an interest in medicine and moved his family to Chicago to enroll at Rush. He was the first African-American medical student graduated all the way back in 1847. Lane practiced medicine from his home at 1937 S. Archer, where The Chicago Daily Defender once reported. After his death, The Illinois Medical Journal of 1912 noted the passing of the well-known colored practitioner of Chicago. Lane also served as an assistant physician of Cook County. The SIU folks can't say that an assistant physician of Cook County did in those days, but we can deduce it was a political appointment of some sort. Alexander Lane ran for the House in 1906 as a Republican. Under the cumulative voting system in effect at the time, he was elected by the finishing third in balloting. He won again in 1908, making him the only colored Representative in that year's Legislature. Of course, no Chicago political career would be complete without a hint of scandal. That came Lane's way in 1909 when he was among nine House Members who drew suspicion when they switched their previous votes to elect Republican boss William Lorimer to the U.S. Senate. At the

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time, Senators were selected by State Legislators, not a direct vote of the people. In subsequent investigation, some Legislators revealed they have been bribed to vote for Lorimer, resulting in him being expelled from the Senate. Matt Baughman, associate director at the Paul Simon Institute, said there was never any indication by Senate investigators that Lane took a bribe. But Lane dropped his plans to seek reelection in 1910 and died the following year, his death certificate listing the cause as exhaustion and pneumonia. A Day in History for Alexander Lane. Thank you."

Speaker Lyons: "Thank you, Representative Golar. An African-American History Appreciation Month. Thank you very much. Representative La Shawn Ford, on the bottom of page 2 of the Calendar, you have House Bill 3782. Would you like to move that Bill to Third Reading? 3782. Out of the record. Representative Naomi Jakobsson, in the middle of page 2, under House Bill-Second Reading, you have House Bill 3045. Naomi, you want to move that Bill? Out of the record. Representative Jim Sacia, for a point of personal privilege."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, those of you who were here a year ago will remember that after a very, very, very lengthy time frame we worked very hard bipartisanly to come up with a funding mechanism for squad cars for the Illinois State Police. You will recall that a year ago, maybe it's been closer to two years ago, we were able to again, with bipartisan support, get a dollar on each license plate sold in Illinois in order to

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fund the squad cars of the Illinois State Police. Their fleet of squad cars was in shambles, many of them with upwards of 300 thousand miles. Many squad cars would respond to a accident or a crime only to break down en route. And with a bipartisan effort, we successfully passed a Bill and the Governor signed it into Law that gave a funding mechanism for the Illinois State Police to be able to purchase squad cars, get them on a rotation system, and that sum of money was in the neighborhood of \$10 million and that's approximately what the State Police needed to get their squad cars on a 80 thousand mile rotation. I really hope the Governor's Office is listening to this conversation because they truly, truly undermined the legislation and certainly the legislative intent, because now all State Police squad cars will go to CMS, Central Management System and they will lease them back to the Illinois State Police. It's a complete sham. It's extremely unfortunate that the Governor's Office chose to do this and I think any one of us that has an opportunity to express our anger and indignation for the Governor's Office should do so. This really is an example of where legislative intent went completely astray. Thank you, Mr. Speaker."

Speaker Lyons: "Representative Lisa Hernandez for what purpose do you seek recognition, Lisa?"

Hernandez: "Speaker I just want to make an announcement that the Aging Committee is canceled. Aging Committee is canceled."

Speaker Lyons: "Representative Hernandez has canceled the Aging Committee, so noted. Representative Mike Zalewski, for what purpose do you seek recognition, Sir?"

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Zalewski: "Point of personal privilege, Mr. Speaker."

Speaker Lyons: "Please proceed, Mike."

Zalewski: "The Elections & Campaign Reform Committee is also canceled for today."

Speaker Lyons: "Election Committee be canceled, so noted. Representative Naomi Jakobsson, on the Order of Second Readings, I believe you have House Bill 3045, which you're now prepared to move to Third. What's the status on that Bill, Mr. Clerk, 3045?"

Clerk Hollman: "House Bill 3045, a Bill for an Act concerning civil law. This Bill has been read a second time on a previous day. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lyons: "Third Reading. Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. House Bill 3045 amends the Illinois..."

Speaker Lyons: "Naomi, we just moved it from Second to Third."

Jakobsson: "Oh. Yes, please do that."

Speaker Lyons: "So it's on Third Reading. We'll get back to you. Ladies and Gentlemen, on page 4 of the Calendar, under the Order of Concurrences for House Bills, Representative Lang has House Bill 1293. Change of heart up here, Lou."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I move to concur in Senate Amendment to this Bill. This deals with the issue of who can perform a sheriff's sale on foreclosed property. The law has said for years that either a private seller, or the local Sheriff may conduct a sheriff's sale on foreclosed property. However, in some counties, courts have only allowed the sheriffs to do it. The sheriffs do

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their best, but because of manpower requirements, are a little more expensive than the private sellers. The private sellers are more efficient. They're more speedy at doing this, returning the properties to owners who will take care of them. Ladies and Gentlemen, I'm sure you know that when we have foreclosed properties it lowers everybody's property values. The reason that this is before us is because this Bill will allow the private sellers to move forward and do this and still allow local counties to get fees. The Senate Amendment put fees on the purchasers of these properties so that the county sheriffs would be made whole. The financial institutions in Illinois, the mortgage people, the insurance industry all support this Bill. This is actually a proconsumer Bill that will save consumers money. It will enable these properties to go back into the marketplace more quickly and I invite your support."

Speaker Lyons: "You've heard the Gentleman's explanation on Amendment #2 to House Bill 1293. The Chair recognizes the Gentleman from Crawford, Representative Roger Eddy."

Eddy: "Thank you. Would the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Eddy: "Leader Lang, the... does the Bill preclude a sheriff sale?"

Lang: "No."

Eddy: "So, there's nothing in this Bill that prohibits the sale from taking place by the sheriff's office?"

Lang: "No. The... there's a court case directly on point here, and the court case says, and this in essence would codify that court case, the court case, the results of that court case say that the plaintiff should have its choice of remedy."

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The statute allows for both sheriffs and private sellers to do this, but in certain counties, the judges that have to sign these orders have only allowed the sheriffs to do this. All this Bill does is clarify the law and bring in the results of that court case."

Eddy: "Okay. Now, where... where is... you mentioned a fee that was added in the Senate, and I think this was... this resulted in a little bit of confusion about the Bill, but that fee is deposited, as I understand it, in the general revenue fund of the county where the real estate is located."

Lang: "That's correct."

Eddy: "So that, if it isn't a sheriff's sale, but it's in that county where normally the sheriff might do the sale, they still receive the revenue through the fee."

Lang: "The compromise that we struck in the process of negotiating this Bill ensured that each and every county would get a \$300 fee for each of these. So, whether the sheriff does the sale or the private seller does the sale, the county will get the fee."

Eddy: "So, in essence, they're made whole and individuals have a choice, which is what this is really about and sheriffs can still, if the choice is made by the individual, they can still proceed with the sale."

Lang: "Those of us that practice civil law on this floor, and we're trying to collect money from someone, we have remedies. There are a list of remedies in the statute. And the plaintiff, or the winner of the lawsuit always gets their choice of remedy. The court in Illinois held that in this case, too, the plaintiff should have their choice of

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remedy. Usually, when we're talking about foreclosed property, it's a bank or some other financial institution. They should have their choice of remedy and that's all that this Bill does."

Eddy: "Okay. Well, Representative, I appreciate the clarification. Originally I supported this, the fee concerned me, but with your explanation on the fee, it makes perfect sense. The idea that the consumer would have the choice is what really prompted support in the original Bill. The fee now explained, I think, is reasonable. And it takes care of a problem that might have existed for those counties and I intend to support the legislation."

Lang: "Thank you, Sir."

Speaker Lyons: "Representative Sid Mathias."

Mathias: "Thank you. Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Mathias: "Representative, you mentioned the fee. Is there a fee in every foreclosure sale that's not held by the sheriff to the county?"

Lang: "Would you ask your question again, Sir?"

Mathias: "Yes. You mentioned there was a fee to the county. Is that correct in this Bill, in the Concurrence?"

Lang: "That's correct."

Mathias: "Is that fee given to the county sheriff in every foreclosure sale that's not being performed by the sheriff?"

Lang: "The answer is yes."

Mathias: "So, you're... now I thought last time... did this Bill change since the last time you brought your Motion that was

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defeated? Since it's here on Concurrence, I don't understand how it could change."

Lang: "Representative, there must be some misunderstanding, but let me tell you what the Bill says. The Bill says that if a private seller sells the property, there's an additional \$300 fee that goes to the county."

Mathias: "But I thought that was only... oh, if you have a private seller, but not if you have a mortgage company seller. Is that correct? So, it's only in a small instance."

Lang: "You're confusing the difference..."

Mathias: "Yes."

Lang: "...between the plaintiff and the person who does the sale."

Mathias: "Right."

Lang: "So, when a private seller does the foreclosure sale on behalf of the bank, or behalf of the mortgage company, there's a \$300 fee paid to the county."

Mathias: "But that wasn't what the Bill said last time. Last time I thought it was only in a small... under certain circumstances which was a very limited where the fee would go to the sheriff in the event they didn't do the sale."

Lang: "I don't believe that's correct, Sir. I believe in every case where the private... where there's a private seller, that does the sale, the county gets the fee."

Mathias: "When you say a private seller, meaning not a mortgage company seller?"

Lang: "No, we're, now you're confusing it with the plaintiff."

Mathias: "Okay."

Lang: "We're talking about a private seller or the sheriff of the county."

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Mathias: "Right."

Lang: "On behalf of the mortgage company."

Mathias: "Okay. So you're saying in every instance where the sheriff is not doing the sale, they will get a fee? Which was not my understanding the last time you called this Bill."

Lang: "All right. Here's where the confusion might be. If... if... the... so, if the purchaser of the property at the foreclosure sale is the bank, the bank won't have to pay the fee."

Mathias: "That's exactly what I just said. It's only in that small, small part of foreclosure sales where there's a third party bidder, that that third-party bidder has to pay the sheriff. In the vast, vast amount of sheriff sales where the bank is the high bidder, they will not have to pay the county, which means that the county is going to lose a tremendous amount of money. And if your county is like my county, that's scraping for money, they are going to lose a tremendous amount of money in every county that currently allows the Sheriff to do it. So, it's only in a small instance where they have to pay the fee, not in the vast majority of cases."

Lang: "Representative, I don't have the numbers on what percentage, but let me say this to you; we have an interest in moving these foreclosed properties more quickly. It is a given that there are very few counties in this state where the sheriffs can do this as quickly as the private sellers, as cheaply or as efficiently. And it's bogging down the system, it's slowing down the process, it's keeping these

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properties from being sold to a third party eventually who will inhabit them, and keep them clean, and paint them, and mow the lawn. And all of that reduces the value of everybody else's property on that block, in that city, and in that county. So, if you want to narrow this down to that one thing that you mentioned, I would say you're probably correct. But this is broader than that. This is about everybody's value of everybody's home."

Mathias: "And of course that means, the faster you do it, because when you say it's consumer, helps the consumer, it certainly doesn't help the consumer who's living in the house that's being foreclosed on, which is happening day after day. Those people will get out faster, because obviously the sheriff is not going to take the same position as maybe, or I should say a third party seller that the... that was hired by the bank is going to do it as expeditiously as possible. Whereas, maybe a county may take some solace and has been done in Cook County, where delays may take place, but the delays that do take place also benefit the person that's being evicted in the property."

Lang: "Representative, you do civil law, as I do."

Mathias: "Yes."

Lang: "And when you're representing a plaintiff, you want your choice of remedy for that plaintiff. That's what this Bill does, in fact there's a Supreme Court case exactly on point. These plaintiffs are entitled to their choice of remedy. We put the fee in to be helpful. It's not perfect, but we're... we are responding to an Illinois Supreme Court case, where in your own law practice, you want your choice

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of remedy, you don't want some... some third-party telling you how to pursue the judgment on behalf of your client."

Mathias: "I understand that, but on the other hand, the foreclosure is supposed to be an independent process by the court, and... and in effect, you are taking one aspect of that away from the court, and I... I just feel that... To the Bill."

Speaker Lyons: "To the Bill."

Mathias: "Thank you. You know, I think originally when Representative Eddy was making his comments, I think he might have been under the impression that the county would get a fee in every single case; as you now understand, they're only going to get it in a small amount of cases. So, there will be a drain on your county's resources. You know today, when we have Bills that may be coming up later to limit what the county can collect, and there's certainly other Bills out there to determine how the county has to spend their money, when it come to pensions, now we're going to limit those funds that are existing once more. So, I urge you to stand up for your counties and vote 'no'."

Speaker Lyons: "Representative Rita Mayfield."

Mayfield: "To the Bill. I understand what this Bill is attempting to do; however, for those of us that live in Lake County who have a very efficient and cost-effective county Sheriff Sale process, this is a detriment to us. I would appreciate if maybe this Bill could be revised to remove Lake County because our system is working very well. And this would have a substantial negative impact upon the citizens of Lake County and upon our county. I would ask

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that those Representatives who represent various areas of Lake County to vote 'no', as I will be as well. Thank you."

Speaker Lyons: "Representative Lisa Dugan."

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

Speaker Lyons: "Sponsor yields."

Dugan: "Representative Lang, I just want to make sure that I understand, especially since some of the other comments that have come up. Do I understand, though, in a foreclosure when there has to be an eviction, is it not the sheriff's department that has to do that part of it, regardless of whether or not it is a private company or in that case the sheriff's department or the bank?"

Lang: "Well, only the sheriff can evict, Representative."

Dugan: "And... and so that... that's what I'm trying to just decide here, Representative. I mean, if it is in such a case where there is not a third-party in the foreclosure, I think with the last questions that were asked, there would be no money going to the county. So, therefore, the sheriff would be expected to do the eviction, which at times can take more than just one visit and in that case, or in those cases, there would be no reimbursement to any county."

Lang: "No, Representative, that is just not correct."

Dugan: "Okay."

Lang: "The sheriff will always get a fee to do the eviction. In fact, the sheriff will always get a fee to do whatever the sheriff actually does. What this Bill says, is that there's a remedy in law that allows either a sheriff or a private seller to do the foreclosures sale; the sheriff's sale, not the eviction, but the sale of the property. And there's a

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Supreme Court case that says that the plaintiff is entitled to the plaintiff's remedy, any remedy under the Law. And according to that Supreme Court case, when a judge forbids, as they have done in some counties, the private seller from doing what the private seller does, the courts are violating the Supreme Court rule. The sheriff will always get their fees for doing the eviction."

Dugan: "And... and that's... that's because that, I think, is also a confusion on some parts of the sheriffs, that they will do the work, but the fee it won't be... it... who, how's the fee decided, Representative? Does this change that at all?"

Lang: "This has nothing, whatsoever, to do with the eviction, Representative, only the foreclosures sale."

Dugan: "Okay. And... and right now, that's already allowed in law, you're just trying to make sure the judge knows what's in the law? I guess, again, I'm just trying to understand."

Lang: "At its core, that's exactly what this Bill is. It's a Bill that clarifies the Law, but to satisfy some of the concerns of the sheriffs, we did add a fee in the Bill for the sheriffs. Yes, not in every case, but in many cases."

Dugan: "Okay. Thank you."

Speaker Lyons: "Representative Rich Brauer."

Brauer: "Thank you, Mr. Speaker. To the Bill. I've heard of a lot of concerns with this Bill, a lot of it is the cost that it will place on the sheriff's department in almost every county in this state. They will still have the costs that they've always had associated with these sales, but they will receive income in very few cases. And at a time, as you heard Representative Jim Sacia say, that the State

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Police have less and less resources, they have less and less patrol officers in these rural counties in almost every county, a lot of times when that sheriff's office makes a call, they're backed up by the Illinois State Police. That doesn't happen as much as it used to. So, if we're concerned about law enforcement in our counties and we're taking away a funding source for them, but leaving a cost, it's going to put a huge burden on them. I urge our Members to pay attention and vote 'no' on this Bill."

Speaker Lyons: "Representative Sacia."

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

Speaker Lyons: "Sponsor yields."

Sacia: "Representative Lang, many times in my 10 years here I've heard you stand on the floor and speak of Bills that are good public policy or bad public policy. I have to say, Sir, I really believe this Bill is one of the worst public policies that I've seen in a long time; and I join my colleague, Representative Mathias, in adamantly opposing it along with several others on both sides of the aisle. The Illinois Sheriff's Association has made it very clear that they oppose the Bill for several reasons, and if I could just share briefly what they are. First, the loss of revenue is potentially a threat to public safety. Ladies and Gentlemen, that in itself is... is acute. Sheriff's offices around the state are struggling with funding and another decrease in funds will cause offices to cut services elsewhere. Second, the reduction in available funds may force the state to increase taxes, and boy, we really need that. Third, the Illinois Sheriff's Association

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contends this is an infringement and an invasion on the sheriff's offices official duties. Ladies and Gentlemen, this is a piece of legislation that is very bad public policy and I encourage you to vote 'no' on this Bill. Thank you."

Speaker Lyons: "Representative Brady."

Brady: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Brady: "Representative, just a quick question you can clarify for me. According to our analysis we've got, with an Amendment that's been added, some sheriff's departments that have removed opposition and become neutral. Is that correct in Will County?"

Lang: "My understanding is that several counties have become neutral on the Bill. They weren't always neutral on the Bill, but some have moved in that direction."

Brady: "But the overall Sheriff's Association appears to be still opposed to the Bill?"

Lang: "I believe they are and it's all about dollars and cents. And they believe it's not good for them. But to talk about this in terms of public policy, as if this Bill changes the law dramatically, it does not change the law dramatically. The law already allows private sellers to sell these properties at a foreclosure sale. This is not a dramatic change in the law."

Brady: "Thank you very much."

Speaker: "Representative Lang to close."

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Lang: "Well, thank you, Mr. Speaker. We've heard the debate and of course, there are going to be certain county sheriffs that are opposed to the Bill, I understand that. But this is actually a consumer-friendly Bill. What about the person who is not upside down on his mortgage and just isn't working and maybe, there is still some equity in that home. Every day that home is not sold, that person is losing more and more money on interest. Every day that home is not sold, his next-door neighbor's house goes down in value. Every day that property is not sold, the person is more and more likely to file a bankruptcy, being a drain on all of us. All this Bill does is clarify the Law and provide an additional fee to sheriffs, in the case where the plaintiff has chosen to use the private seller, which is already allowed in the law. All this Bill does is clarify the existing law. This is a good piece of legislation, it's good for the plaintiffs, it's good for the consumers, it's actually good for the home-owners; even if they're being foreclosed on, they are better off with this Bill, than without this Bill. I would urge your 'aye' votes."

Speaker Lyons: "The question is 'Shall the House concur in Senate Amendment #2 to House Bill 1293?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this, there are 45 Members voting 'yes', 65 Members voting 'no', 4 Members voting 'present'. And this Bill having not concurred... and the House does not concur in Senate Amendment #2 to House Bill

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1293. Mr. Clerk, on the Order of Senate Bills-Second Reading, Representative Jack Franks has Senate Bill 2073. What's the status on that Bill, Mr. Clerk?"

Clerk Hollman: "Senate Bill 2073, a Bill for an Act concerning revenue. This Bill has been read a second time on a previous day. Amendment #1 was adopted in committee. Floor Amendments #3 and 6 have been approved for consideration. Floor Amendment #3 has been offered by Representative Franks."

Speaker Lyons: "Representative Jack Franks on Amendment #3."

Franks: "I think we just wanted to go with Amendment #6."

Speaker Lyons: "Gentleman wants to withdraw Amendment #3. Anything further, Mr. Clerk?"

Clerk Hollman: "Floor Amendment #6 has been approved for consideration."

Speaker Lyons: "Representative Franks on Floor Amendment #6."

Franks: "If we could, I'd like to have it adopted now and just discuss it on Third?"

Speaker Lyons: "Gentleman moves for the adoption of Floor Amendment #6. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk, anything further?"

Clerk Hollman: "No further Amendments. No Motions are filed."

Speaker Lyons: "Third Reading and read the Bill."

Clerk Hollman: "Senate Bill 2073, Third Reading of this... a Bill for an Act concerning revenue. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Jack Franks."

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Franks: "Thank you, Mr. Speaker. Well, I appreciate the opportunity to present this Bill again. Some of you are thinking, you know, Representative Franks, didn't we already see this Bill and why are we seeing it again? And that's because this issue hasn't gone away. Our middle class is under siege with a 67 percent tax hike, an increase in tolls, escalating gas prices, never-ending property tax increases, declining home values, and stagnant wages, it's increasingly difficult for families to make ends meet. Salaries aren't going up, and many families in Illinois are living paycheck to paycheck. And we must help. Real estate values have dropped dramatically in recent years, but the tax burden on homes continues to increase. Our local units of government have... has treated the tax-capped as a guaranteed increase, rather than a statutory limit. Most have always taken the largest increase possible, regardless of the market condition or even their own surplus. We have all heard from homeowners who have been outraged and shocked when they open their property tax bills. As Illinois residents fight to overcome a housing and mortgage crisis today, we have the opportunity to provide relief for homeowners struggling to get by. More than 46 percent of all single family homes with a mortgage in Chicago were underwater last year, far more than the nation as a whole. And the percentage of homes with negative equity is continuing to rise steadily, so we must not ignore the voices across our state who are clamoring for action. Now, under the current PTELL law, property taxes can increase by the rate of consumer inflation or 5

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percent, whichever is lower. But when PTELL was passed 20 years ago, no one foresaw the huge decline in housing values that we are experiencing. And PTELL did work okay when the real estate market was booming, but now as home values are declining, the law is having the opposite effect. It's hurting homeowners and kicking them when they're down. And what this legislation does, is it provides that property taxes cannot go up in any year in which the gross value of the property in a taxing district decreases. In McHenry County alone, where I represent, many of the local taxing units raised their rates an average of 9.4 percent, and of that, of the 132 taxing bodies, only 5 lowered their rates and one kept it the same. Now, this is at a time when some of the taxing bodies carried large surpluses. I'm going to use my county as an example. With a \$47 million surplus, enough to pay 7.4 months of all operating expenses, what did our county do? They raised taxes and many townships with surpluses did the same. And what really hurts is the effective rate is going up on those depressed areas. In Harvard, the effective tax rate rose almost 35 percent in the last few years. Now when we last discussed this idea, taxing bodies acted like victims when we discussed stopping the automatic increase when property values go down. When in fact, it's the homeowners who are getting victimized by an unfair and out-dated system. Now this legislation will maintain the revenues that local governmental units currently receive. I want to make that very clear because some of the arguments last time thought that if the values went down 10 percent, that

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they would 10 percent less money. That is not correct. They will still get the same amount they got the year before, they just won't get an automatic increase when property values decline. Now local governments may argue that it's their right to get automatic increases, regardless of whether their citizens have the ability to pay. But in the real world, you can't expect a higher return on diminishing asset. There are rules in economics, and they're trying to suspend those rules. The goal must be to ensure property levies are fair and equitable; the current PTELL Law is neither. The premise that government should get automatic tax hikes at a time when its citizens have less is contrary to all economic reality and we must rectify this situation. I'd be happy to answer any questions."

Speaker Lyons: "Chair recognizes the Gentleman from DuPage, Representative Mike Fortner."

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

Speaker Lyons: "Sponsor yields."

Fortner: "Representative, I know we had a lot of discussion about your previous version. Let me first make sure... this is really the same language that you offered the chamber last year, is that correct?"

Franks: "Yes Sir."

Fortner: "And one of the problems that I pointed out when we discussed was the fact that, as written, because there's a three year rolling average of calculating equalized assessed evaluation, that a single down year can have a ripple effect into the subsequent... up to the subsequent two years, so that, in fact, even though things have recovered,

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one can well be in a mode of recovery this would still be having the consequence of keeping those values, the a statute of limitation at 0 percent. Is that... that's certainly a possibility under this legislation."

Franks: "Well... that is... as it is now with PTELL, it's a three-year average. I think what we should... and I talked to Mr. Sullivan about this. I think we should go to a one-year average. But that's a different Bill..."

Fortner: "And we discussed that last time as well."

Franks: "Yeah, you and I talked about it, and I think we should. and I'd be happy to do that Bill with you because I think that's much fairer. But what we're doing now is amending the PTELL Bill as it stands; and I'd be happy to work with you on that Bill 'cause I agree. But right now, that's how PTELL works. It's a three-year average."

Fortner: "Well, I understand, but the three-year average works to control... it's essentially taking a rolling average over multiple years, and what we're saying is that we stop taking that rolling average. If there's anyone down here that's sufficiently... that's sufficiently negative, we're going stop the rolling average though of course we're still calculating it. So, to me it has a ripple effect. I think that's a problem I don't want to belabor that anymore 'cause we had that discussion. The second thing, I think, in your comments, I want to make sure everybody is very clear about this; that this does not guarantee, in any way, that an individual's property tax would not go up in an era of declining value. All it does, is this limits the

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extension, how much the overall levy would increase. Isn't that correct?"

Franks: "Well, that's certainly not the intent. The intent is that their taxes aren't going to go up individually. Now one thing we didn't discuss in my... when I gave my opening statement was the fact that the local taxing bodies, this does not prohibit them for new construction, so that would not be on the roll. So, they'd be able to increase the tax base that way."

Fortner: "Yeah. But that's not the piece that I'm... here's where I'm concerned."

Franks: "Okay."

Fortner: "When I looked at what was going on in my own area, with CPI limitation of a little less than 2 percent... 2 percent or a little bit under that, yet, my rates were going up substantially more than that, and my overall tax, not just my rate, my overall tax was going up substantially more than that."

Franks: "Right."

Fortner: "When I looked into it, what I found is that a bigger driver of my actual dollars going up, even if things were flat, was due to the fact that with a lot of vacant commercial property and foreclosed residential properties out there, they were seeing a larger decline in their assessed valuation. So, when the pie gets split up, me, still have being occupied in my residence, was paying a larger share over the overall proportion. I just want to point out that in an economy, not unlike what we've seen, that you're trying to address... and I understand what your

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trying to address there... it could still be the case that individual property taxpayers are going to be paying more dollars because they'll be some burden shifted when the economy knocks out, as it has, so many commercial properties from the property tax market."

Franks: "This would not allow the levy to increase, at all."

Fortner: "And I agree, that's what it does. But that's why I say, I want to make it clear, it does not stop your individual property taxes from increasing because of the fact that you could see a shift of the tax dollars within your district from properties that were... that went down more than your property did."

Franks: "That's a possibility."

Fortner: "...which, certainly was happening in my area due to vacancies and foreclosures. And I saw a lot of that happening and that caused a shifting of the burden on to my property and I think other people who maintain their homes would have that same problem. As I say, I think there's a host of things that are well worth working on, as you and I have agreed, I just don't think this Bill... I think this ends up misleading the taxpayer more than it does solving the core problems that we have already addressed. For that reason, I would urge a 'no' vote."

Speaker Lyons: "Representative Roger Eddy."

Eddy: "Thank you. Would the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Eddy: "Representative Franks, I... I think the previous speaker stated quite well some of the concerns that I have with the Bill. Let me ask you a question, just the basic simple

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question about a property owner's tax bill. Does your legislation guarantee that an individual will pay less in property taxes next year than they did this year?"

Franks: "No. What this does, it does not allow governments to automatically increase taxes like they do, like they can now under the current... and this... and I guess I didn't describe this either and I appreciate the opportunity. Under the PTELL law, as it stands now, governments, if they choose, can levy up to 5 percent increase or the level of the CPI, whichever is less. And as I described, most do that to the very maximum. What this Bill will do is not allow the automatic increases, so they'd get the same amount as they got the previous year. And the goal is to not have the individual taxes get increased on the homeowner."

Eddy: "But Representative, the truth of the matter is, the fact is, that an individual's tax bill is affected by various factors. And as Representative Fortner very importantly and eloquently stated, this does not... this misleads taxpayers. This misleads them into believing that if their assessed value goes down, that they will have less of a tax burden. And that's not what really happens in a hundred percent of the cases. Just like the PTELL, original cap Bill, really didn't stop increases, it limited those increases."

Franks: "Right."

Eddy: "So, the rate that you discuss, and you did so in your comments, there's no guarantee that the rate that is calculated based on the levy that a public body imposes is going to down either or stay the same, is it? I mean,

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there's nothing that guarantees that rate is going to stay the same."

Franks: "Well, I... I would disagree with that assessment. And... and... and you and I had talked about this Bill a lot. And Mr. Eddy, I am as unhappy as you are on the way Springfield has funded, or should I better say, underfunded our schools. Not to mention the unfunded state mandates. I mean, let's... I think we should get that out in the open. I think the reason we're having this discussion is because the State of Illinois has done such a terrible job of funding our schools because if they would have paid what they should be paying and been the primary obligor, as they are supposed to be under our Constitution, we probably wouldn't be having this discussion. But the fact is, that the tax... the taxes are continuing to increase, and this Bill will stop that."

Eddy: "The taxes for individuals will not decrease and they will not stop rising as a result of this Bill..."

Franks: "No, I think it will."

Eddy: "...and that's the part of this that's disingenuous. No that's... an individual taxpayer's tax Bill could still increase. This does not stop that, and it doesn't stop the rate from going up. I... and that's why, Representative, when I look at this legislation, I see this more as an opportunity to catch people in some type of political vote, than something that really happens. I'll tell you, Representative Tryon has legislation pending that would better inform the voters regarding the rate, and I think that's important, and I think we should be transparent that

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way. Here's what... here's another issue I have, Representative. How... how are PTELL... how are property tax caps implemented? What happens? How do they... how do they even occur?"

Franks: "I'm not sure I understand the question."

Eddy: "Well, what imposes property taxes? What action imposes the current PTELL law? It's a vote of the people, correct? By county, caps are implemented when people vote for caps, correct?"

Franks: "Correct."

Eddy: "Okay. So, in 30 some counties, or whatever the number is, people have gone to the polls and through front-door referendums, they have voted for a certain type of property tax cap. This legislation actually reverses the will of a front-door referendum of a majority vote of the people in those counties. You..."

Franks: "And I would disagree with that, and I'll tell you why. Because when PTELL was introduced and passed in 1991, no one at the time envisioned declining property values."

Eddy: "But nobody..."

Franks: "PTELL was designed, and it was designed because property taxes were increasing so much, because of the home values and property values, with their exponential rise. Now with the 40 percent drop, PTELL is not working as intended, it's working against the homeowner."

Eddy: "So, the original legislation though did not include any stipulation related to declining property values."

Franks: "I don't think anyone envisioned it."

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Eddy: "There were counties in the state, and this was a statewide Bill, there were counties in the state that had declining property values, maybe not in your area, so the original PTELL law did not include a stipulation that the vote couldn't take place if there was a declining property value."

Franks: "Correct."

Eddy: "So, you..."

Franks: "But that was never an issue, I don't think."

Eddy: "Well, you don't... I would... we... I don't think either one of us were here."

Franks: "Yeah, we weren't there."

Eddy: "The point is, in my view, we are undermining a will vote of the people by front-door referendum here in Springfield by voting for this type of legislation. It is usurping what otherwise was implemented by a vote of the people in those counties. And I don't think that's our role here. I think that in each of those counties, by a majority vote, they understood that they were implementing a tax policy that would cap, in a certain way, what local governing bodies could assess and they said 'yes' or they said 'no'. Your Bill, in my view, usurps that authority and will of the people. Let me just... I want to address one other issue because you brought it up, and I agree with you. School districts levy based on, hopefully, what it is that they need in order to provide educational services to kids. That's spread out across the... the value of property, commercial, residential, farm, industrial, whatever the property makeup of the school district is. So, it's been

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done for years under this law, and some individual property values have... have increased, some have gone down, but not allowing anybody's property value increase up to the cap to the excess will shift the burden to individuals in that... in the taxing body. At this point, some people will pay more because we're not going to be able to access the increase. So, it's a... I think, it's an unfair shift to those individuals as well."

Franks: "And I would respectfully disagree. Property taxes go up when the levies go up. When our local governments are increasing levies, what they're saying is we want more money. And that's where the property taxes go up. They're not going to go up if we're just getting the same amount. And... and I want to also be very clear on this. This only works, and this will only come into effect, if property values continue to decline. So, when property values stabilize, and begin to blip up, this law will not take... will not be in effect. And I want that to be very, very clear. And I also think that we have to understand that we're responding to an economic reality. And our PTELL law, right now, it's outdated. And I think it's an unrealistic policy that was never structured to operate in a real estate market like we're suffering in, right now. This is extraordinary time and we need to provide some relief."

Eddy: "Why not... why not, then, through the same type of front-door referendum in those counties that implemented PTELL, allow them to implement your changes through a vote of the people, just like the original Bill was intended? Why don't you amend your Bill to allow the residents in those areas

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to... to affect their areas with your changes? Then, then you're not usurping the authority of a vote of the people. I believe that's what this does. And the other thing that it does, the school districts in these areas, and not just school districts, fire departments, police departments, other public services, Representative, the effect of this could be devastating to those who provide those services. It could be a dangerous situation in some communities related to law enforcement, and protection of people for fire... for fires and other dangers that their... their communities could face. I... I think it's a dangerous precedent. This could be dangerous for communities."

Franks: "And I would... and I would disagree again. And to your first point, you made two. Number one, that you think we're usurping folk's individual rights. And I would say we're in a crisis and we've never seen a crisis like this since the Great Depression. And I think we have an affirmative obligation to help our homeowners and help preserve our middle class. And let's assume we pass this today and this becomes law, there's nothing that would prohibit people from going forward and... locally, and raising taxes. They still have the ability to go forward and pass their referendum, if they so choose or not have this... or get out of PTELL if they wish. They can... they can, you know, repeal PTELL for that county. So, there's nothing that would stop that, number one. Number two, that this would somehow be a danger, I don't see how it could be a danger when the taxing bodies are going to get the same amount of money as

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the year before. And let's... I'm going to use my county as an example again..."

Eddy: "Can you guarantee that gas, oil, diesel are going to be the same price next year, as the year before?"

Franks: "No. That's... no, that..."

Eddy: "Electric rates, gas rates, and all the other costs of operating State Government, and local governments are going to be the same as the year before, Jack? Can you do that?"

Franks: "No, and I guess that where we fundamentally differ. When people have less, you can't ask them to continue to give more. I... I understand... we all have jobs to do, but I am really worried about our homeowners. And Mr. Lang just talked about a... a Bill dealing with... with foreclosures, and I heard some people saying we have to protect consumers, we have to do these things. What's more important than protecting our homeowners, especially when 46 percent of them are underwater? We have an affirmative obligation here."

Eddy: "Well, Representative, look, you and I are not going to agree on this because I believe that when people vote, that vote should be honored. I... that's what I fundamentally believe. And I believe that this legislation does not honor a front-door referendum and vote of the people by county who implemented this under a certain set of rules. Now, if you want to allow those folks to pass your legislation by a front-door referendum in those counties, and then they understand, through local public hearings, what could happen, what the effect could be on police, what it could be on fire, what could happen at school districts as a

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result of this, then I think that is a better approach. I don't think this is the right approach because they're going to have to deal with a crisis situation in some cases, and the services they provide are going to be affected and the education that they deliver to students is going to be affected. Do we do it the right way? Is education funding in Illinois done the right way? Absolutely not. There's a couple of things that are maybe going to happen, and you know about these as well. We've heard talk lately about shifting the normal cost of pensions going forward to school districts. Now let me ask you this, Representative, let's say some how that becomes public policy, and you combine that reality with this type of reality for those school districts, and what type of education do you think they're going to be able to provide to students when we shift... and add to that the fact that last year transportation was cut by the General Assembly and school districts still have the mandate to transport students. So, all the mandates that you talked about are still there. The school district has to provide those services because they're mandated by law and they have a shift of... of pension responsibilities, if that occurs, along with this. How... how do you think that would really effect school districts?"

Franks: "Well, let me be clear. First of all, this is not an attack on school districts nor is it an attack on the hardworking educators across our state. What this is, is responding to an economic reality. And for too long, these automatic tax hikes have been treated simply as perfunctory

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and not indicative, in any way, of the homeowner's ability to pay. So, we could talk about hypotheticals, I know we've heard, you know, some of the shifting, but that's a hypothetical. What we're... and that... and who knows when that will ever come and I don't think it will, and I know you and I wouldn't support that 'cause it wouldn't be fair to those districts. Again, I'll go back to my earlier statement, the fact is we would not be having this discussion if the state paid its fair share for schools. But I think..."

Speaker Lyons: "Gentlemen... Gentlemen, I appreciate the spirited debate and I'm... there's no timer on this, but if we could bring me back and forth, there's several other people still wishing to speak."

Eddy: "Speaker... Speaker, I'll end my comments. I think I've made myself clear. I'm concerned about a couple of things here, I'm concerned about government services, I'm concerned about police, fire protection, I'm certainly concerned about the devastating effects this could have but I also believe that we have a responsibility to the individuals, who through a front-door referendum, voted a tax policy in their county. And... and for us to vote, to usurp the authority of local taxpayers, here in the General Assembly, I think is bad public policy. I would urge a 'no' vote."

Speaker Lyons: "Representative David Harris."

Harris: "Thank you, Mr. Speaker. And the questions of the Sponsor?"

Speaker Lyons: "Gentleman awaits your questions, Sir."

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Harris, D.: "Representative, I'm with you. I am with you. The property..."

Franks: "You're the first one."

Harris, D.: "...the prop... on the policy, not necessarily the legislation. The property tax system in this state is broken, absolutely broken."

Franks: "Yeah."

Harris, D.: "I think a great many of us in this chamber ask ourselves the question, why is my home going down in value and my property taxes are going up? Why did my property taxes go up 9.7 percent last year when we have a property tax limitation law? I generally understand, but we'll try to explain to the average constituent, and it's next to impossible."

Franks: "You can't."

Harris, D.: "The property tax system is broken. However, I've got... I didn't vote in favor of this legislation the last time, and there was one thing that really, really cinched my decision, and that is the trigger. And the trigger of... of why or when this kicks in. This is exactly the same legislation as last time, correct?"

Franks: "It is. I thought that it was well written."

Harris, D.: "So... so that even if the EAV decreases by a single dollar, even if the EAV decreases by a single dollar that kicks in."

Franks: "There is no differentiation. I know that one of the other Representatives has said that last time and no there isn't. But what I'm really trying to stop is the mindset of automatic tax increases because there isn't any public

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input on those. And the only thing that triggers it, is the ability of the PTELL law as it stands. And that's the problem here."

Harris, D.: "How... how does, well, let me track on the EAV for a second. An EAV can go down for a number of reasons, not just assessed value, but appeals to property tax assessments. That may cause that EAV to go down, correct?"

Franks: "But it's for the whole area, it's not just for one property."

Harris, D.: "I understand."

Franks: "I mean, it's for the whole area and I mean, I don't think anyone can argue with a straight face that we haven't seen monumental declines across the board, monumental. In some cases, more than 60 percent, the average is 40 percent, correct? So does... you know, so to say it goes down a dollar, or goes down, you know, \$10 thousand. The fact is, we're all a lot poorer now. We can't get home equity lines of credit anymore because our value isn't there. But they're expecting us to pay more on an asset that's worth less. Mr. Tryon talked about, and we had... we had a meeting with our county, where he was paying one and half percent of his home value like eight years ago, and now it's 4 percent."

Harris, D.: "Right."

Franks: "That's... that's pretty rough stuff."

Harris, D.: "No, and there's... there's no question about it. It's just that the trigger is so... is... it's really a hair trigger. I mean, that..."

Franks: "Well we need a bright line; we need a bright line."

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Harris, D.: "...I understand it's not going to go down by a dollar. But it's not two percent or three percent, it's that... that first penny triggers the... triggers the Bill. That's a real cause of concern."

Franks: "But it also... let me tell you the other issue on that. It also works in your benefit if you're looking for more tax dollars because this goes away the minute the EAV increases. And don't forget that. This has a built-in sunset because if the values go up this doesn't apply. So understand that."

Harris, D.: "But from a lower base, correct?"

Franks: "Well, from the same base that you had prior."

Harris, D.: "Right. Let me... and just real quickly help me understand. You... there was reference in the previous discussion you had with... with the Representative about opting out of PTELL?"

Franks: "Yeah."

Harris, D.: "How does... how does a taxing body opt out of PTELL?"

Franks: "Well, I think the individual taxing bodies for the counties had to... had to bring it in. So, I guess Mr. Eddy had brought that up. I presume they'd be able to opt out if they wanted to, but I'm not sure how they'd do that. I'm not sure when they did it initially, whether it was done by a referendum..."

Harris, D.: "So, my guess is it would be..."

Franks: "...or done by a county board ordinance."

Harris, D.: "My guess is it would be a fairly complicated process to do that?"

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Franks: "Yeah. So, that's why this is a heck of a lot easier, I think."

Harris, D.: "Okay. Thank you very much."

Franks: "Thank you."

Speaker Lyons: "Representative Will Davis."

Davis, W.: "Thank you, Mr. Speaker. Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Davis, W.: "Representative, if I understood what you're saying correctly, the challenge... or that you're trying to rectify is the fact that these automatic increases take place without regard to a variety of situations that may be taking place in a community, correct? And that you feel that what you're attempting to do is to protect the homeowners in these situations, correct?"

Franks: "Yeah, that's exactly. And I failed to articulate that well, and you and I talked about this briefly."

Davis, W.: "We did. And I'm not necessarily trying to rehash that conversation. I guess my question would be, or... or my concern would be is that in... in situations like that, for those communities that maybe don't want these increases, or feel, you know, as you probably feel, or as you are espousing the concerns of some of your constituents then why can't they just simply refuse them? Or... or opt out, so to speak?"

Franks: "They can't, they can't."

Davis, W.: "Well, I'm just saying, instead of mandating that they don't happen, then why not work backwards and give the community an opportunity not to take those automatic increases?"

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Franks: "But do they do... that's the thing, right now the community has that option."

Davis, W.: "Okay."

Franks: "They just don't have the ability."

Davis, W.: "Well..."

Franks: "They always are exercising it because right now there aut... they get these automatic increases. And I'll use my county again. With a \$47 million surplus, enough to fund government for 7.4 months, what did they do? They took the maximum increase. Why? Because they can."

Davis, W.: "Well, but in some cases, and that's great that your communities can do that. And I think that's part of what we were trying to debate..."

Franks: "No, I don't think overtime, I think, is ever good."

Davis, W.: "Last time was about, you know, a community's' ability to do that, but... and that's great that yours can take the maximum."

Franks: "I don't think so. I don't think it is great. Everybody can take the maximum."

Davis, W.: "Well, I guess, my... my point is, is that some communities don't have that luxury. They're... they're not sitting on that type of surplus. So, all I'm simply saying is, why is it that it's not the reverse of what you're suggesting? And that communities... why... why aren't we... why aren't we passing a Bill that would give communities the ability to refuse it, if they don't want it?"

Franks: "Because right now, they do have the ability to refuse it."

Davis, W.: "Okay. But then why don't they?"

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Franks: "But they don't exercise it."

Davis, W.: "Then why don't they?"

Franks: "We need..."

Davis, W.: "If... if they're being responsive to the people..."

Franks: "I don't think they are being responsive."

Davis, W.: "...who elected them to those positions. Well, but... but that's my point. No different than us being in the General Assembly, you know, if we're not doing the right thing, so to speak..."

Franks: "Here's why we have to do it here."

Davis, W.: "Every two years, we have the ability to come before our constituency. So, then why don't those people who..."

Franks: "I'll tell you why."

Davis, W.: "...are not doing what constituents want, you know, they seem to be getting reelected."

Franks: "Because we wrote the PTELL Bill, we, being the General Assembly and when we wrote it, we never envisioned that property taxes would fall... I mean, property values would fall like they're falling. So what I'm trying to do is to amend a law that our Body put on the citizens and make it so it's reflective of today's reality. And we amend Bills here every day, we amend laws every day because our situations have changed, correct?"

Davis, W.: "Right."

Franks: "So, that's what this Bill does."

Davis, W.: "Well, I... I think, and while I... I obviously appreciate what you're attempting to do, and I think some of the challenging concern is, is that if you just make a drastic change, the question is, what is the end result?"

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What's going to happen? And so, why not then just make this for your county..."

Franks: "It's not a drastic change, though."

Davis, W.: "...look at it... look at it for a couple of years, or a year or so, see what the response is, and then maybe try to impose it on everyone else. Is that... is that an option for you?"

Franks: "Well, I think it's a statewide issue. And those that have PTELL."

Davis, W.: "I'm not suggesting that it's not. I'm not suggesting that it's not."

Franks: "No. it's certainly not the best option. This is the best option, because we're all suffering. And everyone in this state has lost... who's a homeowner has lost a lot of money, a lot of money. And in many circumstances, at 46 percent in the Chicago area, homeowners are underwater. Meaning, they owe more on their homes than their home is worth. And what we're doing, at that time, is we're still increasing their property taxes, giving them very little incentive to remain in their homes because pretty soon it's just too much. And we've seen record foreclosures, we've seen record bankruptcies. And at a time when the citizens are hurting, it's a time for the government to say I can't continue to increase your taxes simply because I can."

Davis, W.: "Understood, Representative, and again, I understand, I think I understand what you're attempting to do. I think maybe there's another way to approach it, or... or at least so we can determine the efficacy of what you're suggesting. And... and I would probably have to agree along the lines of

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Representative Fortner, and some of... and some of his comments. But again, I appreciate if you'd be willing to scale this back and maybe just look at a test, or a pilot of some sort, I think that's something that I know that I can support, so I can get something from what you're suggesting to do, that can be presented. Because I've gotten calls from my school districts and... and a couple of other taxing bodies about this when we were doing this Bill last year, you know, they raised some red flags about it. And you know, I want to be sensitive to what they're saying, but also want to appreciate what you're attempting to do, as well. So, for that I probably won't support it this time, but look for it, that if it does pass, seeing what happens, and we'll... we'll take it from there."

Franks: "Thank you."

Davis, W.: "Thank you."

Speaker Lyons: "Our final speaker will be Representative Biss, and then Representative Franks to close."

Biss: "Thank you, Mr. Speaker. To the Bill. I'd like to introduce the chamber to a young woman who is a Page for the day, for me here. Her name is Danielle Desmond and she's a junior at Glenbrook South High School. It's an excellent school in my district, and she's..."

Speaker Lyons: "Representative, with all due respect, we're in the middle of debate on this, can I get back to you on that?"

Biss: "I'm actually speaking about this Bill."

Speaker: "Okay, okay. Mike."

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Biss: "Because she's here because of a auction that took place on behalf of her younger brother's school. He's in the fourth grade at a different school in my district and it's likely that seven years from now he'll be a junior at the school she's at currently. And if this Bill passes and becomes law, it is almost necessarily the case that the school on that day, seven years from now, will be less good than it is now. And the reason for that is that regardless of what revenue structure we're talking about, whether it's income or sales or property tax. It's necessary, over the long-term, for us to have a system in place that allows revenue growth to keep pace with economic growth. Over the long-term, that's the way that we can maintain our obligations to fund government at the levels we've decided to fund it. Now, I hate our property tax system in this state, and I think we ought to blow it up and start from scratch for a variety of reasons, including the reason the Sponsor points out, that we have these horrible anomalies wherein people's property values drop and their taxes go up in often unaffordable and painful ways. But a fix to that problem that simultaneously creates a situation where, over the long-term, property tax revenues to governments will not by... will not possibly keep pace with inflation, creates a system where we're definition and intentionally, starving our governments and that's exactly what this Bill does. Blow-up the system if you want. I'll be a cosp... cosponsor on that Bill, Representative but a Bill that keeps the system, that keeps the cap at CPI, sometimes, but drops it other times guarantees a starvation of our school districts

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over time. And that's why I strongly urge a 'no' vote on this Bill. Thank you."

Speaker Lyons: "Representative Franks to close."

Franks: "Thank you, Mr. Speaker. And I really want to thank everyone for the spirited debate. Let me reiterate a few points before I ask for your 'aye' vote. This legislation will maintain the revenues that local governments currently receive. It just won't allow for automatic increase when property values decline. There still is an opportunity if local governments believe that they need more revenue, simply run the referendum. But to continually do what we've done in the past, to give automatic increases without taking into effect the taxpayer's ability to pay, is simply wrong. We have an obligation to protect out middle class. Nothing that we do this year will help our middle class more than passing this Bill. We need to keep people in their homes. I ask for an 'aye' vote."

Speaker Lyons: "You've heard the discussion on Senate Bill 2073. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? DeLuca, Harris. Mr. Clerk, take the record. On this Bill, there are 74 Members voting 'yes', 39 Members voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, committee announcements."

Clerk Hollman: "Committees meeting this afternoon are at 2:00. The Agriculture & Conservation Committee is meeting in room 413. The Insurance Committee is meeting in C-1. The

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Transportation: Regulation, Roads & Bridges Committee is meeting in D-1. The Public Utilities Committee has been canceled. At 3:30, the Aging Committee has been canceled. The Environmental Health Committee is meeting in D-1. At 4:30, the Consumer Protection Committee is meeting in Room 114. The Health Care Availability and Accessibility Committee is meeting in C-1. And the Cities & Villages meeting... Committee is meeting in 413. The Elections & Campaign Reform Committee has been canceled."

Speaker Lyons: "Representative Hernandez, for what purpose do you seek recognition?"

Hernandez: "Speaker, I inadvertently pressed the 'no' button for House Bill 1-2-9-3, that's 1293. I'd like it to reflect a 'yes', please."

Speaker Lyons: "Journal... the Journal will reflect your request. Representative Jefferson, what purpose do you seek recognition?"

Jefferson: "Thank you Mr. Speaker. Point of personal privilege."

Speaker Lyons: "Please proceed, Chuck."

Jefferson: "On tomorrow, you know, we're in the midst of Black History Month. And on tomorrow, we're celebrating Black History at the Governor's Mansion. It's going to be from six to nine tomorrow evening, and we're inviting all the Members to come out and participate. Six to nine we have a great time. Come out and enjoy food, fun, and great activities. Thank you."

Speaker Lyons: "Thank you, Chuck. Representative Brandon Phelps, for what purpose do you seek recognition?"

Phelps: "Thank you, Mr. Speaker. Purpose of an announcement."

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Speaker Lyons: "Please proceed, Brandon."

Phelps: "The House Public Utilities Committee is canceled for today. Thank you."

Speaker Lyons: "So noted. Representative Beiser."

Beiser: "Thank you, Mr. Speaker. I'd like the record to reflect on that previous Bill, Senate Bill 2-0-7-3-8 (sic-2073), it was my intention to vote 'aye'."

Speaker Lyons: "The Journal will reflect your request, Representative. Ladies and Gentlemen, for a moment please have... I'd like to recognize Representative Currie. Shhh."

Currie: "Thank you, Speaker and Members of the heart... House. It's with a heavy heart that I report the loss of a key member of the House Democratic Staff. Jack Unzicker died Sunday, February 12 of cancer. He will be very, sorely missed. Jack was born in 1938 in Harvey, Illinois. He earned his undergraduate, his Masters degrees, and his PhD from the University of Illinois, Champaign-Urbana. He served for many years with the Illinois Natural History Survey, authoring some 36 articles about entomology, about other kinds of scientific issues. He joined the House Democratic staff in 1987, so we had 25 good, strong years of learning from this fine scientist and this splendid communicator. He was our staffer in Environment & Energy, he also staffed the Public Utilities Committee. He helped us shape public policy, and he helped us shape public policy in the State of Illinois for the good of the people of this state. We will all miss him deeply. There will be services in the spring. We'll... we'll let you know when and where those are, and in the meantime, I know you will join

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me in sending our deepest sympathies to us, who valued so much the work he did, and certainly to his family, and to his many other friends. Thank you, Speaker."

Speaker Lyons: "Leader Bost."

Bost: "Thank you, Mr. Speaker. From the Republican side of the aisle, if I can, I would like to say that... that those of us who have been around and have worked with Jack, when you walked into committee, you knew that the experience was there, that it was given to both sides of the aisle, that he was great to work with, and truly a friend to all Members of those of us who have served in the General Assembly. And he will truly be missed and our condolences do go out to his and his family."

Speaker Lyons: "I'll ask for a moment. May Jack rest in peace. Thank you. Representative Currie now moves that the House stand adjourned to the hour of 11:30 a.m. on Wednesday, February 22. All those in favor of adjournment signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And allowing perfunctory time for the Clerk, the House stands adjourned 'til the hour of 11:30 a.m. tomorrow, Wednesday, February 22. Have an enjoyable evening, everyone."