

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

HB0850	Recalled	11
HB0850	Third Reading	13
HB2633	First Reading	2
HB3981	First Reading	11
HB4227	First Reading	2
HB4403	First Reading	11
HB4594	First Reading	11
HB4989	First Reading	11
HB5445	First Reading	11
HB7030	First Reading	2
SB2409	Postponed	28
	Consideration	
SB3335	Second Reading	4
SB3336	Second Reading	4
SB3337	Second Reading	4
SB3338	Second Reading	4
SB3339	Second Reading	4
SB3340	Second Reading	5
SB3341	Second Reading	5
SB3342	Second Reading	5
SB3343	Second Reading	5
SB3344	Second Reading	6
SB3350	Second Reading	6
SB3351	Second Reading	6
SB3352	Second Reading	6
SB3353	Second Reading	6
SB3354	Second Reading	7
SB3355	Second Reading	7
SB3356	Second Reading	7
SB3357	Second Reading	7
SB3358	Second Reading	7
SB3359	Second Reading	8
SB3360	Second Reading	8
SB3361	Second Reading	8
SB3362	Second Reading	8
SB3363	Second Reading	8
SB3364	Second Reading	9
SB3365	Second Reading	9
SB3366	Second Reading	9
SB3367	Second Reading	9
SB3368	Second Reading	9
SB3369	Second Reading	10
SR0489	Resolution Offered	2
SR0490	Resolution Offered	2
SR0491	Resolution Offered	2
SR0492	Resolution Offered	2
SR0493	Resolution Offered	2
SR0494	Resolution Offered	2
SR0495	Resolution Offered	2
SR0496	Resolution Offered	2
SR0497	Resolution Offered	2
SR0498	Resolution Offered	2
SR0499	Resolution Offered	2
SR0500	Resolution Offered	2
SR0501	Resolution Offered	10
SR0502	Resolution Offered	10
SR0503	Resolution Offered	10

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

SR0504	Resolution Offered	10
Senate to Order-President Jones		1
Prayer-Rabbi Michael Datz		1
Pledge of Allegiance		1
Journals-Approved		1
Message from the President		1
Committee Reports		2
Senate Stands in Recess/Reconvenes		10
Committee Reports		10
Adjournment		31

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

PRESIDENT JONES:

The regular Session of the -- of the 93rd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? The invocation -- today will given by Reverend {sic} Michael Datz of Temple B'rith Sholom. Reverend Datz.

RABBI MICHAEL DATZ:

(Prayer by Rabbi Michael Datz)

PRESIDENT JONES:

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

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDENT JONES:

Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journal of Tuesday, April 20, 2004 -- pardon me, Senate Journals of Thursday, April 1; Tuesday, April 6th; and Thursday, April 15, 2004.

PRESIDENT JONES:

Senator Maloney.

SENATOR MALONEY:

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

PRESIDENT JONES:

Senator Maloney moves to approve the Journal just read by the Secretary. There being no objection, so ordered. Madam Secretary, Messages.

SECRETARY HAWKER:

A Message from the President.

Dear Madam Secretary - Pursuant to Rule 3-5(c) I hereby appoint Senator John Cullerton to replace Senator Miguel del Valle as a Member of the Rules Committee. This appointment is effective immediately.

Very truly yours, Emil Jones, Jr., President.

PRESIDENT JONES:

Madam Secretary, Resolutions.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

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

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

Senate Resolution 491, also offered by Senator Haine and all Members.

Senate Resolution 492, offered by Senator Link and all Members.

Senate Resolution 493, also offered by Senator Link and all Members.

Senate Resolution 494, offered by President Jones, Senator Link and all Members.

Senate Resolution 495 and 496, both offered by Senator Crotty and all Members.

Senate Resolution 497, offered by...
Oh! Pardon me, those are all death resolutions.

497, also offered by Senator Haine and all Members.

And Senate Resolution 498, offered by Senator Crotty.
They're all death resolutions.

PRESIDENT JONES:

Resolutions Consent Calendar.

SECRETARY HAWKER:

And Senate Resolution 499, offered by Senator Walsh.

And Senate Resolution 500, offered by Senator Harmon.
And they're both substantive.

PRESIDENT JONES:

Madam Secretary, House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 2633, offered by Senator Althoff.

(Secretary reads title of bill)

House Bill 4227, offered by Senator Halvorson.

(Secretary reads title of bill)

And House Bill 7030, offered by Senator Trotter.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT JONES:

Madam Secretary, Committee Reports.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Health and Human Services Committee - Committee Amendment No. 1 to House Joint Resolution 34; and refer to Revenue Committee - Floor Amendment No. 2 to House Bill 850.

PRESIDENT JONES:

Senator Link, what purpose do you rise?

SENATOR LINK:

Point of announcement, Mr. President.

PRESIDENT JONES:

Proceed.

SENATOR LINK:

Senate Revenue Committee will meet at 1:15 in Room 400. Senate Revenue at 1:15 in Room 400.

PRESIDENT JONES:

Senator Hendon.

SENATOR HENDON:

Point of an announcement, Mr. President.

PRESIDENT JONES:

Proceed.

SENATOR HENDON:

Mr. President, Members of the Senate, the annual Senate/House softball game has been set for May the 5th, and at my desk I have a photograph book of games in the past. They go way back. Some of you were quite young. Geo-Karis was extremely beautiful, as she still is, but younger, much, much younger in this book. Please stop by. Take a look at it. Maybe it'll get you excited, because this year, Ladies and Gentlemen, we shall beat the House. Now, we were going to practice today, but it rained. But we will practice tomorrow. And we expect to see every man, woman and child that wants to defend the presidency and defeat the House at practice at Lincoln Park as soon as we get out of here.

PRESIDENT JONES:

We're going to proceed to the Order of 2nd Readings, Senate appropriation bills. Senate Bill 3310. Senator Syverson. Senator Syverson is not here. No one's taken up action, so we will proceed to Senate Bill 3325. Senator Radogno. Senate Bill

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

3335. Senator Schoenberg, for -- for Senator Trotter.
Proceed. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3335.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments
reported.

PRESIDENT JONES:

Has there been any Floor amendments filed?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDENT JONES:

3rd Reading. Senate Bill 3336. Madam Secretary, read the
bill.

SECRETARY HAWKER:

Senate Bill 3336.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments
reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3337. Madam Secretary, read the
bill.

SECRETARY HAWKER:

Senate Bill 3337.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments
reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3338. Madam Secretary, read the
bill.

SECRETARY HAWKER:

Senate Bill 3338.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments
reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3340. Senator Welch. Madam
Secretary, read the bill. We'll hold that. Senate Bill 3339.
Madam Secretary, read the bill.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

SECRETARY HAWKER:

Senate Bill 3339.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3340. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3340.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3341. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3341.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3342. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3342.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3345. Madam Secretary, read the bill. (33)43.

SECRETARY HAWKER:

Senate Bill -- 3343.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

3rd Reading. Senate Bill 3344. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3344.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

Senate Bill -- 3rd Reading. Senate Bill 3350. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3350.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3351. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3351.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3352. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3352.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3353. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3353.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

PRESIDENT JONES:

3rd Reading. Senate Bill 3354. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3354.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3356. Madam Secretary, read the bill. Oh. 3355. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3355.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3356. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3356.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3357. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3357.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3358. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3358.

(Secretary reads title of bill)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3359. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3359.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3360. Senator Welch. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3360.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3361. Senator Welch. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3361.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3362. Senator Welch. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3362.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3363. Senator Welch. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3363.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3364. Senator Welch. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3364.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3365. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3365.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3366. Senator Welch. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3366.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3367. Senator Welch. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3367.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3368. Senator Welch. Madam Secretary, read the bill.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

Senate Bill 3368.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. Senate Bill 3369. Senator Welch. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3369.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDENT JONES:

3rd Reading. The Senate will stand in recess to the call of the Chair. After committee hearings, the Senate will reconvene at approximately 3 p.m., at approximately 3 p.m., to receive Committee Reports and for further Floor action. The Senate stands in recess until the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WELCH)

Would all Members please come to the Floor? All Members in their offices please come to the Floor. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Link, Chairperson of the Committee on Revenue, reports Senate Amendment No. 1 {sic} (2) to House Bill 850 Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR WELCH)

Resolutions.

SECRETARY HAWKER:

Senate Resolution 501, offered by Senator Wojcik and all Members.

Senate Resolutions 502, 503 and 504, all offered by Senator Demuzio and all Members.

They're all death resolutions.

PRESIDING OFFICER: (SENATOR WELCH)

Resolutions Consent Calendar. House Bills 1st Reading.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

SECRETARY HAWKER:

House Bill 3981, offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 4403, offered by Senator Halvorson.

(Secretary reads title of bill)

House Bill 4594, offered by Senator Dillard.

(Secretary reads title of bill)

House Bill 4989, offered by Senator Clayborne.

(Secretary reads title of bill)

And House Bill 5445, offered by Senator Martinez.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, please turn to page 11 of your Calendar. House Bills 3rd Reading. At the top of the list is House Bill 679. Senator Emil Jones. House Bill 720. Senator Emil Jones. House Bill 722. Senator Shadid. House Bill 728. Senator Emil Jones. House Bill 742. Senator DeLeo. House Bill 750. Senator Emil Jones. House Bill 850. Senator Link. Senator Link seeks leave of the Body to return House Bill 850 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 850. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor -- Amendment No. 1, offered by Senator Link.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, to explain Floor Amendment No. 1.

SENATOR LINK:

Thank you, Mr. President. Basically what Amendment 1 is -- becomes the bill. Is -- establishes an alternative to standard homestead exemptions based on the increase in assessed value. A county must adopt an ordinance within six months of the effective date of the Act approving alternate exemptions. This alternate exemption would be applicable up to three years and used for base homestead values plus seven-percent increase. It is capped at twenty thousand dollars. The bill outlines the years within Cook County and downstate counties that alternate exemption applies. Other things, when the three-year

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

alternative exemption period expires, a homeowner with a household income of thirty thousand or less expiring an asset -- experiencing an assessment increase of more than twenty percent may apply for additional exemption of five thousand dollars. Either the alternative exemption or the additional five-thousand-dollar exemption is available to homeowners receiving a senior citizen homestead exemption. The taxable years 2004 and thereafter, the bill increases the maximum general homestead exemption to forty-five hundred dollars. This is an increase from thirty-five hundred dollars to all counties except Cook, which already has the forty-five hundred dollars. The maximum senior citizens home -- homestead exemption is twenty-five hundred dollars, an increase of five hundred dollars for all counties except Cook, which already has twenty-five hundred dollars. It also amends the School Code so that under the equalized assessed valuation component of the calculation for general State aid -- of the Department of Revenue must add back to the EAV total the difference between the existing homestead deductions and new homestead exemptions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, Senator Link moves the adoption of Floor Amendment No. 1 to House Bill 850. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 2, offered by Senator Link.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, to explain Floor Amendment No. 2.

SENATOR LINK:

Thank you, Mr. President. This amendment deletes the provision of the bill that amends -- to allow school districts to require to refund a portion of property tax revenues in certain circumstances to adopt a levy to recapture the lost revenue. It replaces the language of senior citizens assessment freeze homestead exemption so it is identical to the language in Senate Bill 2112, thus changing the qualifying income level for exemptions to forty-five thousand and eliminating the scaling -- sliding scale determining the exemption amount between forty

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

thousand and forty-five thousand. Finally, the amendment clarifies that if a homeowner receives a senior citizens assessment freeze homestead exemption, that the homeowner is not eligible for the additional five thousand exemption and -- to a homeowner with a household income of thirty thousand or less experiencing an assessment increase of more than twenty percent.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, Senator Link moves the adoption of Floor Amendment No. 2 to House Bill 850. All those in favor will say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. Now on the Order of 3rd Reading, House Bill 850. Senator Link. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 850.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Hold on one second, Senator. Ladies and Gentlemen, could we please have some quiet? We're having trouble hearing. Senator Link indicates that he can't hear either. Could we take the -- could we break up the conferences here in the middle aisle and off to the left of the middle aisle, the conferences back by the telephone booths on both sides of the aisle, both sides of the Chamber, the conference here in the front row by Senator Meeks' desk, the conferences with the press? We're just going to have a couple bills here. So let's finish these off and get out of here. Senator Link.

SENATOR LINK:

Thank you, Mr. President. There's a question on this bill and it's asked, "Why is it needed?" During the 2003 reassessment of property within the City of Chicago, some of the neighborhoods saw dramatic increases in assessments. Bronzeville saw a hundred-and-twenty-four-percent increase. Where my good friend Senator Hendon's from, the West Loop saw a

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

ninety-six-percent increase. Englewood saw an eighty-percent increase. Old Town saw a seventy-five-percent increase. Just to mention a few neighborhoods. On an average, the median assessment increase within the City was approximately thirty-two percent. For not just the City of Chicago, but for all of Cook County and other counties experiencing dramatic assessment increases, tax relief is needed so people are not forced out of their homes. Because of -- the assessment on residential properties are raising at a far more dramatic rate than other -- than commercial properties, the net effect is an even greater tax burden on homeowners because they are made up of greater portion of equalized assessed valuation. We have got to provide property tax relief for these individuals.

PRESIDING OFFICER: (SENATOR WELCH)

Could the folks -- Ladies and Gentlemen, we're having trouble hearing. The sponsor is having trouble hearing. Could the folks in the back of the Chamber please take your conversations either off the Floor or into one of the rooms in the back. Senator Cullerton, Senator Martinez, could you please take your discussion off the Floor? Please. Could the folks over on the other side of the aisle please take your discussions off the Floor? We're only going to do two bills, folks. All right. Senator Link, please proceed.

SENATOR LINK:

In 1997, the City of Chicago, the residential component made up of -- thirty-five percent of the EAV. With the 2003 reassessment, it will make up forty-three percent, and that shift is not because business is being driven out of the City. In fact, the -- total EAV of the commercial property actually has risen, but not as dramatically as the residential portion. So there are sticky points in the business community. One of these differences because of this bill, an early version of the bill, is that this version limits the alternative exemption for fewer years and has capped the alternative exemption at twenty thousand dollars; therefore, the impact on businesses is significantly reduced. With this bill on the opt in, all one hundred and two counties have to opt in on this bill. The portion of the bill that will be opt in will be the effect of the seven-percent assessed valuation increase limit. Other --

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

the other alternatives, which were explained earlier in the amendments, will be effective immediately on the signing of this bill for all parts of this State. They are three-year alternative exemption period expires on a homeowner with a household income of thirty thousand dollars or less experiencing an assessment increase of more than twenty percent may apply for an additional exemption of five thousand dollars. Either the alternative exemption or the additional five-thousand-dollar exemption available to homeowners receiving senior citizens exemption. It changes the senior exemption threshold eligibility for senior citizens from forty thousand to forty-five thousand dollars. It changes the taxable years in 2004; therefore, bill increases the minimum general homestead exemption to forty-five hundred dollars for every person -- every property owner in the State of Illinois. It -- the maximum senior citizen homestead exemption to twenty-five hundred dollars, an increase for all in the State of Illinois. This is an advantage for all the homeowners of the State of Illinois. We are also giving the benefit of the local counties to make their decision if they want this in their counties. We have gone around, every one of us, into our districts and we have heard numerous amount of times about homeowners that are being forced out of their homes because of high property tax. We are doing something about it in this bill. We are addressing these concerns. But we are also allowing local government to do something about it. We are allowing the counties to enact this if they desire to need it. I will be more than happy to answer any questions, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Maybe a real, real, real short history lesson's in order. When you go to the 1970 Constitutional Convention and read some of the documents in the 1970 Constitutional Convention, there was a great deal of concern because in Cook County they had not assessed property on an equal basis. In fact, they had classified property. So, residential property was assessed at twenty percent of its market value. Other

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

property were assessed at higher rates, up to forty percent. This -- this was an old political tool. It was very important to -- to the people who ran the -- the community in Chicago, and -- and people in Cook County believed in it. They requested and they received, because of Cook County's importance in the State of Illinois, special constitutional dispensation to be able to classify property in Cook County. So, unlike -- unlike the counties where the rest of the people live in the State of Illinois, residential property in Cook County is not assessed at one-third of its -- its -- its sale value, or its -- its market value. So, you need to keep that in mind. Over the -- the course of the last forty years or so, or thirty-five years, the Cook County reassessment process - first quadrennial, then triennial - has fallen behind in keeping up with residential property values, keeping it -- its assessed valuation close to its twenty-percent requirement that it be related to the market value of the property. In fact, it fell so low there were a couple of court cases challenging the constitutionality of the Cook County classification system. The State implemented an equalizer to try to keep Cook County from undervaluing it -- its real estate. So, in the meantime, their exceptionally high assessed valuation on commercial and industrial property has led to commercial and job flight out of Cook County - a lot of it, unfortunately, into Wisconsin, some of it into Indiana, and a lot of it, to be quite honest with you, to the -- to the collar counties. There was a lot of collar county actual interest in keeping the classification system healthy in the -- in Cook County because it was such a -- a job creator in -- in surrounding suburban areas, but it's a system that doesn't work and it's wrong. Now -- now we've got a situation where we're seeing rising property values in the City of Chicago, roughly akin to what happened fifteen years ago when -- when farmland values increased dramatically in downstate areas, and the solution is to come with an artificial measure to cap the -- the -- the assessed valuation of property through a complex system using homestead exemptions and -- and, you know, intricate tools to kind of depress the price of property. But keep in mind, if you engage in this kind of manipulation, you begin to move Illinois closer down the path of where California is and where

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

other states are where their tax system fundamentally doesn't work anymore. As far as high property taxes, the people who have brought you this bill and who are asking you to put your roll call votes on it are completely in control of the taxes of the -- of -- in Cook County and in the City of Chicago. The rising property valuation of these residential areas and areas across Cook County mean that if you hold your -- your tax levy even, that there's no change in -- in the gross taxation. You have two home rule units, Cook County and the City of Chicago, who are not capped. It's their use of this increase in assessed valuation that's causing the tax crisis, not the rise in property values. If we continue, as a General Assembly, to go in and manipulate the property tax valuation inside Cook County, we will continue to decimate the opportunities for people living in the south Cook suburbs to have jobs, we continue to decimate all of the effort going into economic development in Cook County. Who's going to build a factory where you're assessed at well over what you're assessed in the collar counties, even higher than it is in Indiana, higher than it is in Wisconsin, particularly when the General Assembly acts to protect residential property further by creating an artificial seven-percent cap? So what -- what you're capping, what you're doing is -- is entering into a system politically and mucking with -- with market forces. Now, if -- if we're about being concerned about senior citizens being priced out, let's bring a bill that does that, but this bill does not benefit -- this bill does not benefit strictly senior citizens. The value of this bill accrues to those people in the north and northwest side who are very wealthy and have very nice properties. This bill penalizes, it punishes people in the south Cook suburbs. I have been down here twelve years and have heard volumes of discussion and debate about the concerns about redeveloping the south Cook suburbs, making sure they had a -- a tax base. This bill goes the opposite direction. It -- it does not change any of the -- the taxing policies of Cook County or the City of Chicago because they're both home rule units, and nobody's suggesting that we should. But by passing this bill, you're forcing their increased tax burden onto the residential and commercial remaining property in those fragile suburbs that are struggling

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

to stay viable. At -- at a time when we're fighting to restore jobs in Illinois, when we're -- we're reeling from the effect of last year's budget increases where we had to come up with revenues from sources that -- that laid it, in many cases, on top of employers, this is the wrong kind of public policy. There's no reason that you should be confused by a bill that -- that -- that's supposed to help senior citizens or help property tax owners. I mean, if they want to bring a bill, then let's spend the summer studying one that really solves the problem, does not reward -- does not reward the north side at the expense of the south Cook suburbs, and brings sanity -- the beginning of sanity to the Cook County property tax system. Don't -- you know, they have great arguments, and very, very confusing explanations, but don't buy into this as some kind of panacea for what's happening. It -- it's actually another step backwards. It's not in the best interest of the State of Illinois. I know the sponsor has wonderful intentions, but you don't have to look too far back. If you're a non-Cook County legislator, you have to remember that your property is reassessed every single year accurately, for the most part, at thirty-three and -- percent of market value. We're talking about letting the largest county in the State, which is only assessing its property at twenty percent - and it's having a hard time meeting twenty percent; I think the average is between sixteen and a half and seventeen percent assessment - we're -- we're letting them cap theirs. I mean, it doesn't make sense to what we're doing as a public policy. It certainly doesn't make sense in a rush fashion, and certainly not in the political climate we're at. I'd ask everybody to think real carefully about this as a public policy measure. It's not good for the south Cook suburbs. For anybody that represents those areas of the State that are trying to restore economic development, this is a signal to the business community on top of everything else that we've had the last fifteen months: Don't come to us because we're so political; we're so worried about manipulating the system that we won't let the tax system work and we won't be responsible for it. With all due respect, I urge you to vote No.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

Senator Wendell Jones.

SENATOR W. JONES:

Thank you very much, Mr. President. I have a statement and then I would like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates he'll yield, Senator.

SENATOR W. JONES:

I think Senator Rauschenberger just covered most of -- of my concern. However, I did want to point out that we have a triennial reassessment system in Cook County, and in 2001, the north and northwest suburbs were reassessed at an increase of twenty-five to thirty percent. On my own home, it went up about twenty-five or thirty percent. Then in 2002, those of you in the south suburbs know that the triennial reassessment came to your door. Now, I did not hear the hue and cry from Chicago or from the sponsor when, in 2001 and in 2002, these triennial reassessments went up twenty-five to thirty percent. Where was the hue and cry when our assessments went up? Now we are just about being ready to be taxed on these higher assessment levels and they want to change the rules of the game because it is now coming to the City of Chicago. Look at the opponents of the underlying bill. Most of your schools are against this bill. Most of your businesses in Cook County are against this bill. A few years ago we had what was called the "double whammy". This bill will give Cook County a "triple whammy" and we will lose business - as my distinguished colleague from Elgin said - we will lose business because it will drive business out of Cook County. We must stop this insanity of trying to have a Band-Aid approach to the way we fund our schools in Illinois. It all goes back to that. It all goes back to the classification system in Cook County and the way we fund schools in Illinois. Now, I voted for the amendment because I don't want to be accused of voting against my senior citizen friends and the homeowners exemptions and things like that, but I cannot vote for the underlying bill because it is damaging to business in Cook County. I would urge a No vote, and let's go back to the drawing board. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

SENATOR RIGHTER:

Thank you, Mr. President. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR RIGHTER:

Thank you. Senator Link, why is there a three-year sunset on the bill?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

There's a three -- three-year sunset on the portion of the seven-percent portion of that only, not on the senior citizens exemption. All the rest of the portion of the bill becomes effective immediately and permanently. The only portion that becomes effective for a three-year sunset is the beginning portion of the seven percent.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Why?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

It's -- it's a trial. It -- it's the same reason that we put sunsets on a number of bills that we put in this -- in this Chamber. We put sunsets on a lot of bills to see if they work. If it works, we like it, say your county adopts this, they say it's great, it's working, they're going to come to you and they're going to say, "Senator, we want this. We want it continued. Make sure you're a lead sponsor on this bill and continue it on." And you're going to say, "Most definitely. I'm going to be there for it." So you're going to be that person that's going to speak out in favor of it if it works in your county. And I think a sunset is a good thing to have. As you've argued many a times when we have -- as -- for sunsets on many a bills before. And I think that's the same reason we have the sunset here.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

SENATOR RIGHTER:

Well, I appreciate that, Senator Link. I usually try to also argue for equity among property tax owners among different parts of the State, and I want to raise that issue with you. I notice that in the bill after the three years has expired, that a homeowner in -- I guess in exchange for losing the seven-percent assessment cap, will get an increase in their general homestead exemption from what would be forty-five hundred up to ninety-five hundred, which is a huge jump, but only if, one, your household income is less than thirty thousand dollars a year; two, you don't receive the senior assessment freeze; and three, the residential property has increased by twenty percent or more since the last assessment. Now, as you know, Senator, in Cook County, it's a triannual reassessment. In all of the downstate counties, it's every year. So what you're saying is, is in order to get that ninety-five hundred dollars, downstate residential property owners, their homes are going to have to increase at twenty percent a year in order to continue to get that. But for Cook County residential property owners, it'll be seven percent a year, because you're going on a three-year cycle. Why is that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Well, as I indicated earlier, it was a trial -- error. And we set it up. And the thing is, is -- you know, you say we're on a each-year cycle. I don't think the assessors in most of the counties are, you know, doing it on a yearly basis, but they're doing it on a quadrennial basis in most of the counties of setting it up, and that they're not getting it on a yearly basis. When you talk about experiences of a township, we had a township that increased some neighborhoods of close to four-hundred percent, because of a quadrennial increase that they did and effected there because their assessor did it under the quadrennial assessment and not a yearly basis. Had he done it under a yearly basis and phased it in the way he should have done it - you have that option of phasing it in - he did not do that, and that's what you have in most townships, is the option to phase it in.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Okay. Thank you, Mr. President. To the bill: Senator Link, I appreciate those comments, but the bottom line is if you come to the property taxpayers in my districts, they're going to tell you that this changes every year for them. So what you have, Ladies and Gentlemen, this bill is -- first of all, let's start with a situation wherein in downstate counties, everywhere outside of Cook County, the median level of assessment is somewhere - for residential property taxpayers - somewhere between twenty-eight and thirty-three percent. In Cook County, the median is about eleven percent. That's a disparity of almost three times. We start with a very inequitable system already and now we're going to add to that with this bill by saying that if your county, if your downstate county or outside of Cook County chooses to adopt this, you're going to get that seven-percent cap for three years. But, then, in order to qualify for that increased general homestead exemption, your property value has to increase at three times the rate of the same house in Cook County. Three times the rate. That makes an unfair system even more unfair, and I would urge a No vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. To the bill: Ladies and Gentlemen, I am a huge proponent of tax relief and tax caps, but there are four reasons why you may wish to vote No or Present on this bill. First of all, I believe, from my limited study on the bill, that it's very complicated. We may not have been able to see all the different ramifications of different provisions. There are certainly some good provisions in here. But we have already voted on a lot of those good provisions in Senator DeLeo's bill, which was Senate Bill 2112. That was a good, clean bill. I think it might have gone out of the Senate unanimously. So that's reason number one to vote No or Present. Secondly -- the second reason is that this is a tax shift. You know, it kind of reminds of that -- that childhood game of tag,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

was called "duck, duck, goose." You know, it's a darling game of "Tag, you're it," where children or participants sit in a circle, one's selected, she gets up, she taps each child on the head saying, "duck." She goes to the next one, "duck." Goes to the next one, "duck." And then the one that she selects, it's "goose." And then that child gets up, chases after the first child, runs the circle trying to catch 'em. Trying to catch up to 'em. Some of the participants squeal with delight. Sometimes those tapped on the head a little too hard or those who trip and fall as they race around the circle, go home crying. So let's examine very quickly who will squeal with delight with this legislation and who will go home crying. This legislation is for residents of mostly Chicago whose property value is increasing over seven percent. Perhaps this is for gentrification, for the increases that are occurring in -- in some spots. However, it shifts the same tax burden to residential property owners whose property is not increasing at that seven percent. And in order to implement this exemption - and some people are calling it a cap, but I -- I don't quite follow that - they have to raise the tax rates, they have to raise the tax rates on everyone else. The second group that's going to go home crying are the employers in Illinois, and our constituents know that the -- the top priority these days is we have to get people back to work, and jobs. And then finally, number three, are all the renters who are going to suffer because of the shift in the taxation - certainly, at least in directly - because as landlords, who don't receive the exemption, get these increased taxes they're going to pass it along to the renters. The third {sic} reason - and I think that Senator Righter and Senator Rauschenberger talked about it - it makes the Cook County system even more complicated. If an increase occurs over the next three years of -- let's say from a hundred thousand dollars to two hundred thousand dollars, the taxpayer gets an exemption for seventy-nine thousand dollars until you either sell it or the three years is over, and then it's like a mousetrap and the assessment bounces up. I think that there're going to be a lot of surprised constituents three years from now if this sunset is not extended. And then, finally, third {sic} -- and I think that Senator Jones addressed

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

it as a triple whammy. I see all three now. I saw the two before. That school lose property taxes under the cap, and the second whammy is that the general school aid formula will not be adjusted. This property tax -- and I do -- I -- I respect what the sponsor is trying to do, but this is a -- an un-equitable way -- or an inequitable way of going about property tax relief, and I would ask you to vote No or Present.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Carol Ronen.

SENATOR RONEN:

Thank you, Mr. President. I -- I want to commend the sponsor for bringing forward this important piece of legislation, because rising property taxes are surely a concern in many parts of the State, including in my district. But, unfortunately, I don't believe this bill is the way we need to address that. While there are many good aspects of this bill, I think there are many problems raised. And part of the problem is I -- I think we can't even anticipate all of the problems that are going to be raised, because, as so many speakers before me said, this is a very complicated system, and especially in Cook County, a very complicated system. In fact, the Tribune, in editorializing against this bill, said they liken this to adding one more contraption to a tax system that looks like Rube Goldberg's finest work, and I think that was really aptly stated. I'm concerned about property taxes going up, but I'm also concerned of the impact this bill would have on renters, indirectly raising their taxes. I'm very concerned about the impact this bill would have on funding for education. I think it's something we have to be concerned with. I'm very concerned with the -- the way in which it'll impact low areas in the south suburbs and downstate, especially in areas where there are no property tax caps. So, while there is a problem and I think the sponsor brings this forward in all good -- with all good meaning, I would just recommend that my colleagues either vote No or Present on this so we can look at this a little more closely and do what's good for all of the interests of the State and not do something that is too precipitous.

PRESIDING OFFICER: (SENATOR WELCH)

Final speaker. Senator Hendon.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

SENATOR HENDON:

Thank you, Mr. President. To the bill: I rise in support of this bill. And it -- it's amazing to me when I listen to some of the speeches, after being around here for eleven years, to hear people who have always been for the taxpayer, the homeowner, who's always said and campaigned on, "We're for freezing your property taxes." Now you're saying no. Blows my mind. I don't understand that. This bill, statewide, would allow more senior citizens with a slightly higher income to get the exemption. A noble idea, an idea that I've heard espoused by people who are now standing up, probably because Senator Link is carrying this bill, and saying now it's a bad idea. Well, if you're not for helping senior citizens, go ahead and vote No. If you're not for helping property owners, go ahead, vote No. Then go out there and campaign on how you voted No against helping senior citizens, against helping people in gentrifying communities. I bet you, you won't have that on your campaign literature. No. You won't have that on your campaign literature. But, yet, you want to stand up and say -- pick it apart. Okay. We've got three years. In three years - you've been around here awhile - we come back. If it's broke, we fix it. There's such a thing's known as a trailer bill. You all know about that. We could put that in there if it's necessary. But don't act like this is a bad idea when you know it's a great idea not just for my community where we have high, outrageous increases and people cannot afford to stay there, but in all of Illinois. Every property homeowner in Illinois gets a break here. We've been fair across the board. But go ahead. Go ahead. Vote against your senior citizens. I'll pick up your campaign literature later and see if you have that vote on your campaign literature. I bet you won't, because you want to hide from the fact that you're going to take a bad vote today if you vote against this bill. I urge people on every side of the aisle who are for senior citizens, who are for making sure these people can keep their property and not lose their property to the tax buyers, I urge you to vote Yes for this good bill. And if there's anything wrong with it, yes, we can come back in two years or three years and make the adjustment. But - today -

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

people are losing their property today. People need these exemptions today. I urge you to vote Aye.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, to close.

SENATOR LINK:

Thank you, Mr. President. There were a lot of good comments made today. My colleagues addressed a lot of points. Some of the points positive. Some of them not so positive. We talk about things that happened in 1970. And if we stood in this Chamber and did nothing about what -- something happened in 1970 or something that happened in 1980, where would this State be today? If we don't have the courage to make changes, nothing will get done. When we talk about employers and businesses in this State, yeah, there was a slight shift to commercial/industrial property in this bill, but let me point out - and I'm going to use Cook County as an example - according to the Illinois Tax Increment Association, three hundred and forty TIF districts are in the county. For the vast majority of those districts, it is a benefit to business. Furthermore, because of -- the additional property tax revenue is not going to schools, it's a greater burden on the taxpayers and the governmental units. Let me address the -- the renters. In Cook County, for example, in 2002, the Cook County Board approved assessment level reductions for rental apartments. In 2003, the assessment level dropped from thirty-three percent to thirty percent, a ten percent decrease. In 2004, additional fifteen-percent decrease -- drop from thirty to twenty-six percent in the assessment level. We talk about employers and businesses leaving. Well, you know what? If we don't do something about property tax relief, you're not going to have anybody working in those businesses, because they won't be able to afford to live in Illinois. When I was just down in Florida vacationing, I saw almost as many Illinois plates as I saw Florida plates. You know why? Because they could afford to live down there, because your President's brother gives them property tax relief down there to live down there. He's giving 'em relief. And he's not giving 'em in Illinois. I think it's long overdue that we give 'em relief to the homeowners in this State, and we keep forgetting about them. Let's remember the homeowners, give 'em relief, and

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

this is the bill to do it. And if the counties don't want to give the assessment, don't let 'em put it in. It's up to the county boards. I think everyone should vote for this bill. It should all be green lights and I ask for affirmative vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall -- the question is, shall House Bill 850 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, 30 Members voted Yes, 25 Members voted No, 3 Members are recorded as Present. House Bill 850, having received the required constitutional majority, is declared passed. Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Thank you, Mr. President. A request for a verification of the positive vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen has requested a verification. Will all Members be in their seats? The Secretary will read the affirmative votes.

SECRETARY HAWKER:

The following Members voted in the affirmative: Althoff, Brady, Collins, Crotty, Cullerton, DeLeo, del Valle, Garrett, Geo-Karis, Halvorson, Harmon, Hendon, Hunter, Lightford, Link, Maloney, Martinez, Meeks, Munoz, Obama, Sandoval, Silverstein, Dave Sullivan, John Sullivan, Trotter, Viverito, Walsh, Welch, Wojcik and Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Does Senator Lauzen question the presence of any Member voting in the affirmative? Senator Lauzen.

SENATOR LAUZEN:

No. No. Thank you very much, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

On a verified roll call, there are 30 Members voting Aye, 25 Members voting Nay, and 3 Members voting Present. House Bill 850, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, please proceed to the top of page 19 on your Calendar. Under the Order of

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

Consideration Postponed is Senate Bill 2409. Senator Silverstein, do you wish to call this bill? Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2409.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Hold it. Senator Roskam, for what purpose do you rise? Senator Wojcik, for what purpose do you rise?

SENATOR WOJCIK:

Thank you, Mr. President. I rise for a point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR WOJCIK:

We have in the gallery this afternoon a few of our guests that are down here for the Tech 2000 Program who Senator Rauschenberger represents. They're from Hoffman Estates High School. We have Jiesson Neira, Erik Craig, Keith Peak and Rob Schmidt. Welcome to Springfield. We're glad you're here.

PRESIDING OFFICER: (SENATOR WELCH)

Please stand up, folks. Welcome to Springfield. Senator Geo-Karis, what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President, point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR GEO-KARIS:

I have in the gallery up on this side our park district director for Gurnee, Illinois, and two of our people, Charlie Williams and Susie Kuruvilla, from the park district. I ask you to welcome them, from Gurnee, Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

Will the park district members please stand? Welcome to Springfield. On Senate Bill 409 {sic}, Senator Silverstein, please proceed. As the bill has already been presented and debated on Floor debate -- on the Floor, debate on this bill will be limited to one proponent and one opponent. Senator Silverstein.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

SENATOR SILVERSTEIN:

Thank you, Mr. President. Continuing on the theme of real estate property tax, Senate Bill 2409 protects the elderly and disabled homeowners who have lost their homes because their -- disability precluded them from paying their taxes or redeeming their taxes. The bill puts a procedure in place to identify these situations and have a guardian appointed to redeem taxes and ensure the disabled person is able to live in their home. Let me just address two arguments that was brought and correct that. First of all, the statute takes the definition of what is a disabled person of 11a-3 {sic} of the Probate Act, and it does define a disabled person a person, who is unfortunately disabled due to gambling or excessive intoxication or drugs. Under Illinois law, a doctor's report has to be -- provided. More importantly, according to the Illinois Guardianship and Advocacy Commission of the State of Illinois, in July, the -- which is the largest guardian in the United States, there were sixty-five hundred disabled individuals. They virtually had no wards that were adjudicated based upon gambling and excessive drugs or -- or alcohol. Moreover, there's a question that was brought up by Senator Righter regarding the -- the fees. The cost of the investigation will be borne by the estate. Any monies that is - - and the court would have to -- the estate would reimburse the -- any cost, including the Indemnity Fund. Last year the public guardian gave back over 1.2 million dollars in fees to the -- Cook County. I will answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR ROSKAM:

Well, let me just speak to the bill, rather than doing this the long way. Ladies and Gentlemen, this is the bill that we considered a couple of weeks ago. And I appreciate Senator Silverstein -- acknowledging the weakness of the arguments, but he acknowledged the weakness of the arguments without -- or, the -- the weakness of the bill without changing the bill. I think

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

the way to fix this bill is to change the definition of disability, 'cause what we're doing here is we're giving people a second, a third, fourth, fifth, sixth bite of the apple, who for one reason or another, didn't get notice of delinquency of their property taxes. That makes a lot of sense for various classes of people, the classes of people that we would all be agreed on are people who we would traditionally come to discuss and categorize as disabled or having a mental illness and so forth. But that's not what this bill does. Here's what the bill does. Here's the definition of "disability" that you're about to vote on. I think you made a good decision a couple of weeks ago when we -- when we dispatched this bill. And I would encourage you to make a good decision again, because the disability definition that you're being asked to put a green light on is, and I quote, people who are disabled "because of gambling, idleness, debauchery or excessive use of intoxicants or drugs, so spends or wastes his estate as to expose himself or his family to want or suffering." I don't know about you, nobody sent me down here to give a tax break and -- and go way out of my way for those folks. I urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Silverstein, to close.

SENATOR SILVERSTEIN:

Thank you. Senator Roskam, that definition has been in place since the Probate Act was enacted. I think it was 1987. You have the book in front of me. That definition has stand in place. It was voted on by this Legislature. As I stated before, of the sixty-five hundred cases that are being held by the State Guardian's Office, no individual has been declared disabled due to excessive drugs and alcoholism. And if someone is declared disabled, there is a due process that is -- that is put into place to see whether or not that person is. Doctors' reports, evidentiary hearing has to be held. So, unfortunately, the statute is clear, the definition is clear. As pointed out in -- in articles in newspapers, this is a serious problem. This is only for Cook County. This is only for Cook County. And, I would appreciate your support. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

98th Legislative Day

4/20/2004

The question is, shall Senate Bill 2409 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, 37 Members voted Yes, 18 Members voted No, no Member voted Present. Senate Bill 2409, having received the required constitutional majority, is declared passed. Senator Schoenberg, for what purpose do you rise?

SENATOR SCHOENBERG:

Thank -- thank you, Mr. President. As we're drawing our business to a close, I want to remind the Members that as we heard during the invocation, that the State of Illinois Holocaust observance will take place tomorrow, on Wednesday, at 11 a.m. at the Old State Capitol at 5th and Adams. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

There being no further business to come before the Senate, the Senate stands adjourned until the hour of 12:30 p.m., on Wednesday, April 21, 2004. The Senate stands adjourned.