

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

82nd. Legislative Day

January 14, 1998

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Lee Crawford who is the Assistant Pastor of the Victory Temple Church in Springfield. The guests in the Gallery may wish to rise and join us in the invocation."

Assistant Pastor Crawford: "Let us pray. Oh God of might, wisdom and justice from whom all our blessings flow, assist us with Your spirit of counsel and guidance upon this Body. Impress upon each one of them the importance of grace, mercy and honor that You will lead them through the problem that they will confront. Keep us mindful of Your greatness and Your ability to sustain us. Now, Lord, I ask that You will vow safe unto them wisdom and protection throughout this day. Amen."

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

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

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

Currie: "Thank you, Speaker. Please let the record show that Representative Lopez is excused today."

Speaker Madigan: "Representative Cross."

Cross: "Thank you, Mr. Speaker. If the record would reflect that Representatives Lindner and Kubik are excused."

Speaker Madigan: "Let the record reflect those excused absences. Mr. Clerk. The Clerk advises me that we should take the Attendance Roll Call. Take the record, Mr. Clerk. And there being 115 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

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Clerk Rossi: "The House Rules Committee will meet at 1:00 p.m. in the Speakers Conference Room. The Rules Committee will meet at 1:00 p.m. in the Speakers Conference Room."

Speaker Madigan: "The Chair recognizes Representative Erwin for the purpose of an announcement. Would the Members please give their attention to Representative Erwin."

Erwin: "Thank you, Mr. Speaker. I would like to announce that the new executive director of the Illinois Board of Higher Education will be both introduced and honored tomorrow morning. His name is Keith Sanders. He's a former professor at Southern Illinois University and is the new Executive Director of IBHE. While we won't be here formally, for anyone who is staying overnight there'll be a breakfast reception in Lieutenant Governor Bob Kustra's Office at 8:00 a.m. tomorrow morning. So, you're certainly all invited and I hope you have the opportunity to meet with Keith Sanders. Thank you."

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "Committee Report. Representative Currie, Chairman from the Committee on Rules, to which the following Bill was referred, action taken on January 14, 1998, reported the same back with the following recommendation: 'be approved for consideration' to the Order of Second Reading Senate Bill 515. The House Rules Committee will meet immediately in the Speakers Conference Room. The Rules Committee will meet immediately in the Speakers Conference Room."

Speaker Madigan: "On page 2 of the Calendar on the Order of Total Vetoes there appears House Bill 999, Mr. McCarthy. Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to start off our Session by wishing every

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Member a happy, blessed and prosperous New Year. I'm sure we all started this New Year of 1998 with high hopes for our year. Unfortunately, one of my hopes was dashed severely on January 2nd when the Governor vetoed House Bill 999. I received his veto message with quite a deal of disappointment and I thought that his words about the importance of the non-public schools in the State of Illinois and the important role that they play seem pretty insincere when they were coupled with the action of vetoing this Bill. The families of our state who have chosen a non-public education for their children, this is the families of 310 thousand students in our state, more than 15% of the total K to 12 population, have long sought some financial recognition for the sacrifice they make when they made that decision. I was actually hoping that in 1998, in this Chamber, people would listen when you spoke. But I guess we're going to go by the same rules in 1997. So, excuse me for being offended but as a former school teacher it's hard to talk when people are talking. The recognition these families sought was overdue and even the Governor's inflated estimate of a \$100 million is less than 5% of what it would cost to educate these children if all of our non-public schools cease to exist. That's just using the 310 thousand by the current average of \$65 hundred. The \$100 million estimate that the Governor used, which as I said before, is highly inflated, is three fourths of one percent of the money we spend on K to 12 education in our state. I don't think that's much when you think we're serving 15% of the families. While the Governor does not hesitate to go to these same families with his new taxes for the public schools he doesn't see any justice in extending a minimal tax credit, and minimal is all it is,

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to these families who have made the sacrifice in footing the education for their children. All the property taxpayers of this state should be disappointed, they have no better friend than the private schools where they don't pay any of their property taxes toward them. Any incentive to keep these non-public schools in business is a boon for the property taxpayers of Illinois. One fact that we should all consider, the three most senior Members of this Body, two of the leaders on my side and the leader on your side all voted for this legislation. When I was looking at I considered that's probably true because they have seen what's happened, since 1965, none of them were here in 1965 but the Arch Diocese of Chicago alone has gone from educating 294 thousand students down to their present level of 105 thousand. Those 189 thousand students that they're no longer educating are being paid for by you and I. Maybe if they had been given some incentive a long time ago many more of them would have been in the non-public schools and not been a burden on the property taxpayers of our state. Financial benefits aside, the Governor's Message sends a terrible message to the lower income families of our state they think they deserve a choice in selecting their school. The Governor tells them they don't deserve a choice especially when it comes to their money. Others may choose to join the Governor and put their heads in the sand and pretend that these communities, the hard pressed communities of our state, are going to continue to have that choice. I choose not to do that. I want to keep my eyes open and look at those trends, like the 294 thousand students from the Arch Diocese now down to 105 thousand. The Governor's constitutional concerns and his message are completely misguided. Surely he has some members of his

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staff that can tell him that every state in our union where tax credits have gone through the Supreme Court they have been found constitutional. I think the Governor should leave the judicial business to the judiciary and feel things for a message that he is suppose to react on. Finally, I want to thank the families of our state who have written with their support the inspiration they gave me is they roll pennies at the end of the month to pay the tuition for their children was truly inspirational. I also want to thank the Members here who voted and put themselves on the line for something that according to our, some of the lobbyist out in the lobby, is the... a death of public education. I think if they don't recognize that they are partners with the private schools they're going to hasten their own death. I also want to thank the Members who have called me and pledged their continued support. We are on the correct side of this issue and one day our day will come, unfortunately today is not that day and I reluctantly withdraw the Motion at this time, I pray that we'll have the opportunity in the near future to address this issue once again. Thank you, Mr. Speaker."

Speaker Madigan: "The Motion shall be withdrawn. The Chair recognizes the Clerk for the purpose of an announcement."

Clerk Rossi: "The House Rules Committee will meet immediately in the Speakers Conference Room. The Rules Committee will meet immediately in the Speakers Conference Room."

Speaker Madigan: "Representative Parke."

Parke: "Thank you, Mr. Speaker, I was just talking to some people here in Springfield who have told me that it's an ice storm outside and that the sidewalks have iced up already and that the roads are getting very bad. So, if the Speaker or the... or somebody can contact the State Police and find

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out how bad the roads are and whether or not we ought to be thinking of staying overnight if it's too dangerous to ride on the roads."

Speaker Brunsvold: "Representative Brunsvold in the Chair. Mr. Black, for what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. A Point of Personal Privilege. I hate to interrupt the tension and stress that we're under."

Speaker Brunsvold: "Proceed."

Black: "But I've had my speak light on for an hour and twenty minutes. I did want to introduce a good friend and colleague of many of us in the House, former Representative Mike Weaver, who was here, who was here an hour and a half ago, visiting I think. Subsequently, he's left and has already gotten married, which is the announcement I was going to make, but I do appreciate somebody finally getting in the Podium in the midst of an ice storm. I thought the real Speaker, as I understand it, has left the building and is on his way back home to Chicago. Is that true?"

Speaker Brunsvold: "I don't believe so, Mr. Black."

Black: "Oh. Well, I do appreciate being..."

Speaker Brunsvold: "But we do want to... we do want to recognize Mr. Weaver."

Black: "Well, it's well we should, who by the way is getting married and that will be a State Holiday, I believe, on April the 11th."

Speaker Brunsvold: "All right, congratulate Mr. Weaver. Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairman from the Committee on Rules, to which the following Bills, Amendments, Resolution and or Motions were referred, action taken on January 14, 1998, reported the same back with the

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following recommendations: 'be approved for consideration'
Floor Amendment #1 to Senate Bill 515."

Clerk Rossi: "The House Rules Committee will meet immediately in
the Speakers Conference Room. The Rules Committee will
meet immediately in the Speakers Conference Room."

Speaker Hannig: "Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairman from
the Committee on Rules, to which the following Bills,
Amendments, Resolutions and or Motions were referred,
action taken on January 14, 1998, reported the same back
with the following recommendations: 'be approved for
consideration' Senate Bill 363 to Second Reading 'short
debate'."

Speaker Madigan: "The Chair recognizes the Clerk."

Clerk Rossi: "Supplemental Calendar #1, is being distributed."

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "Senate Bill 515 has been read a second time,
previously. No Committee Amendments. Floor Amendment #1,
offered by Representative Currie, has been approved for
consideration."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This
Amendment contains the provisions of the Governor's
Amendatory Veto of Senate Bill 51 with one exception there
was some language in that Amendatory Veto that dealt with
certificates of error but because that language was in
another Bill it was not included in this Amendment. This
was one of the first Bills we dealt with in 1997 and it
provides for a date for counties to receive the senior
citizens assessment freeze and provides for local
governments to abate taxes on the housing for older persons
and provides a tax cap exemption for a school district in

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the north that was not included when we created the tax cap exemptions for all TIF districts. This district has preceded the enactment of the caps and it allows the municipality to that imposes a Telecommunication Tax to exempt other local units of government and allows the Metropolitan Water Reclamation District to deposit additional surplus funds into it's Revolving Loan Fund. I know of no opposition and would be happy to answer your questions and move adoption of the Amendment."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. First an Inquiry of the Chair. This Amendment obviously is not going to be sent to any Substantive Committee?"

Speaker Madigan: "Correct."

Black: "Correct. So, it's been passed out of Rules and comes directly to the Floor. Is that correct?"

Speaker Madigan: "Yes."

Black: "All right. It's been so long since we've done anything in the House today, in fact it's been so long since we've been in Session. I believe Speaker Daniel's mug is still on the Podium."

Speaker Madigan: "I saw that, yeah."

Black: "We'd like to pick up before we leave today."

Speaker Madigan: "Do you want this back?"

Black: "Well we didn't want... we want to leave it up there we just don't want anybody to abscond with it."

Speaker Madigan: "I would treasure it as a gift from you and from the Speaker. Right."

Black: "I... we will be glad to autograph it and send it to you. Would the Sponsor of this fine Amendment yield?"

Speaker Madigan: "She certainly would, for you, yes."

Black: "Well she should."

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Speaker Madigan: "Right."

Black: "Representative, I... excuse me it's... God forbid this would of been on our desks in time to read but anyway you know we've been so busy today. Homestead freeze, did I hear you say a homestead freeze exemption increasing the dollar amount?"

Currie: "It does not increase the dollar amount of the homestead exemption."

Black: "Okay, what does it do to homestead exemption?"

Currie: "It does not do anything to the Homestead Improvement Exemption. What this does is to allow Downstate County Boards to create a date for receiving applications for the senior citizen assessment freeze, different from the July 1st cutoff that is current law. This... and the reason this Bill didn't go to committee is because we have voted on this Bill before."

Black: "I remember that vote..."

Currie: "I knew you would."

Black: "... so clearly as if it was only this morning. But the Amendment becomes the Bill."

Currie: "That's right."

Black: "So, a lot of the material that was in the earlier House Bill 51 which was a Representatives..."

Currie: "That was an expansion of the Homestead Improvement Exemption..."

Black: "Right."

Currie: "... and that is no longer in the Bill."

Black: "Okay, and there was some language in the original Bill that could be construed as a loophole might be too strong a word, but a loophole on the Property Tax Caps that the Metropolitan Water Reclamation District might be able to recapture some money that's all been stricken then?"

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Currie: "This... no the language here does, does permit certain deposits into the MWRD's Local Improvement Revolving Loan Fund. I don't think that counts as a loophole."

Black: "Okay."

Currie: "But the Bill does reference the MRWD, MWRD."

Black: "Well, I've never fully understood the workings of the Metropolitan Water Reclamation District but I have relatives who live in Chicago and they tell me they don't understand it either, so. The notice for the Senior Citizen Freeze simply opens a window..."

Currie: "From it's county boards to change the date, the final date, for receipt of an application."

Black: "So, could we construe this as to giving additional time in the event of a senior buying a new property? I know at one time we had difficulties, seniors didn't always get the paperwork in on time, therefore they were denied the senior exemption. Is this going to assist seniors in applying or making application for the exemption?"

Currie: "For the assessment freeze if counties decide to set a different date, or as Cook County does, set no date at all. But yes, I think you consider this senior friendly legislation, Representative."

Black: "The fund that you are referencing in the Metropolitan Water Reclamation District that is a fund that is currently in use by the district?"

Currie: "Yes."

Black: "And this allows them to... I'm a little confused. Allows them to put money in, or take money out?"

Currie: "To put money in."

Black: "And I suspect then, also, withdraw those funds for use?"

Currie: "Yes. This is not a loan fund that sits there without use."

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Black: "Has anyone raised any cautionary note on that or..."

Currie: "MWRD can make loans from the fund to units of local government."

Black: "Okay."

Currie: "The change here is that in the past they've been able to give loans to municipalities. Now other units of government could also apply."

Black: "Okay. Let me just ask an... I need... Is it safe to assume that any loan from said fund that we're not granting them any new or extraordinary power that there would be a check and a balance on anything that the district would want to do with that money?"

Currie: "That's a fine assumption. The only change in respect to how they make loans in this legislation is that they can loan to units of government other than municipalities, that is a substantive change."

Black: "Okay."

Currie: "But how they make the loan, all of those criteria would continue being met exactly as they are today."

Black: "One last question if you could refresh my memory. How old does one have to be to file for the senior citizen exemption?"

Currie: "My recollection... well they... remember we're talking the assessment freeze, not the ordinary Senior Citizen Homeowner Exemption."

Black: "The assessment freeze, right, right."

Currie: "My recollection is that 62, but I might be wrong it might be 65."

Black: "Okay."

Currie: "This is if you earn 30 thou... 65 I'm told and you have to have an income below \$35 thousand a year."

Black: "Well, I just wanted to make sure that I wasn't in a

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potential conflict of interest, I am getting old but not there yet. So, I do appreciate your honest answers to questions that I'm not sure I fully understood but anyway it's been fun."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Thank you. Representative, why is this necessary? What are we trying to achieve with this Amendment?"

Currie: "This is legislation we approved a year ago, a year ago I think in January 1997. It has as you'll have noted from the explanation, several different features among them this friendly gesture towards senior citizens who would be able to file applications at later dates for their assessment freeze, some language that the Metropolitan Water Reclamation District wanted so as to enable it to loan dollars to local units of government that are not municipalities. What happened was that the Governor made some amendatory changes in the Bill that originally went to his desk, and that Amendatory Veto Motion got lost in the crunch in the Veto Session, and so, in order to make our will and the Governor's proposed improvements law we offer this Amendment to Representative Zickus's Bill today."

Parke: "I have... I passed an exemption Bill in the Session that said that if they were sick that they could and failed to do it that they had time to go back to the assessor when they were able to prove that they had doctors show that they were sick. They could actually file for the exemption. Is this similar, I mean are we trying to achieve something that that my legislation missed? Or..."

Currie: "The Statute reads, 'That July 1st is the cutoff date

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except in Cook County'. This provides that county boards may set a different date. They may set a later date for all applications. They may set no final date for application as it happens in the County of Cook. So, this is user friendly it's meant to help seniors have a longer time to file their application for the assessment freeze to the extent that the counties want to do that."

Parke: "Now, is this for every county in the state or... I noticed under 51 there was a City of Chicago exemption. Does this apply to Cook County and the City of Chicago as well as all counties?"

Currie: "Cook County already has a ever moving date for purposes of this program. This enables downstate counties to emulate Cook."

Parke: "So, it exempts Cook because it's not necessary to have it?"

Currie: "This does not specifically exempt Cook because Cook is already exempt. What it says, is downstate counties too can set a date different from July 1 for purposes of this application. So, it's a good Bill for seniors. It's user friendly. We would hope the County Boards would take advantage of this opportunity."

Parke: "Why do we need to allow the Metropolitan Sanitary District to have this fund, this cash fund? What are we trying to achieve with this?"

Currie: "They've had this fund for some years. The question is, what monies can go into the fund and to whom they may lend from the fund? And I imagine there are school or park districts that might be able to undertake projects appropriate to clean water that the MWRD feels would be appropriately funded."

Parke: "Why would you want a... give me an example of a local

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unit of government that the MSD is going to loan money to.

Give me an example of why they would want to do this..."

Currie: "I don't have any..."

Parke: "I mean it's taxpayers money raised for that, that entity.

Why would they... why would we want to give them power to loan to other tax bodies? I'm missing why."

Currie: "That is not what this Bill does. I don't have any ready examples but I could imagine a park district, for example, needing to do some water purification work and under this proposal the MWRD could loan that park district dollars for that project, as currently it loans dollars to municipalities."

Parke: "Well, is this only for... Can they loan this money to Cairo, Illinois Park District or does it only have to be Cook County or a City of Chicago entity?"

Currie: "I believe it would be within the MWRD jurisdiction."

Parke: "But you don't know?"

Currie: "I have an analysis, not the actual language of the Amendment. But I believe it would be limited to it's own jurisdiction, as I believe is true of the current program."

Parke: "Thank you. Mr. Speaker, to the Bill. I'm... I'm kind of nervous about this. I... I... We're seeing this very short notice. I don't think I want to allow the MSD the ability to shift money from one fund to any other tax body. To me it just gives them more politi... MWR... MWRD all right Metropolitan Water Sanitary District. I just don't think they ought to have that ability. If they want to do it, it ought to be a Bill unto itself so we can have our analysis take a good look at. Our staff indicates they don't know why they need to do that. We don't know why it's necessary. The Sponsor can't really give us an example. She's not sure, because it's new to her. I don't know, but

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you can vote for this, I guess, if you want to. But I think every one of you better understand what you're doing here because there might be some teeth in this that you're not aware of and I just think that the Sponsor ought to hold this Bill until our staffs on both sides has more time to look into this. So, I'm going to vote 'no', it's up to you to vote whatever way you want."

Speaker Madigan: "The question is, 'Shall the Amendments be adopted?' Those in favor signify by voting 'aye'; those opposed by voting 'no' on the Amendments. Those for the Amendment vote 'aye'; those opposed vote 'no'. The question is on the Amendments. The question is on the Amendment. Those in favor vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 93 'ayes', 22 'noes'. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, read the Bill."

Clerk: "Senate Bill 515. A Bill for an Act in relation to taxation. Third Reading of this Senate Bill."

Speaker Madigan: "On the Order of Third Reading the Chair recognizes Representative Zickus."

Zickus: "Thank you, Mr. Speaker and Members of the House. You've already heard the debate on the Bill. I would urge an 'aye' vote on it."

Speaker Madigan: "The Lady has requested an 'aye' vote. The Chair recognizes Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, in the previous debate the one thing I'm

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not sure that I understand on the assessment freeze, are we talking about individual senior residential property parcels or are we talking about an assessment freeze on a large apartment residential complex, built by an individual or corporation, where perhaps 100's of seniors might live and then that huge complex and/or developer gets the assessment freeze not the individual senior living in his or her own single family residence?"

Zickus: "This legislation is... allows... One moment let me look at this. This language allows the taxes to be rebated on the senior... for the senior housing."

Black: "Senior housing..."

Zickus: "It's permissive for local government."

Black: "... I understand. It's completely permissive but I think, I think a light bulb just went on in my rather dim apartment. It seems like the assessment is going to be... the assessment freeze will be granted to let's just say the..."

Zickus: "No it is not."

Black: "Well I didn't ask you anything yet. It seems to me if you read this Bill carefully... the Amendment very carefully which becomes the Bill, the assessment freeze is going to be granted to the owner or developer of a senior living complex, not my grandmother's house, not my grandmother's individual two bedroom home, but to the developer or owner of a large senior citizen complex as designated by the Department of Housing and Urban Development. There's a strict formula as to what classifies as a senior housing center and it seems to me the assessment freeze in this language will be granted to the senior living arrangement not to my grandmother's single family residence."

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Zickus: "That is not my understanding, Representative. This is... allows for an abatement and it is not the freeze. It's two separate things. It allows for the tax abatement."

Black: "This allows for permissive abatement of taxes on my grandmother's house?"

Zickus: "On senior citizens' housing."

Black: "Senior citizen housing complex. The difference is the assessment, the abatement verses the assessment. I think we have two things here, and I'm all for seniors. Certainly the demographics in my district could not be otherwise. But I appreciate you trying to illuminate that difference, and I thank you very much for your time and your consideration, Representative."

Speaker Madigan: "Further questions? There being no further questions, the Chair recognizes Representative Zickus."

Zickus: "We passed legislation out of this House before; it's passed out of the Senate. This Amendment takes into consideration some of the concerns that the Governor had in his Amendatory Veto and I urge an 'aye' vote."

Speaker Madigan: "The Lady moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 87 'ayes', 27 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 2 of the Calendar, there appears a special notice concerning the Juvenile Court Act and on that matter, the Chair recognizes Mr. Cross."

Cross: "Thank you, Mr. Speaker. Appear to be a... throughout the afternoon a few technical difficulties with the drafting of

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this Bill and in the interest of time, I know people need to get out of here. I'd like to hold on to this Bill and call it another time, but appreciate the Chair's indulgence."

Speaker Madigan: "Okay. Pursuant to the Gentleman's request, the matter will not be considered today, and I think we're anticipating that it may be considered in two weeks time."

Cross: "That's fine, Mr. Speaker."

Speaker Madigan: "Okay. Thank you, Mr. Cross. If you're a good guy, you'll be able to wait that long. Mr. Clerk."

Clerk Rossi: "House Joint Resolution #42, offered by Representative Currie. Be it resolved by the House of Representatives of the 90th General Assembly of the State of Illinois, the Senate concurring herein, that when the House of Representatives adjourns on Wednesday, January 14, 1998, it stands adjourned until Tuesday, January 20, 1998 in Perfunctory Session. And when it adjourns that day, it stands adjourned until Tuesday, January 27, 1998, at 1:00 p.m. And when the Senate adjourns on Thursday, January 15, 1998, it stands adjourned until Wednesday, January 28, 1998, at 11:30 a.m."

Speaker Madigan: "The Chair recognizes Representative Currie on the Adjournment Resolution."

Currie: "Move adoption of the Adjournment Resolution."

Speaker Madigan: "The Lady moves for the adoption of the Adjournment Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. There being nothing further to come before the House, Representative Currie moves that the House does stand adjourned until January 27th at 1:00 in the afternoon. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand

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adjourned."