

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

135th Legislative Day

6/28/2004

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PRESIDING OFFICER: (SENATOR HALVORSON)

The regular Session of the 93rd General Assembly will please come to order. Will the Members please be at their desks? Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journal of Sunday, June 27, 2004, in the regular Session.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

Madam President, I move that the Journal just read by the Secretary be approved, unless a Member of the Senate has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Yes, ma'am.

SENATOR GEO-KARIS:

And Ladies and Gentlemen of the Senate, we are in Session now, are we not?

PRESIDING OFFICER: (SENATOR HALVORSON)

We're in regular Session currently.

SENATOR GEO-KARIS:

I -- I am betwixt and between. I -- I think I would like to pray to the Governor that he meet with both parties, both his House and Senate, Democrats, and resolve this issue for us, along with our Republican counterparts. Because we're going too long. The 4th of July is the date of independence of this country and the more we stay here the madder the public is going to get. And I think it behooves us to work as earnestly and as expeditiously as possible to get the -- the budget done and over with and so we can go home and face our people. Because they're plenty mad as it is and they blame us. And we're here to do the country's -- the State's business. We were here yesterday. Nothing was done. So, please, I urge both parties to work

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together, and the Governor too, work together and get a meaningful compromise so we can go home.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator Geo-Karis. I think we all agree. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 610, offered by Senator Shadid and all Members.

And Senate Resolutions 611 through 614, offered by Senator Lauzen and all Members.

They're all death resolutions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Resolutions Consent Calendar. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Education Committee - Floor Amendment No. 2 to House Bill 759.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Message from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I'm instructed to asked the concurrence of the Senate, to wit:

House Joint Resolution 83.

It is substantive.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle, for what purpose do you rise?

SENATOR DEL VALLE:

For purposes of an announcement, Madam President. The...

PRESIDING OFFICER: (SENATOR HALVORSON)

State your... go ahead.

SENATOR DEL VALLE:

The Senate Education Committee will meet at 2 o'clock in Room 212.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR JACOBS:

Thank you, Madam President. For purpose of announcement, please.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR JACOBS:

The Senate Insurance and Pensions Committee will meet in Room 400 at 2 o'clock.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR HENDON:

Thank you, Madam President. I just wanted to say I -- I -- we are here in overtime and I would just like to appeal to Leader Watson to see the light and allow the Governor to pass the budget that he needs to pass so we can get out of here. So those who can get the Leader to cooperate, both sides of the aisle, it would be a wonderful thing.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Thank you, Senator Hendon, for allowing many more lights to come on. Senator Rauschenberger, for what purpose do you rise?

SENATOR RAUSCHENBERGER:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR RAUSCHENBERGER:

I would just like Senator Hendon and the Members to know that Members on that side of the aisle have been widely quoted as saying that the budget that you passed was not the final budget. So I guess we're concerned, Senator Hendon. It seems to be the Senate President and the Governor who are having a hard time playing well in the sand box together. So if we could move along, you know, I would really love to get home. I'm running out of work projects to do at my Springfield residence.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

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Thank you, Madam President. Just to first of all -- well, an inquiry of the Chair. But I'd just like to take note and make an announcement that, you know, it's less than six months until Christmas and I was very concerned that we might not get home prior to Christmas so I wore a Christmas tie today. And, you know, just thinking ahead. I thought it'd be appropriate if we just made mention of that, but what is our schedule today? Do you have any -- we've got some committee hearings I noticed that have been announced. Are we going to come back in after those committee hearings, or -- or do we know yet?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski, we will soon be going to the Order -- Order of Concurrences. Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Well, I rise to apologize to the Chair. I'm sorry to cause you any type of consternation. Senator Rauschenberger, it -- it was -- it's called a joke. Just a -- just a joke. Loosen up a little bit.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator Hendon. Okay. If everybody can open up their Calendar to page 17. Secretary's Desk - Concurrences. On the Order of Concurrence, Senate Bills, is Senate Bill 334. Oh, no. 184. 334. Senator Roskam, do you wish to proceed? Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 334.

Motion filed by Senator Roskam.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam, to explain your motion.

SENATOR ROSKAM:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 334 is an attempt to deal with a problem that has come up in my Senate district and potentially could come up in a number of other Senate districts. There is an arrangement right now whereby churches are leasing property for -- for use in their parking lots to Metra, so that Metra is able to park cars and -- and so forth. The churches recently were

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told by the local assessors that there was no legal authority for them to do that and not become a taxable piece of property. If that view prevails, then churches are simply not going to be able to offer their property to lease to Metra and other transportation organizations. This simply is an attempt to clarify that, to let them enter into these lease arrangements so that there's no ambiguity whereby they would jeopardize their tax exempt status. We've -- we've passed this out, I think, nearly unanimously within the past few weeks and it got hung up in the House, and I -- I urge its passage and make the motion to concur.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Link.

SENATOR LINK:

Thank you, Madam President. Will the sponsor yield for some questions?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR LINK:

Senator Roskam, you know, I -- I have no problem of this bill, as it went through Revenue Committee, which I chair, and all that, but I just have a couple quick questions on this thing. My first question is, is this an exception to the PTELL?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Could you repeat the question? Did you ask: Is it an exception to PTAB?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Tax cap.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Not to my knowledge, Senator.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

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Are you -- my -- my question is, is this exempting property that wouldn't normally be exempt?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

There is -- thank you for the question. I think I understand what you're asking me. There's currently property that is exempt. It's church -- a -- a parking lot of -- of a church, for example. That's -- that is currently exempt property. What they've done is, they've -- they've entered into a lease arrangement with Metra and the assessor has said, "Well, that's not an exempt -- that's a non-exempt use. Therefore, we're going to assess you." Because they -- the assessor says they -- they -- they interpret the statute in such a way -- the current statute in such a way that the assessor says, "I have no legal ability to do anything else." What this bill says is, no, you can absolutely do that for this limited transportation purpose. You can enter into those lease arrangements and still enjoy your tax exemption as a religious institution.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Are -- is the church going to be getting money from this? Are they going to be getting money from the mass transit district for the -- the rental of this property and yet still being able to keep this tax exempt? So they're getting the benefit of both on this. And what I'm trying to get at, I'm -- I'm okay with this on the church, but this is something that you argue with us all the time when we try to do this. And -- but now it seems it's okay. And this is what my point gets to. It seems that it's okay when it's in -- in one of your districts, but it's -- it's bad when it's in one of our districts. I -- I mean, I have no problem with this, because I think there -- this is what we've tried to argue many of times, that there are exceptions to the tax cap, there are exceptions that need to be looked at, there are exceptions that we have to work on. This is one of those particular exceptions. I have no problem with it. We -- we let it out of committee. We voted it out of committee. But this is one of those cases of exactly what we've

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talked about numerous amount of times. We always get voted against when we talk about it, and you vote against, I think, 99.9 percent of the time, and the reason I'm saying not a hundred percent, because I'm sure you're going to vote for this one. And this is what my problem is. Why is it good now, but it's not good when it's in one of the other districts that it is? These are an exception. It's a good exception. It's a necessary exception for the church. It's an understandable exception, but why is it good now? I will be voting for it, as I voted for it out of committee, but I think you must realize when we present these exceptions there's exceptions, in other cases that you should look at a little bit clearer.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you for the endorsement, Senator Link, and for your Yes vote. I appreciate it very much. Just for clarity. I vote against tax caps -- exemptions a hundred percent of the time. This is not a tax cap exemption. It doesn't have anything to do with tax caps. And I think it's important for folks to realize that. So, with that, if there's any other questions, I'll do my best to answer them, and if not, I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

This is final action, and the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 334. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Yeas, none voting Nay, none voting Present. And the Senate concurs in House Amendment No. 2 to Senate Bill 334, having received the required three-fifths constitutional majority, and it's declared passed. Senator Clayborne. We are now on page 19. Secretary's Desk, Concurrences. Senator Clayborne, do you wish to proceed on 1897? Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1897.

Motion filed by Senator Clayborne.

PRESIDING OFFICER: (SENATOR HALVORSON)



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Senator Clayborne, to explain your motion.

SENATOR CLAYBORNE:

Thank you. I move to concur with House Amendment No. 1. Makes clarifying language to changes to the newly created State Officials and Employees Ethics Act, as well as changes to make accommodation in the Pension Code for employees of the Ethics Commission and Office of Inspector General. Basically, it makes several changes. One, states that political -- committee funds can be used for expenses incurred by State officials in furtherance of their governmental and political service function. And it permits the Legislative Inspector General, any employee in the Legislative Inspector General's Office and any employee in the Legislative Ethics Commission to serve without impact on any pension benefit from prior State service, but only if employed on a part-time basis.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. I rise in support of this Senate Bill 1897 and the concurrence motion. It came out of the Executive Committee unanimously and I urge its passage.

PRESIDING OFFICER: (SENATOR HALVORSON)

This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1897. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 Yeas, none voting Nay, none voting Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 1897. The bill, having received the required three-fifths constitutional majority, is declared passed. Page 22 on the Calendar, under Secretary's Desk, Concurrences. Senator Rutherford, do you wish to proceed? Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2944.

Motion filed by Senator Rutherford.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rutherford, to explain your motion.

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SENATOR RUTHERFORD:

Thank you. Well, since we're here doing the people's business anyway, it seems an appropriate time to try to respond to something that got leftover come May 31st. We passed out of here a bill unanimously that went to the -- went to the House and there was a suggestion from the large county areas public health inspectors to put in a provision that would allow them to still have purview over gatherings of -- of food and fellowship if it happened to take place in a public property such as a forest preserve. So for that reason, we've added a -- an amendment in the House and I would ask for concurrence.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2944. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Yeas, 1 voting Nay, none voting Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 2944. And the bill, having received the required three-fifths constitutional majority, is declared passed. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Thank you, Madam President. The announcement I made previously in regards to the Insurance and Pensions Committee, forget that. We're not going to hold one today. We'll probably do it tomorrow.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator Jacobs. The regular Session of the Senate will stand in recess to the call of the Chair. Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

The regular Session of the Senate will come to order. There being no further business to come before the Senate, the regular Session of the Senate stands adjourned until the hour of

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12:25 p.m. on Tuesday, June 29th, 2004. The regular Session of the Senate stands adjourned.