

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

8th Legislative Day

January 26, 1995

Speaker Daniels: "The House will be in order. The Members will be in their chair. The Chaplain for the day is Reverend Jack Montgomery of the Church of the New Covenant of Jacksonville, Illinois. Reverend Montgomery is the guest of Representative Tom Ryder. Guests in the gallery may wish to rise for the invocation. Reverend Montgomery."

Reverend Jack Montgomery: "Let us pray. Almighty God You have given us this great State of Illinois as our heritage. We remember Your generosity today and say thank You. Help us to use the gifts and the talents that You have given each of us for Your glory and for our fellow man. This afternoon we ask You to continue to bless the honest industry, truthful education and honorable way of life within our borders while protecting each of us from violence, discord and confusion. Although we come from diverse backgrounds, give us a desire to work together in unity today to promote the general welfare of our citizens. Lord let us not be prideful or arrogant. Father today we ask for a special outpouring of Your wisdom, for the Speaker and the elected and appointed officials assembled here. That as leaders they may do their work with kindness and consideration for one another. Always showing concern for the best interests of each citizen represented. Help them to serve faithfully, using their authority given by You. In the name of Our Lord and Savior Jesus Christ we pray. Amen."

Speaker Daniels: "We will be led in the Pledge of Allegiance today by Representative Eileen Lyons."

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

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Speaker Daniels: "Roll Call for Attendance. Excused absences. Representative Currie is recognized to report any excused absences on the Democratic side of the aisle."

Currie: "Thank you, Speaker. The excused absences among the House Democrats are Representative Lou Jones, Representative Ralph Capparelli and Representative Charles Morrow."

Speaker Daniels: "With leave of the House the Journal will so indicate. Representative Cross is recognized to report any excused absences on the Republican side of the aisle. Representative Cross."

Cross: "Thank you, Mr. Speaker. On the Republican side there are no absences."

Speaker Daniels: "Thank you. There are 115 Members answering the roll and a quorum is present and the House will come to order. We will now proceed to the order of House Bills on Third Reading. Mr. Clerk, read House Bill 201."

Clerk McLennand: "House Bill 201, a Bill for an Act to amend the Structural Work Act. Third Reading of this House Bill."

Speaker Daniels: "The Chair recognizes the Gentleman from Lake, Representative Churchill."

Churchill: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 201 is the repeal of the Structural Work Act, also known as the Scaffold Act. This is a law which is an archaic law which was originally put in place in 1907 and in my belief provides a circumvention for the worker's compensation system. I think that it provides an unfair remedy in law because it allows lawsuits to be filed against people who are not within the employer employee relationship on a job site. People on a job site, like architects, design professionals, engineers, people who have no direct and individual relationship between the

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employer and employee at the actual work site are liable or held liable for injuries that happen on the work site. The marketplace has adjusted to this Structural Work Act over a long period of time. And it has had a chilling affect on safety on the work site because those very people who should be involved in making sure that there is workers safety, the engineers, the design professionals, the architects, are people who are afraid to get involved because if there's any measure of control that is found between their relationship and the relationship of the employer at the work site then they're dragged into the potential litigation under the Scaffold Act. I believe that that is an unfair system and that it's not good for the workers of the state when the very people who should be there to help out with safety issues are afraid to be involved on the work site. This archaic law is a disincentive to economic development in this state. There are only two states that continue to have this law, the State of New York and the State of Illinois. And I think that when businesses look at a place where they're going to settle, to open up a new business or to bring a business that they already have into a Midwestern Region, what they do is they look at all of the different factors. And the fact that the State of Illinois has this archaic law still on the books becomes a disincentive for those businesses to settle here. I think that if we repeal it there are still other avenues of recourse where warranted that we do not harm the worker, that the worker still has available to him or her redress for any damages that may occurred to him or her. And that we do many positive things for the State of Illinois in a business climate of the State of Illinois if we repeal this archaic law. I think that the issue of

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safety is an issue which we're going to debate here this afternoon and I think that the repeal of the Structural Work Act, counter to the belief of other people, actually will improve workers safety on the job site. At this point, Mr. Speaker, I would be willing to answer any questions that may be asked of me and thank you for this moment for introducing House Bill 201."

Speaker Daniels: "Is there any discussion? The Chair recognizes the Lady from Cook, Representative Schakowsky. Excuse me, I wonder if the Lady can have your attention, please."

Schakowsky: "Thank you, Speaker and Ladies and Gentlemen of the House. It seems to me that what we have here is a solution looking for a problem. As I understand it, the whole issue of the economy and its effects on the economy is simply a bogus one. The Illinois Department of Commerce and Community Affairs reported that contracts for future construction were up 22% over last...over 1993. That the growth in contracts during the decade between 1983 and 1993 was almost 80%. So what's the problem in terms of its effect on construction, which is what we are talking about, about work sites? And then you talked about the chilling effect on safety in the work place. Well, I would say that it certainly does have a chilling affect on accidents in the work place because Illinois is the third safest for construction site accidents. And New York, by the way, is third as well and it is no accident that the two states that have very low accident rates that have high safety also have the Structural Work Act. So, I've been trying to figure out just what is the problem here? We have a boom in construction, we have safe work sites and I figured it out. The problem is, that there are some that don't feel that they're making enough money and repeal of the

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Structural Work Act as a good way to go. The insurance industry, for example, if you look at the profits of the insurance industry in Illinois you will find that they are the most profitable. If you look at the liability in Illinois...liability costs as a percent of gross state product you'll find that it's actually dropping here in Illinois and is low compared to other states but yet they want to make more. So if we look at who are the beneficiaries of the repeal of the Scaffolding Act, you can look to one place, you can look to the insurance industry that wants to make even more out of the injuries of workers who in a legitimate way want to be compensated for their injuries in the most dangerous of work places. We don't have a problem here in Illinois, colleagues I can't see why we would need to pass a law like this, it makes absolutely no sense. I urge a 'no' vote."

Speaker Daniels: "There will no demonstrations, you are here as guests of the House. Further discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Daniels: "He indicates he will."

Lang: "Representative Churchill, you indicated that in your belief...and your belief is that having the Structural Work Act renders work sites, job sites and construction matters less safe than having the Structural Work Act. Can you explain that theory to us?"

Speaker Daniels: "The Gentleman from Lake, Representative Churchill."

Churchill: "Thank you, Mr. Speaker. The testimony and committee was...yesterday was that attorney's who represent engineers, architects, professional design type of people are often asked, you know, how far can they go in dealing

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with the construction site? And those attorney's feel that if they advise those professionals to get involved in decisions at the work site regarding safety that they may be need to be in control of that site and that a subsequent accident, even if it's not related to the particular item that they...they wish to change. May cause it to be liable under the Structural Work Act, so let's say that there was a barrier, for example, those used in the committee that if an architect came along and said, 'I don't think that barrier's correct, we need to change that barrier.' That subsequent accident in a different part of the work site that might be on scaffold, you know, 200 feet up in the air but it didn't have anything to do with the particular barrier that was on the ground. A court is going to come back and say, 'wait a minute the architect was trying to get involved in this, trying to deal with safety issues and therefore it was in control of safety issues and therefore hold that architect liable.' If an attorney is asked by one of those people, should I be involved in work place safety? The advice that was, this is testimony from yesterday in the committee, the advice that would be given would be, please don't do that because we don't want you to become liable under the Structural Work Act. So what is does is, it keeps those kinds of people out of the process when we really want to have them involved in the process. We want to make sure that they are dealing with safety issues."

Lang: "Mr. Churchill, you indicated in your comments that there are only two states that still have the Structural Work Act, one is Illinois and one is New York, is that correct?"

Churchill: "I believe that's correct."

Lang: "And I know you're aware because it was discussed in

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committee and many other times that Illinois and New York are states number one and three in this country in workers safety as a current recent study would indicate. You are aware of that study, are you not?"

Churchill: "I've never read this study, I've never seen this study. I was told yesterday in committee that there is such a study. I would love to see it. At this point I haven't seen that."

Lang: "Have you heard...did you ever hear of the study before committee?"

Churchill: "I'm not sure whether I did or not."

Lang: "Well, let me suggest to you that last year when we debated the Structural Work Act, I discussed that study a year ago."

Churchill: "I'm not sure that...I don't think I was in the committee where you discussed that, Representative Lang."

Lang: "Well, that was on the floor of the House, Sir. And..."

Churchill: "Oh, okay. Well then I..."

Lang: "And I discussed that study. Let me..."

Churchill: "I would have loved to have you send me a copy of that, yes."

Lang: "Let me ask you, if you think it is merely a coincidence that our of 50 states the two states that still have the Structural Work Act are numbers one and three in this country in workers safety."

Churchill: "I think that for you to say that the only reason that there are...that those two states rank as high as they do is because of the Structural Work Act would be fallacious. I think there are probably a lot of other factors that you could look at. We have here in the State of Illinois one of the highly trained and efficient work forces in the United States. We're one of the largest, we're one of the

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most industrialized, one of the oldest states to have an industrialized and highly educated trained work force. We have businesses in the State of Illinois that make it a conscience effort on their part to keep the work place safety out in front of everything. They have people that work for the construction companies that spend their whole time trying to improve work place safety. We make it a conscience effort in this state to do that. We also have a lot of companies that self-insure and the companies that self insure have to look at, what is the cost in the work place that people get injured? And so as they're the ones paying the tab on the self insurance, they set up programs for work place safety. And there are a lot of people who insure their outsides, it's not self-insured but it is people who are insured from other states. In fact, most of the construction related insurance doesn't come from the State of Illinois, it comes other states. And those insurance companies are constantly on the back of the construction companies to make sure that they have safe work places. So I think there are all sorts of different factors that could be looked at in terms of that study and unfortunately since I haven't seen the study I don't know exactly what the basis of the answers were but it seems to me that you just can't come back and say it's the Structural Work Act and that's it."

Lang: "Well, I didn't say it was the Structural Work Act and not...and that's it. And I think you'll have to admit that there are other states in this country who are below rankings one and three without the Structural Work Act, where they have self-insured corporations and construction companies. And where they have well educated and well trained work forces, would you not have to admit that?"

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Churchill: "There are a lot of states that have very good work forces but in my eyes Illinois is the best."

Lang: "And so you think it is merely a coincidence that Illinois and New York, the two states that still have the Structural Work Act, rank as high as they do."

Churchill: "I think there is more than sufficient, you know, reason for construction companies in this state to keep their safety as high as they possibly can."

Lang: "Don't other states have..."

Churchill: "And I think regardless..."

Lang: "Don't other states have that same incentive, Representative?"

Churchill: "No, I'm sorry I didn't..."

Lang: "Does the State of Michigan, the State of Ohio, Pennsylvania, California, New Jersey, other highly industrialized states. Don't they have an incentive to have safe work places?"

Churchill: "Well, you know, I haven't been in the legislature of those states and I haven't represented people in those districts and I'm not sure whether they do or they do not. I just think Illinois is the best, we try to do the best we can."

Lang: "Let me suggest to you that when you propose a Bill, such as this one, that involves closely the issue of workers safety that perhaps you should of taken a look at what goes on in other states and try to make a determination as to why they rank lower than we do in workers safety. Let me ask you another question. You indicate that somehow this legislation is going to help business in Illinois, how is this going to help business?"

Speaker Daniels: "Representative Churchill."

Churchill: "This is an issue which relates to the cost of

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business, the cost of doing business in the State of Illinois. And when the cost of doing business in the State of Illinois is high then people don't come into this state. And when the cost of doing business is lowered, people come into this state, there will be more construction, there will be more...you know we've had, particularly down the City of Chicago, we've had a hiatus where no major buildings have been built, that is due to a lot of factors also but one of those factors is the cost of doing business in the State of Illinois. I think what this does by the repeal of the Structural Work Act is to say that Illinois is a business friendly state, come and do business with us, we want your business in this state. And I think people will be...I think companies around the world will be responsive to this Bill, if we pass this repeal today."

Lang: "It is not the case, Sir, that unemployment compensation premium rates are down and employment is up in this state?"

Churchill: "That's a for this year only, yes. But, you know, for all the rest of the years that is not necessarily the case."

Lang: "And it is also not the case that the corporation for enterprise development gave Illinois its top rating, an A, up from a B because business incentives have been so terrific in Illinois. And aren't businesses growing in the State of Illinois? And isn't the economy better than it's been in a very long time in the State of Illinois?"

Churchill: "We want everything to keep going in that positive direction, Representative Lang, we like that."

Lang: "That's some answer, Representative. Let me ask you this question."

Speaker Daniels: "I wonder if the Gentlemen could have your attention, please?"

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Lang: "Thank you, Mr. Speaker. Will the businesses in Illinois, if this Bill passes, save a lot on their insurance premiums?"

Churchill: "I would hope that every good business thing that we do in this legislative Body would help businesses save cost. I don't know whether it comes through insurance premiums or whether it comes in the ability to, you know, a lot of these companies are self insured. It just means that they won't have to have the risk of these tremendous losses. So, the bottom line is that they all save money, if this Act passes."

Lang: "Well, we all want business to save cost, Representative. But, I ask you specifically whether you think insurance premiums rates will go down for Illinois business if this Bill passes?"

Churchill: "Well, you know, we were...if you want to get off into a discussion of insurance premium rates that's fine but, you know, there are a lot of other factors that come into play on insurance premium rates and I'm not..."

Lang: "Representative, I asked you a simple question..."

Churchill: "Yes."

Lang: "I understand all the other factors..."

Speaker Daniels: "Excuse me, excuse me..."

Lang: "I asked if you thought insurance rates would decrease?"

Speaker Daniels: "Representative Lang, excuse me, Sir, Representative Lang. Please give him an opportunity to answer the question."

Lang: "Thank you, Mr. Speaker."

Churchill: "You know, again, Representative Lang you are looking for a direct cause and effect relationship between only two factors and for me to stand here and say that this one Act will automatically result in a lowering of insurance rates."

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I believe that if there are no other factors that change, I believe that that is the case. But I can't tell you, you know, what other things are going to happen in society that are going to impact insurance rates. You know, so yes, I think if it's only this factor and that is the only thing that happens, then insurance rates go down. If there are other factors I can't predict."

Lang: "Haven't you argued that insurance rates for business have gone up 30 or 35% or some significant number as a result of the Structural Work Act?"

Churchill: "I didn't...I didn't hear those words come from my mouth."

Speaker Daniels: "Further questions?"

Lang: "Yes. To the Bill..."

Speaker Daniels: "To the Bill."

Lang: "To the Bill, Mr. Speaker. I think the Representative for his answers. The Gentleman has talked about the Structural Work Act being archaic, Ladies and Gentlemen. If it's archaic then I guess we're saying that workers safety is archaic. I don't understand how we can call a law archaic and by the way, Mr. Churchill said that in committee three times and today four times in just a few minutes. Lives of human beings are at stake, lives of human beings. It stretches anybody's mind to think that Illinois is third in the nation in worker's safety and New York first in the nation of worker's safety as a result of the things that Mr. Churchill has discussed. Nobody thinks it's because we have such a substantially better trained work force. Nobody thinks it's because businesses in Illinois or construction companies have so much greater interest in workers safety, that's nonsense. The reason is because the Structural Work Act says, 'that if you are going to

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be...have any control over a job site, in general over a job site. Over a specific job on a job site. You better see that there's some safety there because when that worker gets blown off the girder and falls 500 feet because you didn't have a safety netting, his family should not have to be stuck with what just left from worker's compensation for the rest of his life. We heard in committee yesterday about a situation were a 25 year old worker was blown off of a girder and fell and has been crippled and paralyzed and can barely speak for the rest of his life. Without the Structural Work Act, Ladies and Gentleman, this person and his family would get \$26,000 period with the Structural Work Act. To make sure that the people in control of a job site has responsibility for safety on a job site this person will be taken care of. Now are we going to say that \$26,000 is going to cover a family of three or four or five for 40 years of unpaid bills, I don't think so. Ladies and Gentlemen, to talk about workers safety is at the crux of this Bill. Nobody can possibly, nobody can possibly vote for this Bill with a clear conscience and think that this...that the passage of this Bill will do anything other than diminish workers safety. It is clear and simple, a business rip-off, an attempt to rip off workers at their own expense and at their own peril. On the issue of economics, Illinois is better off than it has ever been, businesses are coming to this state. The Edgar Administration will tell you they've done a great job bringing business to this state. Motorola building better plants, et cetera, et cetera. And worker's compensation rates are as low as they've been in a very long time. So...and...jobs are being created at a large rate. So to say that the worker....that this Act, the repeal of this

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Act, is something business needs to grow, is kind of silly, it doesn't work. This Bill is purely about an effort to say that we're going to make changes in the tort system, no matter what it does to anybody, just because there are certain leaders around here now that believe that we must change the tort system for some reason, nobody knows the reason. There's no empirical evidence to show that passing this Bill will benefit anybody in Illinois except perhaps some insurance rates for some companies. Now let me tell you, if it's archaic to say that workers safety is more important than a few dollars to be paid by business to insurance companies, then I'm happy to be archaic. And the people on this side of the aisle who understand the importance of workers having a safe job site so that they can live their lives and take care of their families without fear of death and fear of peril so that their families will eat and their children will go to college and so they will live full and productive lives. This side of the aisle stands for working men and women in Illinois. This side of the aisle stands for protection of consumers. This Bill needs to be defeated."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Obviously I rise in support of this legislation. You know, I've debated this Bill, introduced it for the last four years and I am thrilled that its time has finally come to be repealed. I will tell you that this is a jobs Bill, this is going to create more jobs for the working men and women. Now I have empathy for those men and women that got injured on the job but I will remind all of you that we have worker's compensation, laws and protections for the

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working men and women of this state to take care of them. Now its been pointed out by my learned colleague on the other side that Illinois is number three, New York is number one, they have the Scaffolding Act. Well, what about two, four, five, six, seven, eight, all the rest of them who have worker's compensation? To provide the relief and the opportunity for working men and women to come back to work to get well and those that cannot to provide benefits for them so that they can. Now I challenge you guys on the other side, if you're so entrenched and think this is such a terrible idea, then work with me and work with my colleagues on this side to make sure that the worker's compensation system does what you want. Introduce legislation, collectively bargain when the labor unions get together to make sure that the workers compensation benefits. I've talked to the labor unions in this state for four years about giving in on this so that all working men and women can benefit by increased benefits to all the working men, not just the ones that work on scaffolding, but they won't. Because this is not a labor Bill, this is a trial bar Bill. Under the worker's compensation law there is a cap of 20%, that is all that a lawyer can get to work with those men and women who are injured. Under the Scaffolding Act it is no limit, they can have any amount of money out of it that they can negotiate for. You know, we have to compete in a world economy, we have to compete against the states around us. We cannot compete in Wisconsin, Indiana, Michigan. Why? Because our rates are so high, because we have to have so much money spent on litigation or the fear of litigation. You know we spend more money on settling outside a court than we settle in court because the fear of the high rates and the high

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claims that are given under the Scaffolding Act. This will be done, when we repeal this today, we will move forward and make us more competitive, so working men and women all around our state are going to be able to have jobs in this state because we are not going to have out of state companies come in. I had some working men and women come in my office today and tell me they won't work in Indiana. Why is that? It's because their benefits are so low. Illinois has one of the top ten benefit packages in the United States for the working men and women and that is because we have strong unions in this state because they stand up for their men and women and they make sure that they have good worker's compensation. Well I challenge those unions today to go out to work to make sure that they have increased benefits, negotiate with us and move forward with those worker's comps. And I also tell you that if there's flaws in this system and there certainly are flaws in worker's comp, we will work to try and correct those flaws. And I stand ready to do that with you. Come to us with a package or work with us to come up with a package of legislation to strengthen worker's comp and I look forward to that. It's time to repeal this, it is costing the people of Illinois tens of millions of dollars, it is time to repeal it. I ask this Body to vote 'yes' in affirmative or repeal the Structural Work Act."

Speaker Daniels: "Further discussion? The Gentleman from St. Claire, Representative Hoffman."

Hoffman: "Thank you, Speaker, Ladies and Gentlemen of the House. I just have...I have some questions of the Sponsor."

Speaker Daniels: "Will the Gentleman yield? He indicates he will."

Hoffman: "Yes, Representative. You had indicated in some your

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remarks and for the benefit of the individuals who are not in the Executive Committee yesterday, some of the testimony regarding this Bill indicated that in some fashion that this could be brought against architects who have...who really have no control or contact with the job site, could be brought against general contractors who have no control at the job site. I'd like to ask you about that. The Scaffolded Act, as it stands today, you as a contractor or the general contractor in order to be liable...in order to be liable or an architect or an engineer. In order to be liable under this Act you have to have some control over the job site. Isn't that right?"

Speaker Daniels: "Representative Churchill?"

Churchill: "Yes."

Hoffman: "Do you have your lawyer on the phone there, Representative?"

Churchill: "Well, I want to make sure that whatever answers I give you are true and correct. And as you know I'm a lawyer but I don't practice in this area and I'd rather make sure that everybody hears a truthful and correct answers. So..."

Speaker Daniels: "Any further questions?"

Hoffman: "I don't believe that was answered. Regarding control..."

Speaker Daniels: "I think...I think he said he was talking to someone."

Hoffman: "The question that I asked was regarding control."

Churchill: "Yes."

Hoffman: "In order to be liable."

Churchill: "The question...right...you know that is the question and the litigation is, what is control? And if that was a high standard so that, you know, that they had to prove

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that you had lots of nexus perhaps to the job site then a lot of these cases wouldn't exist. But what's happening in reality is that it is a very very low standard in terms of what is in control and so people who are...people who shouldn't be involved in a Structural Work Act case are being brought in because of the fact that the courts have defined that so broadly to allow everybody to come in."

Hoffman: "But, Representative this Bill repeals the Act totally. So it alleviates the ability of anybody to bring an action under this Act. It doesn't attempt to redefine control, it doesn't say, in this Bill, does it? That we are going to limit the ability of individuals to bring actions and further define the issue of control. It just says, we're getting rid of it, we're appealing the whole thing."

Churchill: "That is correct. And I believe that regardless of all other issues about this, I personally think we should repeal the Act and that is what I am trying to do."

Hoffman: "So the issue isn't really...the issue here is not really the issue of control we're talking about. We're talking about getting rid of the entire Act, that's what we're voting on today. So just so we get it straight, so we get it straight, we're not talking about...we're not talking about what maybe this court may have ruled or that court may have ruled. We're talking about taking the entire Act and getting rid of it, repealing it, not trying to redefine problems that may be in places result of misinterpretation of the Act itself."

Churchill: "The Act, as I said, applies broadly to all sorts of different trades and people who are not actively involved in the construction site. And because of that it has become a problem and because it is a problem everybody looks at it as a problem. And people want to come into

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Illinois and put in a new business don't necessarily come in and ask that question of control, they just say do you have the Structural Work Act and if you say we have the Structural Work Act then they say well you know that is certainly one of the things that we put on the negative side of the column as to whether we come in. So I think, you know, I mean, I understand the issue that you are trying to go to but the point is that I personally believe that we can go all the way to repeal and that's the best thing to do. And that there are all sorts of other acts under OSHA and federal standards and other kinds of things, that come into provide the same kind of safety's that you believe. I heard your testimony yesterday but I think there are other bodies that provide the same safety's to the work site that are already in existence."

Speaker Daniels: "Further questions?"

Hoffman: "Well, Representative, I just...to the Bill, Mr. Speaker."

Speaker Daniels: "To the Bill."

Hoffman: "Instead of belaboring the point of the questions, I think that we have to assure and it should be known. That we are talking about, (1) there has to be some control, (2) the individual to be sued should of...should know or must know that this hazardous activity has taken place and (3) there has to be an ultra hazardous activity. We're not talking about lawsuits that can be filed and be collected on willy-nilly. We're talking about the fine rules that really set in place safety for workers in Illinois. You know we talked about jobs and we talked about whether this is a labor issue. Well, I guarantee you there are people here, people here in this...'

Speaker Daniels: "Sir, can you bring your remarks to a close,

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please? Representative Hoffman."

Hoffman: "Yes, Mr. Speaker. I believe that I was asking questions, I think I have five minutes after the questions to respond."

Speaker Daniels: "Well, the rules of the House provide that during periods of speaking that it is five minutes but we want to make sure you have an opportunity to say what you want to say. So we'll put the clock on again, for you."

Hoffman: "Thank you, Mr. Speaker. We're talking about jobs and we're talking about whether this is a labor issue. It was stated that this is not a labor issue. There are people, I think, in this gallery who think it's a labor issue. There are people who, I think, in this gallery who are extremely concerned about the benefits that are being lost by workers who may...who are engaged in ultra hazardous activity, who we day in, day out ask to go up a scaffold, ask to go up a ladder, has to work in dangerous activities in order to make our society better. That's what we're talking about here. It is a labor issue, it is something that we believe is important, it's a jobs issue. I understand, that's what you're saying but today the Illinois Department of Employment Security dated January 26, 1995 came out with its new results on job growth in Illinois. Illinois added 91,000 new jobs in 1994, the largest gain in five years. The construction strained sectors were lead performers in 1994, with construction job increases of 4,000. These trends are expected to continue during 1995. So let's talk about people going to work, let's talk about safety, let's talk about people who work day in and day out because we ask them to do it. We ask them to go and commit and work for our society to build buildings, to build Sears Tower, to build the Hancock Center, to build capitols, to clean

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the capitols and then they may be...and have a result of some type of a misfortune, they are hurt and their families are hurt. You know, we're taking away their entire rights, we're saying to them, hey, you live off of worker's compensation, we know you've given a lot to society, we know that you care about your society but we know that you're going to spend the rest of your life in a wheelchair so we'll give you \$25,000, we'll give you \$50,000 and we'll never take care of your family. This is unbelievable to me, it is unbelievable that on the basis of some physiological dogma we're going to stand here and take away those rights of workers and injured victims in Illinois. With that I would ask for a 'no' vote and I would hope that, at least, five people on that side of the aisle, people who have supported this cause, supported this cause in the past, who have said we want workers...we want the Structural Work Act in Illinois, who have spoken in committee in favor of the Structural Work Act, have voted in favor of the Structural Work Act stayed with their physiology and not simply walked lock step with Leadership. We're going to have votes over here, we need five from you. Thank you."

Speaker Daniels: "Further discussion? There will be no demonstrations in the gallery, you are here as our guests. Further discussion. The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Let's get right down to the bottom line. The Structural Work Act has absolutely nothing to do with safety and you and I know it, read it. There is nothing in there about safety. The reason we have a safe work place in Illinois is because we have a strong union state with

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skilled workers. We have employers who care about the quality of life for their workers. We have workers compensation and employers who try to keep the rate down by making a safe working place. That's why we have a safe working place. It has absolutely nothing to do with the Structural Work Act. What it does is, it adds...it makes up 35% of the cost of an employer, of a contractor in Illinois his total insurance cost, 35%. By eliminating those, what we do is we can make more jobs, more jobs and we don't have to pay pass on the additional 35% to the consumers. Let's get down to the real bottom line here, court decisions are so distorted, the original purpose of the Act, it has long outlived its usefulness. But let's get down to the real bottom line now, what is this all about? What are all the Harriett and Louise commercials all about? Who is funding the public action council to run the Harriett and Louise columns? It's the Illinois trial lawyers. That's what this is all about. Who have had a shepherd for the last 12 years. Guess what, the shepherd ain't here anymore. It's time to do away with this outmoded Scaffolding Act, Structural Work Act, whatever you want to call it. It's time to make Illinois competitive with the world, who doesn't have a Structural Work Act, to increase the cost of doing business in their foreign nations (sic-foreign nation) and in other states in this union. It's the trial lawyers, that's what this is all about, it's not consumers, it's the trial lawyers and you and I know it. It is time to do away with the arcane Act passed in 1907 which has long outlived its usefulness. Don't give me this malarkey about safety, it has nothing to do with safety, it has nothing to do with consumers or consumer rights. It is the trial lawyers pocketbook, why don't you

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just admit it and say it? That's the only term that I haven't heard on this House Floor today, the trial lawyers who are paying for the IPAC commercials, the Harriett and Louise commercials, that what this is all about, that's the bottom line. It is time to repeal it and let's do it now."

Speaker Daniels: "Further discussions? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Daniels: "He indicates he will."

Granberg: "Representative Churchill, Representative Wennlund just brought up an interesting point. He stated that the cost of business would go down 35% with the repeal of the Structural Work Act. Is there going to be an immediate reduction to those business costs upon the effective date of this legislation?"

Speaker Daniels: "The Gentleman from Lake, Majority Leader Churchill."

Churchill: "Thank you, Mr. Speaker. Again I would answer the same as I answered Representative Lang prior to this. I think that if this is the only factor, you know, in all costs that are implied to business that those costs will come down. But you're asking me to say, you know, will all their costs if we just do this one thing? And that doesn't take into account all the many other factors that increase costs for a business. And I don't want to...I mean we're not operating in a vacuum here, there are all sorts of other kinds of things that come into impact business costs. I think that this, you know, repeal of this Act will help to reduce the increasing costs may actually reduce costs. And I...and there is no way I can predict to you exactly some figure as you said, just I think, the fact for me to even try to do that would probably not be considered an

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honest answer to you."

Granberg: "Well, I'm listening to Representative Wennlund and others who have cited this 35% figure, Representative. That's why I was curious as to when this would take effect and the impact on our Illinois businesses and their employees. Because with those savings, with those reductions in cost, it would seem the employees and the client would be in must better condition."

Churchill: "Well, I..."

Granberg: "I think they are citing these things, I want to know if this is actually going to occur."

Churchill: "Well, I think, you know, Representative Wennlund believes what he told you and he probably believes that that's an accurate figure and maybe somebody has given him that figure, I don't know that for sure. I wish, mean maybe perhaps you could ask him that question but I think the bottom line here is jobs. You know I've heard folks say that you know we've had this increase in jobs but really since 1975 we've lost over 400,000 just manufacturing jobs in this state. And it's a total economic development issue for the state, this is one piece of that economic development issue that helps to come back and say that this is a good state to do business and it becomes a jobs issue. And the businesses are the ones that will take a look at this and they're going to make a determination if they expand here or come here. In the first place they're going to make a determination whether this is a business friendly state or a state that is not so business friendly. And I think repealing this helps to make it a business friendly state."

Granberg: "Thank you. Mr. Speaker, to the Bill."

Speaker Daniels: "To the Bill."

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Granberg: "We've heard a great deal of discussion the past months about the new order, the new Majority and their priorities. Well today we're going to see the new priorities, later today we'll debate a Bill on pitting one section of the state against another for limited school financing. And now we see a Bill that is going to put labor against management. That is the kind of priorities that the new Majority has. At a time in our state, in the history of this state, we need to put people together and address long term solutions for the betterment of all our people. We are taking the priority to divide them, this is not the thing this House should be about. When we talk about labor we talk about working men and women. Their rights should be enhanced, their safety should be addressed, their rights should not be taken away. When we talk about this Bill and others we will see that we are dividing a very fragile coalition. We need to have people work together in this state to enhance employment opportunities. You don't want to divide a wedge and have people work against each other and that is what's occurring with this Bill. In the past we have tried to bring labor and management together, to resolve certain issues. This House is successful in addressing the unemployment insurance, we can do that with workman's comp, we can do that with other areas. But now to take, to take this and say we should go against labor, we should go against working men and womens safety is not the priority of this state, it should not be the priority of this state. We should not bid people against each other, we should not bid families against each other and that's what's occurring. Ladies and Gentlemen, this Bill will serve to do that and if this is the first item in this list of priorities, it's the wrong list of priorities. We need

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to address the long term problems of this state, education funding, reform. What do we do in Illinois to enhance workers safety, to save businesses money, to lower their workman's comp cost? Because enhanced safety does provide more revenue for those businesses. They are not mutually acceptable, they are together, they work together and that's what we should be doing. Ladies and Gentleman I would urge a 'no' vote on this because it is not in the best interest of the people of this state, it is not in the best interest of working men and women in this state and that should be the priority of this House."

Speaker Daniels: "Further discussion? The Gentleman from Lake, Representative Salvi."

Salvi: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Daniels: "He indicates he will."

Salvi: "Representative, does this Bill contemplate the creation of a state safety agency or expanding the responsibilities of the Department of Labor to fill the gap left by the elimination of the Structural Work Act?"

Speaker Daniels: "Representative Churchill."

Churchill: "Representative, the Bill is six words long and it just repeals the current Act that's in place."

Salvi: "Thank you. To the Bill."

Speaker Daniels: "To the Bill."

Salvi: "It's pretty clear that the Structural Work Act makes Illinois a safer state for workers. Many mentioned the fact that Illinois is number three in the country in safety. I want to talk about why. The Structural Work Act is really very simple, if a worker is injured because of defective scaffolding those in charge of the work, pay for the damages suffered by the worker. It doesn't sound

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archaic to me, that is accountability and I would like to repeat it because sometimes I think we lose sight of the forest for the trees. If a worker is injured because of defective scaffolding, those in charge of the work pay for the damages, all of the damages. Today if you're in charge of the work you're going to make darn sure that your workers are on safe scaffolding. Tomorrow, who will be there to insure this? Is it going to be the Department of Labor? Are we going to set up a bureaucracy? Right now we have a free market system for ensuring that workers are on safe scaffolding and we better not get rid of it. One Representative spoke of...he had raised the question, well what about those states that are number two and number four? Sure New York is number one and number three, maybe because of the Scaffolding Act. I think it's absolutely because of the Scaffolding Act. The question was raised, what about numbers two and four and five? Well, they've created massive bureaucracies, state OSHA's to check on the work sites. The Structural Work Act is the free market system for ensuring safe scaffolding. You won't be bothered if you provide safe scaffolding for your workers in Illinois. Illinois is one of the best states in the country for business. It is the best state in the country for insurance companies. Let's stay number three in safety for workers by voting 'no' on this Bill."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker, Ladies and Gentlemen of the House. We've talked a lot today about work place safety. I would like to read to you a quote from a press release Governor Edgar issued in November of last year. 'Work place safety in health is a critical issue for businesses', the Governor

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said. Millions of dollars are lost each year due to avoidable accidents and the high insurance costs that result. Workers endure needless suffering and pain from preventable injuries. With that admonishment from Governor, how can we repeal a law that clearly prevents accidents on the job? If we eliminate the Structural Work Act today we will take away the most powerful financial incentive the construction industry has for keeping a safe work place. By having stiff penalties for those who are responsible for safety but who fail to ensure safety on construction sites. We are sending a strong message to the construction industry about the high priority which safety has in the State of Illinois. It's pure and simply good public policy to put strong incentives on those parties who have control of the work place safety to insure that they do in fact provide a safe work place. I therefore urge you to vote 'no' on repeal of the Structural Work Act. Thank you."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Zickus."

Zickus: "Thank you, Mr. Speaker, Members of the House. I rise in support of this legislation because I am concerned about jobs and I am concerned about the workers of this state. If we want our state to be a state that attracts and retains jobs then we have to stop policies that are driving businesses away from Illinois. Let's work together to make Illinois an attractive place in which to do business and to create jobs and keep our people working. I urge your support for the repeal of this Act."

Speaker Daniels: "Any further discussion? The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. I actually

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hadn't planned on speaking on this Bill because it was one of those ones I figured what's the point. You know and I know that the votes are there. The arm twisting has been done, the threats have been made, the long time supporters are gone now, the recent supports have gave their word, that word is broken. But, this yet is one of those situations where I feel compelled to speak because of some of the arguments which have been made here. Arguments which can best be described as absolute nonsense. Previous speaker talked about how we've got to make this so there will be more jobs here. Well, I suppose if we make this a dangerous enough state, where all the workers get killed, we will creating in effect more jobs, there will be a lot more openings. Someone talked about the bottom line here, the bottom line, this Act does equal safety, it does not mention anything about safety. I would like you to take a look at the Act itself laced around it is the word safety, numerous times. It is the heart of it. You know, I know it, that's what the thrust of this whole Act is, it is safety pure and simple. And you sit here and you talk about the trial lawyers and the trial lawyers this that and the other thing. If I'm not mistaken, there's another organization that sometimes is seen around in the area called the Manufacturer's Association and if I'm not mistaken they have a position on this as well. So, really let's not go kidding everybody and let's not go on with the rhetoric about oh the evil trials lawyers. If the trial lawyers were so darn evil here, why is don't we...we do not have all these workers, these workers coming storming down here saying, 'repeal that thing for us, repeal it.' Where are they? They aren't there, as a matter of fact they are saying the opposite. They say we need this, we need this

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so that we're safe. And what are you doing? You're saying no, we're going to ignore you. So stop the talk about the workers and looking out for the workers, you know that is all garbage. You don't care about the workers and that's what you're saying loud and clear here. This is a safety measure that helps workers. So come on just knock it off with the workers safety stuff and say we're doing something for business because business is where I'm from and this is the people that help me out and let's stop it. Okay?"

Speaker Daniels: "Further discussion? The Gentleman from McLean, Representative Brady."

Brady: "Thank you, Mr. Speaker. I rise in support of this legislation. I am concerned though with some of the terms that have been thrown out there. Pitting labor against management in business, the great free enterprise system. The way free enterprise was defined to me, was when government stays out and that's what we're doing here. Estimates indicate that over a \$170 million a year could potentially be saved through the repeal of this Act. It's not that business is going to pocket that money, that will give an opportunity for business to pay workers more, to create a more even and level playing field within the industry. There are lawsuits out there where people sue under the Structural Work Act when they are working over a ditch. Let's be real, let's also realize that it wasn't until the 1950's that some attorney dreamed up that he could sue under this Act. After workman's comp had been in place for numerous years. Some attorney dreamt this up, some judge approved it, the court case appeared and now we have the problem. That's the problem we're facing today. What we are simply trying to do is aid labor, aid management, create a level playing field and set the record

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straight."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Davis."

Davis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I sat as the Chairperson of Labor for two years and not once did anyone come forward seeking the repeal of this Act. I do remember last year a father, his daughter, his wife standing before us asking that we keep the Structural Work Act in place because we represent working men and working women. When they go to work, regardless to what it might be, they do want to feel that the employer is concerned with their safety. We could look at what has happened recently, the devastation because of an earthquake in Japan. If Illinois ever suffers a similar destructive act, do we want people who are working to replace the infrastructure, working in unsafe or unsafe conditions because someone wants to cheapen the way the job is done? I believe that the American worker, the worker from the State of Illinois, deserves the protection of the state. Rather than removing those protections we should be seeking other ways in which we can enhance the safety of the workers of the men and women in the State of Illinois. And I'm really appalled because when I listen to the speeches of the Governor, how much we're going to be concerned with the workers in Illinois and yet we're going to repeal or take away a safety factor that they should have because they're important to their families and they're important to us. I urge a 'no' vote on this Bill."

Speaker Daniels: "Further discussion? Is there any further discussion? Being none, Representative Churchill to close."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. I would suggest to you that the repeal of the Structural Work Act is a perspective Act only that accidents that have occurred already are still subject to the Structural Work Act and that I think believe...I believe is a part of our legislative intent when we put this Act...this repeal forward. The bottom line of this piece of legislation is jobs. We have lost, as I said before, over 400,000 manufacturing jobs in the State of Illinois. Why is it that all these other states down in the South have been getting our manufacturing jobs? It's because people who are in the business of manufacturing take a look at the states which are business friendly states and they go to the business friendly states. They would like to be here, they'd like to be here because of our work force, our highly skilled, our intelligent, our hard working work force. But the fact is, when they add up all the pluses and they add up all the minuses, it is better to do business in another state. This is the first Bill in a series of Bills that we will see this spring that tries to improve the business climate in the State of Illinois. We want to hang out a big sign to all businesses outside of the State of Illinois, we want your business in the State of Illinois, we want you to move here, we want you to do business in this state. And another sign that faces inward that says, 'to all of you businesses that are already in the State of Illinois, we want you to stay, we want you to grow, we want this to be a healthy place for you to do business'. So I say, 'let us go forward, let us go forward safely but let us go forward'. Please vote 'aye' on House Bill 201. Thank you."

Speaker Daniels: "The question is, 'Shall House Bill 201 pass?' All those in favor vote 'aye'; all opposed vote 'nay'. The

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voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. The Gentleman from Cook, Representative Pugh."

Pugh: "I would like the record to reflect that I vote 'no'."

Speaker Daniels: "The record may reflect that but we can't add you to the roll call, Sir. The Gentleman from Cook, Representative Giles. The Gentleman from Cook."

Giles: "Mr. Speaker, I would like the record to reflect that I vote 'no'."

Speaker Daniels: "The record may so reflect. The Gentleman from Cook, Representative Lang, on a point of order."

Lang: "Thank you, Mr. Speaker. You've indicated to a couple of my colleagues on this side that they can't vote 'no'. I haven't heard you take the record, Mr. Speaker."

Speaker Daniels: "Yes Sir, I announced that we take the record. I have not announced the final roll because I wanted to make sure if you wanted to verify the roll call you had an opportunity to do that. But I have taken the record, Sir and the rules are very clear, when we take the record the vote is there and you can not be added to the roll call."

Lang: "Well, I've read the rules very carefully, Sir and thank you for teaching them to me but we did not hear you on this side take the record. Certainly if you did you have a very quick trigger, Sir."

Speaker Daniels: "If you will check House Rule 7-2 you will notice that no Representative shall be permitted to vote or to change his or her vote after the presiding officer announces take the record. Is there anyone else that wishes to be recognized. The Gentleman from Cook, Representative Turner."

Turner: "Yes, Mr. Speaker. Thank you and we can appreciate your

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we leave today so that those Bills could get posted in committees for next week. So to Representative Currie, unfortunately I didn't have a chance to get over and talk to you about that but we will have a Rules Committee meeting before we leave today to assign Bills."

Speaker Daniels: "Introduction - First Reading of Bills."

Clerk McLennand: "Introduction - First Reading of Bills. House Bill 645, offered by Speaker Daniels, a Bill for an Act amending Public Act 88-551, to provide supplemental appropriations and legislative transfers to various state agencies for fiscal year 1995. First Reading and introduction of this House Bill."

Speaker Daniels: "The House will come to order. House Bill 200. Mr. Clerk, read the Bill. Back to the order of Third Reading. We will now proceed to the order of House Bills on Third Reading. House Bill 200. Mr. Clerk, read the Bill."

Clerk McLennand: "Introduction - First Reading of Bills. House Bill 200, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

Speaker Daniels: "It has been requested that this matter be taken off Short Debate, it requires the approval of 7 Members. Do I have that approval? Seeing 7 hands rise, that we will remove this from Short Debate. The Chair recognizes the Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker. I would request leave to handle the Bill for the Chief Sponsor, Representative Daniels."

Speaker Daniels: "Leave is granted."

Kubik: "Thank you. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 200 is a Bill which deals with the issue of tax limitation. I think many of us know what is contained in this Bill. Before I talk a

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little about the contents of the Bill, I think it would be helpful to talk a little bit about the history of how we got to this point."

Speaker Daniels: "Excuse me. I wonder if the Gentleman could have your attention, please. Thank you."

Kubik: "Thank you, Mr. Speaker. As many of you know and perhaps some of you don't, the House of Representatives and the Senate passed a Bill in 1991 which placed the limitation on property tax extensions for all of the counties surrounding Cook County, better known as the Collar Counties. At that time when the legislation was passed Cook County was excluded from the Bill. There was a great deal of concern and I know I went back to my district and many of the people in Cook County indicated to me, why didn't we have tax caps in Cook County and it was a decision made by the Majority Party that Cook County did not need tax caps. Well, as you may know, tax caps were introduced over a period of a few years and in 1993 an agreement was reached to place a referendum on the ballot for the people of Cook County to decide whether they believe there ought to be tax caps. In 1994, on November 8th, 83% of the people in Cook County decided on the question and they decided in favor of tax caps. I think at that time the people of Cook County spoke decisively and I think this Legislature is prepared to act decisively on the issue of tax caps for Cook County. I'd like to take a moment and explain the provisions of the Bill, although I think most people know exactly what's in it. House Bill 200, as amended, would extend the Property Tax Limitation Law to..."

Speaker Daniels: "Can we please give the Gentleman your attention, please. The caucus is on the floor. Gentlemen. Representative Brady. Please, thank you."

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Kubik: "Thank you, Mr. Speaker. House Bill 200, as amended, as I was saying earlier, would extend tax limitations, the Tax Limitation Law to non-home rule units, taxing units in Cook County. In tax year '94, taxes payable in '95 only, the tax cap will limit taxing districts to 105% of their previous years extension. For the '95 tax year and taxes payable in '96 and thereafter, the cap will limit the aggregate extension of taxing districts to 5% or the consumer price index whichever is less, over the previous year's extension. The Bill also provides that bonds issued prior to January 1, 1995 are exempt from the cap. The Bill also provides that exemption to the tax cap for new property and referendum approved prior to January 1, 1995 will be exempt. The Bill, finally, provides that language that defines T.I.F., tax increment financing property, it would define it as new property in the year T.I.F. status has expired, meaning once T.I.F. property comes back on the tax law a taxing district will be able to capture the full assessed value. Let me...that's essentially what the Bill is and I think most people understand but I think I would like to talk about the underlying physiology of tax caps. And the underlying philosophy is that, we believe that local government should be allowed the rate of inflation or the natural growth of revenue that is due to inflation. But if they want more than that, they should go to the people, the taxpayers, and make the case for additional revenue. I might also point out that tax caps do work and if you look at studies that have been done in the Collar Counties, I think the evidence is very clear. For example, the average property tax extensions in the Collar Counties for the four year prior to the tax cap, average 13.5%. The average property tax extension in the Collar Counties for

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the three years since the imposition of tax cap is a little over 6%. So tax caps do work, they're effective and I think that today we have an opportunity to say to the people of Illinois, that we've heard your voice, you've given us a mandate, we're responding to that mandate quickly. That is why this Bill is a very narrowly drafted Bill. It is because we believe that the citizens of Cook County ask for tax caps and we believe that it is our obligation to provide the taxpayers of Cook County property tax caps. Mr. Speaker, I would move for the adoption of the Bill and would be happy to respond to any questions that anybody might have."

Speaker Daniels: "Is there any discussion? Minority Leader Representative Mike Madigan. The Gentleman have your attention please."

Madigan: "Question of the Sponsor. Question of the Sponsor."

Speaker Daniels: "He indicates he'll yield."

Madigan: "Mr. Kubik is the Chief Sponsor of the Bill. Could you explain to me and the others, why are afraid of Representative Maureen Murphy and the Members of the Revenue Committee? The Members want to hear me, Mr. Speaker."

Speaker Daniels: "We want to hear you, Sir."

Madigan: "Mr. Kubik, as the Chief Sponsor of the Bill, could you explain to me and others, why are you afraid of Representative Maureen Murphy and the Members of the Revenue Committee?"

Kubik: "Well, Mr. Minority Leader, I was in the Revenue Committee this morning with Representative Murphy and everything was going fine, I certainly wasn't shaking in fear."

Madigan: "Well, this is probably the most important significant Revenue Bill of the Session and you didn't see fit to have

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it heard by her committee."

Kubik: "Mr. Speaker, Mr. Minority Leader...hey ten years is a long time."

Madigan: "It's okay with me but..."

Kubik: "Well, you know, ten years is a long time. But we'll break the habit quickly, I'm sure. Mr. Minority Leader, I think that it has been the intention of the Majority to look at this issue on a fast track basis and it was very clear that the way this Bill has been drafted, it has been drafted to be almost identical to the caps that are currently placed in the Collar Counties. And therefore, we believe that it was important to move this Bill, I might point out this is a third Session day, we believed it was important to move this Bill forward and place it before the Members so that we could send a loud message to people in Illinois. We heard what you said about tax caps, we want to adopt them quickly so that you know that we meant it when we put that referendum on the ballot on November 8th."

Madigan: "So, Mr. Kubik, I would simply say that you could have done all of that by a hearing. What we were told would be a solid committee system. So you will remember on our second day of Session, when we adopted the rules. There was a great amount of rhetoric to the effect that we would have a strong committee system. And that if you saw an appointment to the Revenue Committee or the Civil Judicial Committee you could reasonable expect that as a Member of that committee that you would be hearing significant matters, such as the repeal of the Scaffolding Act or the imposition of tax caps on Cook County. But, Mr. Kubik, if I can direct your attention to the first underlying language in the Amendment. And it reads, that notwithstanding Section 6 and 8 of this Act, no reimbursement

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by the state is required for the implementation of any mandate created by this Amendatory Act of 1995. So, I was immediately attracted to this because I've heard a lot of conversation coming out of Washington, D. C. and the Governor's office here in Illinois that we ought to move away from unfunded mandates. And here I see language which seems to be saying, rather clearly, that there may be some mandates emanating out of this Bill and the state is not going to fund them. And so, can you explain to me, why you put that language in the Bill?"

Kubik: "Well, Mr. Madigan, we did receive a mandate and that mandate was on November 8th. And I think that to argue that all mandates are bad would be fallacious. They...the people of Cook County ask for a mandate which was to limit the level of property taxes. And so, of course, I would argue that there are some mandates involved in this deal but this is not without asking the people for this mandate, they asked for it."

Madigan: "Could you express your opinion on this? There is another Bill which I expect will be considered by the legislature which would provide that local school districts would have the ability to waive mandates. You think a local school district ought to have the ability to waive any mandates that would emanate out of this Bill?"

Kubik: "I think that every school district will receive an increased amount of revenue under this legislation of 105% in the first year and C.P.I. afterwards. How they wish to spend it is something I think they ought to decide on a local level."

Madigan: "Again, to the Bill, Mr. Kubik. And my item here concerns the language in the Bill that is concerned with the Chicago Water Reclamation District, the Cook County

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Water Reclamation District. And as we read the Bill, you provide that the...the cut off date on exemptions is generally January 1, 1995. There are certain exemptions in the Bill, about 6 or 7 exemptions, and the cutoff date for the implementation of those is January 1 of this year. But it appears as if the cutoff date for the Cook County Water Reclamation District, which...is greatly concerned with your district, more your's than mine, is October 1, 1991. Would you speak to that, please?"

Kubik: "We adopted the...we adopted the existing law on this issue and those bonds that were extended at that time will not be subject to the cap."

Madigan: "You understand that you're traveling back about four years? You understand that is how the language reads? And you understand that we're being advised by the Water Reclamation District that this will cause a rather adverse impact upon the Deep Tunnel Project which services your district, Mr. Kubik."

Kubik: "Actually, it is not in my district, Mr. Speaker."

Madigan: "Okay. Well, as I read those maps, it is you more than me. But you understand the significance of that? Now going on, Mr. Kubik, could you tell us why you equate tax increment financing property with new property on the tax rolls."

Kubik: "I think that it's important to you to look at the history of this issue, of tax caps. When the legislature originally passed tax caps, which was in 1991, and I was involved in the development of that legislation. It was commonly understood that T.I.F. property would be defined as new property, it would not contain statutorily the way it should have been. But it was generally understood that when T.I.F. property came onto the tax law, it was new

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property. Primarily because it had been frozen for 23 years and it was an addition to the tax base, that is why that language has been added."

Madigan: "So this section of the Bill will apply to all five...all six counties?"

Kubik: "Correct."

Madigan: "Okay. Thank you. Mr. Speaker, if I could speak to the Bill, very briefly."

Speaker Daniels: "To the Bill."

Madigan: "To the Bill. The Bill is very simple, adequately explained by Mr. Kubik. What it does is to deny what local taxing districts could reasonably expect from natural revenue growth. Mr. Kubik would say that they will get the natural revenue growth up to a point and then the state law will arbitrarily cut that off. My viewpoint is, if there is inflation in the economy, which is driving up costs, then the local district ought to get the benefit of whatever growth there is in the real estate market to offset the rising costs. What we're doing here is contrary to what we normally do. Because in this Body we normally give great respect to the autonomy of local taxing districts. Whether it's a city, a village, a school district, library district, sanitary district. We generally recognize that they've got a serious set of problems, that they are expected to respond to and we pay them great respect and we don't greatly interfere in their affairs. And what we're doing here is very simply depriving those districts of the benefit of natural revenue growth, which I think, is a mistake and I don't hear anyone saying that this Bill will provide for revenue to come from another source. There's no discussion along those lines. All we are doing is focusing on one source a revenue but

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almost every local government is saying, we are going to draw a line, deal with your problems, just take care of it yourself. For that reason I plan to vote 'no' when the matter is considered on Third Reading. Thank you."

Speaker Daniels: "Further discussion? The Lady from Lake, Representative Clayton."

Clayton: "Thank you, Mr. Speaker. I rise in support of this Bill. The Property Tax Limitation Act referendum passed in Cook County by a resounding amount. In my district, the Cook County portion of my district particularly, it passed by 87%. The people have spoken loud and clear that in fact they want to see a property tax limitation and I think that we should heed that request. The tax caps have worked in Lake County, the Lake County portion of my district and they will work in the Cook County portion also. Some concerns have been expressed and should be examined and the Revenue Committee will be conducting extensive hearings, out of which a Trailer Bill will probably come. I think all of the concerns that have been expressed should be examined. I think one example is the school district in my district, who has approved their life safety bonds for three different schools and had not yet sold them. The Revenue Committee will address this in their hearings, will give it due consideration and determine, if in fact, there should be a refinement to...to the Bill. With that I again urge all of my colleagues to support this particular Bill. Thank you."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Currie."

Currie, B.: "Thank you, Speaker and Members of the House. First we have heard that 83% of the voters in Cook County said yes to property tax caps at a recent election. I'm not

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surprised, the surprise is that it wasn't 100%. For he question this Legislator lobbed to those voters was the softest of possible softballs. We might of well of asked them, would you like a free lunch? Because that's the way we phrase the question. What would the votes have been if we'd said, would you like tax caps even if it means a deterioration in the quality of your public schools? Would you want tax caps if it means that the library will be open for fewer hours? Are you for tax caps even it means your local parks will no longer be able to provide swimming pools in the summertime? A little balance in the question might have given us a very different answer. That isn't to say that I don't agree that there's a property tax revolt in Cook and in some of the other counties across Illinois. Voters are fed up with the size of their property tax bills. But let's look at, why? Across this country 40 cents of the average property tax dollar goes to pay for public education. In Illinois it isn't 40 cents, it's 60 cents. This state government has failed to do its job of adequate and equitable financing for public education and so our property taxpayers are paying through the nose. It's no wonder they're cross, it's no wonder they're angry. But tax caps resulting in a lower quality of public education are hardly the answer. Maybe it's time for us to step up to the plate and see to it that the Property Tax Bill can be lowered even while we do an adequate job of financing our childrens education. Third, I thought that it was a basic tenant of the Republican Party that local control is the best control. I thought your's was the Party that stood against big government and said that people locally know what's best for them, stop with the mandate, stop with the programs, stop telling us how to get

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along. Well, I haven't seen 1 bigger brother Bill emanating from this chamber than House Bill 200 because this Bill says that people at the local level don't know how to use the ballot box, to throw the tax and spenders out. They don't know how to tell their elected officials what their needs are and what their tax abilities are. I think it is an outrage to the principles of democracy and I would have thought to the principles of the Republican Party for us in Springfield to determine what ought to go on when it comes to property taxes at the local level. I urge a 'no' vote."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Murphy."

Murphy, M.: "Thank you, Mr. Speaker, Ladies and Gentlemen. I speak in favor of this Bill that I Co-Sponsor. And if you want to get down to where the buck begins instead of where the buck stops, the buck begins in the wallet of the taxpayers of Cook County. The General Assembly did go to that least common denominator. Those of us know when we put this question to the people. The General Assembly asked the voters what they wanted and yes the voters of Cook County want to be asked for their contribution, they want to be asked for their tax dollars. Yes, we believe in the autonomy of government, that why what is so beautiful about the tax cap legislation, is that while we're limiting spending by 5% this first year. If a school district library board or village really requires more dollars and there are some that will, they need only to put their plan together, market it to their voters. Ten out 11 referendum in my district past. Voters want to be asked for their contribution. I have heard about the back door Referendum that was suppose to be a safety valve but when voters in my

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district saw the double digit levee increases last December and they went to their school boards and inquired about how to do this. They were told they didn't read the fine print in the local papers and the legal notices and they had missed an opportunity. And it would have been up to them to get 1300 signatures to get it to be on the ballot. So it's quite simple, this is local government at its purest form. The local governing boards can budget and can levee and if they determine that they have a greater need, they can turn to their voters and seek their approval, instead of incurring their wrath at the ballot boxes the following election. I am very happy to be voting for this Bill and yes to be sure that there is more to be done in the issue of over reliance on property taxes. And I sincerely am happy to be a Chief Sponsor of this and I urge your support. Thank you, Mr. Speaker."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Daniels: "He indicates he will."

Lang: "Representative Kubik, is there anything about this Bill that will lead to any kind of property tax decrease for the citizens of Cook County?"

Speaker Daniels: "Representative Kubik."

Kubik: "Thank you. Representative, this Bill has always been a property tax increase limitation Bill. It has never been reprieve or reduction."

Lang: "Right. There are no cuts in this Bill for property taxes, is that correct?"

Kubik: "The Bill provides that the extension that are extended by local governments will be limited in growth, correct."

Lang: "In fact these are guaranteed increases of property taxes,

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is that correct?"

Kubik: "Representative, it provides for an increase in the extension. Now, how...how it affects your individual property tax, is subject to a lot of other factors. But I have never represented it as when I go out to speak to my constituents that your property taxes are going to...are going to go down or what not. I've always suggested that local government will be limited in the amount of revenue that they receive."

Lang: "Do you think the people in Cook County, that voted for the referendum, knew that this was not a tax decrease Bill?"

Kubik: "I think they knew it was a tax limitation Bill."

Lang: "You really do?"

Kubik: "Yes, I do."

Lang: "Well, let me tell you that the calls to my office are running dramatically against your proposition. The people in my district that..."

Speaker Daniels: "Further questions, Sir?"

Lang: "Yes, I'll get to a question."

Speaker Daniels: "Okay."

Lang: "All right. The people in my district that have called me on this Bill have started to learn that this is not a tax cut but is a guaranteed tax increase. Have you had not had those calls?"

Kubik: "No, I have not."

Lang: "Let me ask you another question. Rather than property tax caps, would we need property tax caps if we properly funded education from Springfield."

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, all I can tell you is that we are supporting property tax caps to limit the amount of growth in government and that does not only include school

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districts it includes park districts, municipalities, et cetera."

Lang: "Representative, you live in Suburban Cook, I live in Suburban Cook. Your tax bill is about 60% education, my tax bill is about 60% education. Would you need a tax cap, or would I need a tax cap on our property tax bills and our homes if we properly funded education from Springfield?"

Kubik: "The honest answer is, I don't know. Because I don't know how it affects each individual local district, as you know Representative Lang the school aide formula is based on a lot of different factors as to the type of individuals that are in their district, the assess evaluation, all of those factors. So, to make a general statement that the, one way or the other is almost impossible. It will vary within ones own district."

Lang: "Thank you. To the Bill, to the Bill, Mr. Speaker."

Speaker Daniels: "To the Bill."

Lang: "Can we start the clock please, so I don't get cut off, thank you very much."

Speaker Daniels: "Just, just for the record Sir, the rules provide when your asking questions it's included in debate, but we will start the clock for you on this occasion."

Lang: "Thank you very much, Mr. Speaker. Let's, let's, let's get the debate clearer. This is an effort in sound bite politics, this is sound bite politics at it's finest. There is not a Member on this floor that really believes that tax caps are going to solve any property tax problem. Every Member on this floor knows that we need to have a real reform of all taxes in this state, income taxes, and property taxes and figure out how that meshes with education funding. Even the IMA when they had, when they had a new, a piece of paper in favor in Committee of this

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proposition said..."

Speaker Daniels: "Excuse me, excuse me, can the gentleman please have your attention? It's a very important Bill, he feels very strongly about it, please give him your attention."

Lang: "Thank you..."

Speaker Daniels: "Both sides of the aisle."

Lang: "Thank you Mr. Speaker. The fact is that even the IMA said their for this, but we have some real reform of all of our tax systems in the State of Illinois. We all know what we really need to do is rip up all the tax laws of the State of Illinois and rewrite them and create a new school aide formula and compare and create proper funding for education and all the services that we're supposed to provide from Springfield. So we know this is sound bite politics, we know that tax caps aren't going to do it. We know the tax caps are going to work local schools and local non home rule communities all over Cook County. I didn't hear any talk about statewide tax caps, only Cook County tax caps. I'll leave you to figure out why. Also, let me suggest that when this hits Cook County, there's going to be an effort by certain leaders, one of them is in the Chair right now to rewrite the school aide formula, to aide Suburban Cook County schools and to aide other schools and I... you know what living in Suburban Cook not so bad idea. But, those of you who live downstate and I'm talking particularly to downstate Republicans when that school aide formula is rewritten so that the Cook County schools and some of the collar county schools will get a few more bucks, your local downstate schools in downstate Illinois are going to suffer. You're going to get less money, plain and simple. The issue of mandates is very important here. We're now going to, after all the talk from the Republican

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side of the aisle about mandates, now we're going to hear that well, this mandates okay. And all of a sudden Representative Democracy is no longer important it's okay, it's okay to have this kind of a mandate, it's okay to tell them what kind of money to spend or how to spend it but those elected officials elected by people locally are going to be told this, but maybe nothing else. We're going to just tell them this, this makes no sense at all. Local people are elected locally to make decisions. If they spend too much money, if they raise too much taxes they can be voted out of office just like we can. The voters in local communities have the responsibility to be accountable to their own interest and to talk to their own elected officials about any variety of things and only one of them is taxation. So, where did we lose the idea of Representative Democracy, we lost it someplace. Ladies and Gentlemen this Bill should be defeated. It should be defeated for any number of these reasons. Mostly, I agree with the IMA, how about that. We need a re... overhaul, a complete overhaul of all of the tax systems of the State of Illinois. We have been unwilling to do it, we want to use band-aids, we want to use approaches that don't really get at the real problems. We have a crisis in education funding in the State of Illinois and a crisis in how we pay for a number of things. We cannot do it by band-aids, we cannot do it one step at a time, we have to have an overall approach that deals with all of these problems, tax caps won't do it. If your going to say to local officials that they have caps, but by the way we won't help you from Springfield because we've been unwilling to do that, as education funding has plummeted to 32%. What are you going to say to these schools? These schools have had these

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affects in the collar counties, 66% of the schools in the collar counties have bigger classes, 57% have cut back classroom materials and reduced equipment, 40% have fewer teachers, 30% have cut out extra curricular activities which are vital to the childrens growth and the learning about the world around them. We cannot allow this to happen and without a whole plan to take care of this from Springfield, your cutting them off from this end and your cutting them off from the other end without giving them any opportunity to deal with their own problems. Please defeat this Bill."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Daniels: "He indicates he will."

Mulligan: "Representative Kubik, it's my understanding that you do attend, intend to address some of these other concerns that Members on both sides of the aisle have brought up and in other legislations that will be pending soon. Is that true?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative Mulligan. There will be a, as I understand it in talking to Representative Murphy, who I'm not afraid of we communicate very well. She indicates to me that she will take up a variety of issues in the Revenue Committee that are issued that extend beyond the very limited scope of, of this legislation for Cook County."

Mulligan: "Thank you Representative. I wanted those assurance. Now to the Bill."

Speaker Daniels: "To the Bill."

Mulligan: "Both sides of the aisle express concerns over issues,

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particularly those of us from Cook County who represent Cook County. Although we have different philosophies on how we're going to support the Bill or not. Eighty Five percent approximately of my constituents voted in the referendum that said they wanted some kind of tax relief. I feel the question was very simplistic. Anyone whose asked, do you want your taxes lowered, are they going to say no, I assume they will say yes. In my home district I've done a more extensive survey which went to the heart of specific issues, the issues of why they live in my community and what they expected from the community. The top thing they expect is good public safety, that means firemen, policemen, good people on the street to protect them. The second thing is, they want good municipal services. They want their streets repaved, they want their curbs fixed, they want good services, their sewers repaired. The third thing, very close to the top was excellent education. We have award winning schools in our district, it is not my intention to come here and vote for this Bill to ruin the schools in my district. I will support the tax caps because simplistically 85% of my people sponsored the referendum, but I also think we need to look at such things as a sunset on this law because Legislature will not come back in so many years and repeal a law because it's taking away taxes. I think we look to a commission that will reform the tax structure, add to the school aide formula of my district. I get 5 to 9% in my district, of course we have high property taxes and the people in my community choose to live there and support that to have those excellent schools. If we later find out that this Bill is not addressing that and it's taking away aide from my schools and reducing how the schools operate

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in my district, I want some assurances that we're going to be able to address that in a realistic manner. So, because 85% of my community voted for a referendum I will support this Tax Cap Bill, but I will also introduce other legislation or support other legislation which I hope both sides of the aisle, particularly those from Cook County will look too to address the problems of the school and the things that are going to happen in my district. I know the voters think that this is what they want, I hope it will turn out that way in the long run but I want to ensure that they will and I want to see that we address the overall problem that the state should look at and that is total tax reform, not something we impose upon communities whose officials we do not elect except by our single vote in our home district. So, I will support this but I hope we will continue to address the issues."

Speaker Daniels: "Further discussion? The Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, thank you Mr. Speaker and Members of the House. A few years ago I stood and watched as we debated this initial issue of capping property taxes in the suburbs and as a downstater I guess I was somewhat disinterested and couldn't see how it really made any difference to me and my people south of Springfield as to whether or not we would cap the suburban areas. And, as a Democrat who was willing to experiment on some issues I thought let's see what happens, and I think that some of the results are interesting but also scary for myself as a downstater and I think that for downstaters on both sides of the aisle. We've seen that when we put the financial shackles on the suburban schools they've asked their Legislators to come to Springfield and ask for more money through the state aide

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formula. But, because downstaters were able to work with the Cook County groups two thirds of the state was able to say no to those requests. But, I think as a downstater that if we would support this thing today, we're going to be part of creating a unholy alliance between the suburban schools and the Chicago schools and we're going to find ourself in just a few years fighting a battle that we probably can't win. So, I would suggest to my downstaters on both sides of the aisle who probably think that this doesn't really matter to us that the thing that we need to do is look a little bit down the road to be concerned about what this thing will do to our schools, not just tomorrow, but next year and the year after and the year after that and the politics of the state being as they are each and every Legislator will do what's in the best interest of his or her school. So, I think we're making a big mistake if we put together this alliance that will be down here in a few years raiding the state aide formula, sending more money to Cook County and to suburbia so that they don't have to suffer under these caps and ultimately we will be the losers downstate. So, I urge my friends from both, on both sides of the aisle and downstate Illinois to vote no on this proposal."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Zabrocki."

Zabrocki: "Ladies and Gentleman of the council. I rise in favor of this Bill. I've had the opportunity and the pleasure to live in a community for the past 15 years where we've had tax caps and they have worked. I share Representative Mulligans concerns about this being the first step and that we look forward to other actions to go along with school reform. Thank you."

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Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Murphy."

Murphy, H.: "Thank you Mr. Speaker, Ladies and Gentlemen of the House General Assembly. I, I raise in opposition to House Bill 200 and the reason being is this, number one, all the communities, twelve communities that I represent, cities and villages are not covered, are not covered under home rule. Number two, it would be devastating to put a tax cap on those communities when most of my schools are on the financial watch list now and we would not have the opportunity to govern, we would simply be out of business. And, for those communities that, that's real affluent and pay a lot of taxes to have good school, those communities in fact are hurting out of the tax cap as it relates to education. Now, I read where we was not bailing out Chicago, this time around. Up under this tax cap though you will be \$65,000,000 more in the hole. So, how could we set here and have elected officials, the other elective officials throughout this state, we have constant Members, we have alderman and we have mayors and managers. And the local people have intrust their beings in their hand to take care of them. We're down here in Springfield, not only running state business, but now we're in the business of running municipalities. If we're going to do that and give them that mandate we'll need mayors and managers. We just need the Legislators to tell all these cities what they ought to do. We have to pay for services and particularly in south suburbs, it would be very interesting to me to see my colleagues on both sides of the aisle. Who most of them as myself have served in local government and when I was there I was sick and tired of the state giving us mandates and no money, now we give it mandates and taking away

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money. I urge a 'no' vote on House Bill 200."

Speaker Daniels: "Is there further discussion? The Gentleman from Cook, Representative Hanrahan."

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

Speaker Daniels: "He indicates he will."

Hanrahan: "To the Bill. I rise in support of this legislation because we need to start to restore our citizens trust in government. While it is not perfect legislation it is a first step towards comprehensive tax reform in Illinois. By an overwhelming margin the people voted by referendum in favor of extending property tax caps in Cook County. This Bill fulfills that commitment and seeks to bring greater accountability to government. It is not however, meant to punish those public institutions that have managed efficiently. In that regard it is my understanding that the Bills final language will be cleaned up after it's likely passage today to protect well meaning school districts that sold bonds or completed the legal requirements to do so in December but were issued in January. It's with that assurance I Co-Sponsor this legislation and encourage my colleagues to support it."

Speaker Daniels: "Further discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Ladies and Gentleman I just want to make two points. First of all, I'm joined with a number of my friends on that side of the aisle in previous sessions to fight unfunded mandates. Representative Balthis and I and others have sponsored the Constitutional Amendments to prohibit unfunded mandates. So, I think that I would assume that those people would also vote against this Bill. But, I must say that when I looked at the board I was rather surprised because I think one of the champions

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of fighting unfunded mandates is the Speaker and so I would assume Speaker Daniels would also vote against this Bill, so he'd have to remove himself as Sponsor because I know how important fighting unfunded mandates is to the Speaker. And, certainly he would do everything he can to be consistent on that issue and you will fight, continue to fight unfunded mandates and provide that revenue. So, so I assume you will withdraw Mr. Speaker."

Speaker Daniels: "Remove it, no we're not."

Granberg: "Secondly, to my, to the Freshmen Legislators please be aware as Representative Hannig indicated predictably the downstaters. When you think this does not have an impact on your district because when you allow districts, and this is where we have the device with this again. When you allow certain districts in this State to artificially lower their revenue where do you think their going to come to make that replacement. They're going to come to Springfield and fight downstate and whomever to compensate for that loss of revenue. So, and this will happen. There will be Bills introduced to allow for the property tax cap limitation to change the school aide formula to take money away from downstate schools upon the passage of this legislation. It will happen. So, be aware if you are a downstater, our schools are terribly under funded the way it is. There is no additional money for education, where's it going to come from? It's going to come out of your school districts. If you are a downstater be particularly aware of what could happen and what will happen. This does have an impact on your district, whether you think it does or not. This year, next year they will come after your money. If your in that school district where their spending \$2500.00 a student it's going to be awfully

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difficult to explain to your folks that you voted for property tax caps and now they want those district that limited their own local revenue growth want to get into the other state money at the cost to our downstate schools. Be aware of what's going to happen because it will. Ask your friends who have been here, they will tell you. So, if you are a downstater and your concerned about those issues vote 'no' on this Bill."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Balthis."

Balthis: "Thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Daniels: "He indicates he will."

Balthis: "Representative Kubik, Representative Madigan earlier raised a question of the Metropolitan Water Reclamation District and as I, it was my understanding that on page 7, line 22h of this Bill that it talks about a project not bonds sold. So this language does not in any way deter or affect the tart deep tunnel project."

Speaker Daniels: "Representative Kubik."

Kubik: "Well, Representative Balthis I think you said page 4..."

Balthis: "Page 7, line 22, item h."

Kubik: "Yes, and I might also point out Representative Balthis that the language is contained on page 4 of the Amendment as well so it applies to the first year and then every proceeding year after and it does, it does, it does relate to construction projects initiated prior to October 1, 1991."

Balthis: "So, any bonds sold subsequent to this Bill passing, even though it was for that project will, will not fall under the cap."

Kubik: "That is the way this language reads, correct."

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Balthis: "Okay. Thank you. Mr. Speaker, to the Bill."

Speaker Daniels: "To the Bill."

Balthis: "I have as many of you know risen on this floor before in opposition to tax caps. The voters of my district voted about 84% for these tax caps but in 1992 something that no one has mentioned so far, 87% of the people of the State of Illinois voted to stop unfunded mandates. Now if we're going to be serious about stopping the growth of local government costs then we've got to be serious about passing an unfunded mandates Bill in this Legislature, this Session. I intend to vote for this Bill but I also intend to press with every other Member of this Body to make sure that we do not raise the underlying costs of local government by raising unfunded mandates. Thank you."

Speaker Daniels: "Representative Madigan, for what purpose do you rise sir?"

Madigan: "To ask the Sponsor of the Bill a question that has arisen in light of comments made by two of the Representatives."

Speaker Daniels: "I think you've spoken in debate but since you are an esteemed colleague with leave of the House, we'll let you ask another question. Representative Kubik will you yield? The Gentleman indicates he will. Representative Madigan."

Madigan: "Mr. Kubik, we have now had two of your Members, first Representative Mulligan and then another Representative who I forget, talking about later legislation in reference to a trailer Bill. And one of them actually said that he's going to vote for the Bill because a school district that was attempting to float debt last December is going to get taken care of in a later Bill. I think in the interest of fairness and full disclosure, you ought to tell us exactly

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what you plan to do to this Bill, now or later on."

Speaker Daniels: "Representative Kubik."

Kubik: "Mr. Madigan, the Bill there very clearly states any bonds issued prior to January 1, 1995 are exempt. I think that's very clear. That's how this Bill reads, that's how this Bill will be passed. I have made no commitment to change this Bill. Have I agreed to listen to a full range of debate on a lot of different issues, yes, but I have not agreed to anything but what's in this Bill."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Parke."

Parke: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I, some of the previous speakers on the other side of the aisle have shocked me. I mean, I don't understand how they can say with a straight face that the people who voted for the Tax Limitation Amendment on the constitution, on the, on the November 8th election did not understand what they were voting for? Of course they understood, their not stupid. They know what they voted for. They want to limit it on how much taxes people have to pay, that's what they did, it's very simple. Senior citizens in Cook County are being forced out of their houses because they cannot afford to pay the increasing property taxes. Many of you know young couples who are trying to get a nest egg together so that they can buy a home, so they can start the American dream, and they can't do it because the Real Estate taxes keep going up. As you know we have a triennial reassessment in various parts of Cook County, why should taxing bodies every three years get a windfall, a tax revenue without asking for permission from the people, they just automatically get it. They increase the benefits of whatever their going to do with that money, they haven't

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asked anybody for that right. This Bill needs to be passed, the reason it needs to be passed is because we need to limit the growth of property taxes in this state. I will tell you the question was also asked, will the people know about the survey, did they really understand what the survey said. I'll tell you what, you do the survey like I did it in my district and you'll get your answer. I asked them the same question, I said do you want a limit in your property taxes? I agree, most everybody would say yes, but I had a follow up question. I said would you take a cut in services to have a limit in property taxes, and let me tell you I asked four questions; would you take a limit if it meant a lowering of the money going to local schools, more than 2/3 said 'yes'. Would you take it if it meant lowering in services in libraries, more than 2/3 said 'yes'. It said would you take it if its local government would cut back services, 2/3 said 'yes'. I said how about park districts, 2/3 said 'yes'. Two out of three people said 'yes' we'll take a cut in services, people understand what these questions mean. Don't under estimate them. On election day some of your colleagues did under estimate them and their not here. This is not to cut away property taxes for how you fund public education or other institutions. It is simply to lower the growth. I support to some degree some property taxes funding schools. I think the argument is correct, that's because it's local control. Every dollar raised by property tax stays 100% in your local school district, and the other taxing by, stays, all of it's there and your local park district and your local school board member their excisable, their in your neighborhood every day. There's only one of you and I, but there's sometimes five, seven, nine Members of those boards

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where people could talk to them on the street, in the grocery store, at church or in the temple. They have an access to it, so I don't think that we're talking about doing away with property taxes, we're talking about it. Another argument that people have told me, well what about proposition 108, they have tax caps out there and it's really hurttable. Let me remind you what happened in California. What happened in California is that the people were not listened to by the elected officials, they didn't listen to them. Year after year the sale of property taxes are too high and the elected officials did not listen, what did they do, the mob took over. The mob said we are going to pass our own tax limitation and they did it and today those taxing bodies in California are still paying the price. What we're talking about is 5% or the CPI whatever is lesser, that's all we're talking about, a limit. In California they only got a 1% growth every year under proposition 108, now please you can not quake the boat. People know what they want, they want a limit in their taxes. Somebody said this is a Blunder Bill. Well, tell the people in the collar counties their saving hundreds of millions of dollars over the last four or five years that this is, that was a blunder. I would bet to venture to say that they liked that idea. I will also tell you that no Bill solves all problems, there are going to be a few fine tuning that has to be done on this Bill but I will tell you that adjustment over the years is going to be necessary because we all want to make sure that there isn't real pain to the taxing units that we have and if we find out that there is problems with this we have the responsibility to come back and fine tune it and I venture to guess in responsible Legislators that you and I are, we will. This

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Bill is to pass, most of you will vote for it because it's the right legislation."

Speaker Daniels: "Further discussion? The Gentleman from Kankakee, Representative Novak."

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

Speaker Daniels: "He indicates he will."

Novak: "Representative Kubik, does this Bill here, is this folded into the current Property Tax Limitation Act that went into affect in 1991, or is this a separate Bill unto it's own because of the size of Cook County?"

Speaker Daniels: "Representative Kubik."

Kubik: "This Bill amends the original Act of the Property Tax Limitation Law of 1991."

Novak: "Okay, thank you on that part. Number two, is there any mention in here about any type of an exemption for Life Safety Code Mandates that school boards are required to implement?"

Kubik: "We have implemented this Bill the same way as it is in the collar counties. So, the answer to your question is 'no'."

Novak: "Right, the answer is 'no'. So if, so if the public school in Berwin should develop a lot of leaks tomorrow..."

Kubik: "And I know you have a fondness for Berwin."

Novak: "That's right, that's my birthplace. But if a public school in Berwin developed a lot of leaks in it's roof and the school board needed a few million dollars to either replace it or fix it to a significant degree what would be the effect on their ability to raise money to, #1 comply with life safety code mandates that require that school children should be safe in their place of education."

Kubik: "Let me answer that question in two parts. First of all, if they have initiated bonds prior to the first day of

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January of 1995 they would be covered under this Bill, they would be exempt. Let me make a second point, this Bill backed up the original law allowed local school districts, local municipalities, local park districts to go out and float referendum on the subject of increasing their bond authorization. I might also point out that there have been some studies done on bond and referendum prior to the cap in DuPage County. In that time prior to the cap, 20% of those referendum were successful. The referendum after the cap for the last few years, we have seen a 49% success rate. So, what's happening is people are looking at those issues and not just simply voting 'no'. They realize that their governments are limited to a natural growth of revenue and that they are looking at the question and saying this is a necessary project, we're going to vote in favor of it. So, I think the cap and the collars have showed that, that people are willing to look at increases in levy rates, or increases in rates I should say and increases in bonds in referendum."

Novak: "Well, the reason why I drew that illustration because the other day I intended a meeting at the Creat Mony High School in Will County which is shared by myself and Representative Carlo, they had a teachers strike this year, they had a roof that almost caved in and they've been operating under the tax cap since 1991 in Southeastern Will County which is not a very affluent area. Their restrictions that were placed on them were so bad that they had to go out and lease a roof. Now, I have never heard of a leasing arrangement for a new roof, but it just goes to show you what type of restrictions have been placed on the local school districts and I'd like to keep my remarks about this legislation and local school districts. You

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know I don't want to deny 85 or 75% of the people that voted in Cook County their, the reason why they voted because they want tax caps. I am going to support this Bill and I think I'm going to support it for maybe a reason other than a lot of other of my colleagues. I think, I want to support it from a more of a draconian point of view because I don't know what it's going to take in this state, whether it's going to take a hundred more school district that's going to go on the watch list or whether it's going to take a hundred more school districts that are going to have teacher strikes, whether it's going to take a hundred more school districts that have crumbling infrastructure because of restrictions placed on them. Maybe that might be good, I don't know. But, until we get Leadership in the State of Illinois and it's going to start, it's got to start in the Governors Office, it's got to be with the Speakers office and the Minority Leaders Office, both political parties. I think we all know what the problem is in Illinois Ladies and Gentlemen, the only reason why tax caps are being advocated is because 50 to 60% of every property tax dollar that you pay goes to finance education. We know it's a very antiquated, inequitable system that's out there, because where ever you live, if you live in a wealthy town or wealthy school district your going to have much better schools than if you live in Cairo, Illinois or Pimbroke which is all African American and spends about three or four thousand dollars per student. We have such a diverse state and such diverse inequities in this state. We know what the problem is. So, maybe there's a silver lining in this cloud, for those people in Cook County that are going to be infringed upon because of the restrictions that is going to placed upon them to provide adequate

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education. Maybe this is going to be some type of an event that's going to snowball, hopefully into a number of events that will force the Illinois General Assembly, every Member from every district in the executive branch of government to come to realize that we have to scrap this present system, we have to get away from this present system and that's one of the reasons why we're here today. So, yes I am going to support this. Maybe, maybe for other reasons because I think it's important to ease, to the will of the people in Cook County this past election, but I would hope that with all good reason and logic that we could really sit down and address the real reasons why we're here voting on this Bill. Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Boone, Representative Wait."

Wait: "Thank you, Mr. Speaker. Ladies and Gentleman of the House, the people in Boone Winnebago and DeKalb are concerned about the fast rising assessments. In fact, just this week alone Boone, County was one of the top four fastest growing counties in the whole state. We either should have statewide property tax caps or at least allow each county to decide by referendum if they want property tax caps in their area. We know that we need to find a new way to fund education. We should take it off the backs of the property tax payer and that's what I am strongly supporting. I will be introducing my own Bill that would allow property tax caps by referendum in my area and I hope that all of you would support it. I'm only sorry that that Bill is not included in this legislation we're addressing here today. I thank you very much."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Schakowsky."

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Schakowsky: "Thank you, Speaker and Ladies and Gentleman of the House. When I was deliberating on how to vote on this I got some help from my colleague Coy Pugh who gave me a quote from Dr. Martin Luther King, Jr. which I think is useful in making decisions about a lot of issues around here. Dr. King said, 'Cowardice has asked the question, is it safe? Vanity asks the question, is it popular? Expediency asks the question, is it politic, and conscience asks the question, is it right?' Well this vote, this Bill, House Bill 200 is clearly safe and it's popular and it's politic and that combination makes for a pretty tasty morsel for Legislators, but kind of like the apple in the Garden of Eden, it may not be all that it appears to be. It's especially hard to vote against this Bill because of the clever way the debate has been framed. It's been framed in such a way that it appears that if you vote 'no' on this that somehow that your for high property taxes and only by voting 'yes' are you against high property taxes. Well, I am against high property taxes and ever since I've been in this Body I've introduced legislation to lower property taxes but to do it in a way that is comprehensive in part of a general tax reform proposal. It would shift funding for schools to the, with the modest increase in the income tax. We're hearing a lot speeches about how to save the taxpayers money and the proponents hope that it will drown out the real question and the real question is why are property taxes so high? And the simple answer is because we have failed to meet our obligations to fund education, because we haven't had the guts to take responsibility. Because the last two administrations, Governor Edgar and Governor Thompson have not provided Leadership to do what we need to do. We force hard working

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families who want a decent education for their children to pay and pay regardless of their income, and the hypocrisy is stunning. We are contemptuous of public schools that don't perform, we mandate them to do all kinds of things and at the same time we starve them. Then, when they try and grow their own food or spend their own money we say 'no'. Oh yes, I am tempted to vote for this measure because property taxes are too high and I want to lower them. I'm tempted because this Bill is safe, it's popular and it's politic, but conscience asks the question, is it right? And I say it is not right, this is a phony solution to a problem that cries out for a comprehensive answer, this administration and now the leadership in this House is failing to do that and I urge a 'no' vote."

Speaker Daniels: "Is there further discussion? The Lady from Cook, Representative Lyons."

Lyons: "Thank you, Mr. Speaker. I want to express my support of this Bill. The voters of my district have told me they agree, we rely much to heavily on property taxes to fund education. Eight four percent of my district have told me they want a limit on their property tax increases. I realize there are concerns as a result, life safety bonds are one. So, I want to make sure that we address these many educational and municipal issues in future Committee meeting meetings with Representative Murphy. I find it ironic that my colleagues on the other side of the aisle have talked about the fact that we have not, the state has not properly funded education in this State and yet they have been the Majority for the last 12 years and I urge support of this Bill knowing that I and my colleagues will take this future considerations of education and municipal affairs into consideration in the future. But in the

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meantime as I say I think that it's, that there are separate issues and I strongly support support of this Bill. Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Several other Speakers have suggested that somehow this, this Bill is not an appropriate Bill for downstaters to support. Well downstaters have had a form of tax cap for over a dozen years, it's called a Farmland Assessment Act. It caps the amount of increase that farmland can go up or go down at 10% a year. Downstaters has had tax caps for over a dozen years, to now somehow suggest that we shouldn't allow a similar function to a County that has voted 80 plus percent is the height of hypocrisy. The reason that this is before the Legislature is that democracy is not working in the county of Cook. In order for democracy to work, it requires two things, it requires the people to speak and the elected officials to listen, the elected officials of Cook County of those tax units have not listened. This Legislature will listen when the people speak. This Legislature listened over a dozen years ago when the people of downstate said we can't afford the rising taxes on our farmland and they passed the Farmland Assessment Act. This Legislature listened when the collar counties said we cannot afford it, the rising, escalating real estate taxes and pass tax caps for those collar counties and this Legislature will listen to the people of Cook County who said by more than 80% we want our real estate taxes to be capped as well. So, don't be dissuaded, don't be persuaded that downstate hasn't participated, we have seen the fruits and the benefits of tax caps for over a dozen years and we

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think the people of Cook County should do it as well.

Thank you, Mr. Speaker."

Speaker Daniels: "Further discussion? Any further discussion?
The Gentleman, Representative Kubik to close."

Kubik: "Thank you, Mr. Speaker. I think we've had a very full and open debate on this issue. This is not a issue that is a new issue, this is an issue that has been around for a number of years. I'd like to make a couple of points before I close. The first is that I think Representative Ryder made a very excellent point. The people of Cook County have spoken, they have said we want to limit the growth of government. We want to limit the amount that government has access to. Now if anybody who knows anything about government is really honest about this. We know that whatever revenue that we can gain in government, we will spend. We sit in State Government waiting to hear what the natural growth of revenue is, so we'll know how much we can spend, not realizing that's the taxpayers money. And yet, with local government, with property taxes there are no limitations. All they have to do is push the rates up, wait for the assessments to go up and then say, whoa there it's there, okay that's the amount we want to spend. All we're saying is there ought to be a limit, a reasonable limit and if you want more you ought to go out and ask the people who are picking up the Bill to pay for it. I don't think that's an unreasonable proposition. If your own home, you don't have a blank check, there's only so much money in your checking account, if you work for a company, you make it a cost of living, maybe you get a bonus but you know how much you can spend. Why shouldn't government be the same way. I don't think this is an outrageous proposition, I think it's an extremely logical

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and reasonable proposition. On final point. There's been a lot of discussion about what should or shouldn't be in this Bill. I think the mandate that has been given to us is very clear. The people of Cook County have looked over the borders in the collars and said, we see what you've done, we see how the growth of your property taxes has been, has been slowed down. We want the same thing, that's why this Bill was designed the way it was, it was a limited Bill because we have a mandate from those people and we're going to live up to that mandate. I think this is an important piece of legislation and I think that we ought to say to the people of Cook County that we heard you. In past Legislatures I sometimes wondered if my colleagues if I wasn't the only one who had a hearing problem. It seemed like people were saying we want to limit property taxes, we limit this, we want to limit that and they couldn't hear. I turned up the volume, I heard them this time folks. They said we want to limit property taxes. This Bill will do it. I urge your support."

Speaker Daniels: "The question is 'Shall House Bill 200 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open, this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there 80 'ayes', 35 'nays', none voting 'present' and 3 not voting. House Bill 200, having received a Constitutional Majority, is hereby declared passed. Announcements Mr. Clerk."

Clerk McLennand: "Notice the House Rules Committee will meet on Thursday, January 26, 1995 immediately upon adjournment of the House of Representatives in the Speakers conference room in the State House for the purpose of considering

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legislative measures which are pending before the Rules Committee offered by Representative Robert Churchill, Chairperson Committee on Rules."

Speaker Daniels: "Representative Churchill is recognized to offer a Resolution. Mr. Clerk, please read the Adjournment Resolution."

Clerk McLennand: "SENATE JOINT RESOLUTION NO. 9 RESOLVED, BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Wednesday, January 25, 1995, it stands adjourned until Thursday, January 26, 1995, at 12:00 o'clock noon in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, January 31, 1995 at 12:00 o'clock noon; and when the House of Representatives adjourns on Thursday, January 26, 1995, it stands adjourned until Tuesday, January 31, 1995, at 11:00 o'clock a.m."

Speaker Daniels: "Representative Churchill now moves the adoption of the Adjournment Resolution. All those in favor signify by saying 'aye'; those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the Resolution is adopted. Representative Churchill now moves the House stand adjourned until Tuesday, January 31, 1995 at the hour of 11:00 a.m. All those in favor signify by saying 'aye'; opposed 'nay', the 'ayes' have it. In the opinion of the Chair, the 'ayes' have it and allowing for Perfunctory time for the Clerk the House now stands adjourned until Tuesday, January 31, 1995 at the hour of 11:00 a.m."

Clerk McLennand: "Perfunctory Session will be in order. Introduction - First Reading of Bills. House Bill 583, offered by Representative Wojcik, a Bill for an Act to amend the Liquor Control Act. House Bill 584, offered by

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Representative Fantin, a Bill for an Act to amend the Civil Administrative Code of Illinois. House Bill 585, offered by Representative Flowers, a Bill for an Act to amend the Child Care Act of 1969. House Bill 586, offered by Representative Flowers, a Bill for an Act to amend the Child Care Act of 1969. House Bill 587, offered by Representative Tim Johnson, a Bill for an Act to amend the Illinois Uniform Transfers to Minors Act. House Bill 588, offered by Representative Shirley Jones, a Bill for an Act to amend the Secretary of State Act. House Bill 589, offered by Representative Durkin, a Bill for an Act to amend the Criminal Code. House Bill 590, offered by Representative Boland, a Bill for an Act to amend the Respite Program Act. House Bill 591, offered by Representative Fantin, a Bill for an Act concerning kidney health planning. House Bill 592, offered by Representative Hoffman, a Bill for an Act concerning funding of child death review teams. House Bill 593, offered by Representative Blagojevich, a Bill for an Act to amend the Children and Family Services Act. House Bill 594, offered by Representative Currie, a Bill for an Act to amend the Unified Code of Corrections. House Bill 595, offered by Representative Balthis, a Bill for an Act in relation to municipal indebtedness. House Bill 596, offered by Representative Wojcik, a Bill for an Act to amend the Property Tax Code. House Bill 597, offered by Representative Spangler, a Bill for an Act creating the Joliet Arsenal Development Authority. House Bill 598, offered by Representative Stephens, a Bill for an Act to amend the School Code. House Bill 599, offered by Representative Schoenberg, a Bill for an Act to create the Freedom of Choice Act. House Bill 600, offered by

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Representative Schoenberg, a Bill for an Act in relation to ethics in government. House Bill 601, offered by Representative Schoenberg, a Bill for an Act concerning legislative ethics. House Bill 602, offered by Representative Winkel, a Bill for an Act to amend the University of Illinois Act. House Bill 603, offered by Representative Black, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 604, offered by Representative Black, a Bill for an Act concerning the Trauma Center Fund. House Bill 605, offered by Representative Black, a Bill for an Act to amend the State Finance Act. House Bill 606, offered by Representative Hoeft, a Bill for an Act concerning townships and road districts. House Bill 607, offered by Representative Hoeft, a Bill for an Act to amend the School Code. House Bill 608, offered by Representative Salvi, a Bill for an Act to amend the Code of Criminal Procedure of 1963. House Bill 609, offered by Representative Mautino, a Bill for an Act establishing an adult day services demonstration project. House Bill 610, offered by Representative Salvi, a Bill for an Act concerning substance abuse as it relates to children, amending named Acts. House Bill 611, offered by Representative Blagojevich, a Bill for an Act in relation to firearms. House Bill 612, offered by Representative Hoffman, a Bill for an Act to amend the Unified Code of Corrections. House Bill 613, offered by Representative Blagojevich, a Bill for an Act in relation to firearms. House Bill 614, offered by Representative Hartke, a Bill for an Act in relation to use and occupation taxes. House Bill 615, offered by Representative Smith, a Bill for an Act in relation to occupation and use taxes. House Bill 616, offered by Representative Dart, a Bill for an Act to

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amend the Criminal Code of 1961. House Bill 617, offered by Representative Boland, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 618, offered by Representative Mautino, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 619, offered by Representative Granberg, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 620, offered by Representative Granberg, a Bill for an Act concerning consolidation of job training programs. House Bill 621, offered by Representative Boland, a Bill for an Act to amend the Consumer Deposit Account Act. House Bill 622, offered by Representative Blagojevich, a Bill for an Act concerning background investigations in connection with the licensing of foster families. House Bill 623, offered by Representative Pugh, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 624, offered by Representative Pugh, a Bill for an Act to amend the Unified Code of Corrections. House Bill 625, offered by Representative Novak, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. House Bill 626, offered by Representative Gash, a Bill for an Act in relation to the purchase of property. House Bill 627, offered by Representative Hannig, a Bill for an Act concerning agency performance review. House Bill 628, offered by Representative Hannig, a Bill for an Act to amend the State Finance Act. House Bill 629, offered by Representative McGuire, a Bill for an Act in relation to State agency reports. House Bill 630, offered by Representative Eugene Moore, a Bill for an Act concerning the reporting of fiscal waste and abuse. House Bill 631, offered by Representative Kubik, a Bill for an Act to amend the Public Utilities Act. House Bill 632, offered by

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Representative Saviano, a Bill for an Act to amend the Illinois Funeral or Burial Funds Act. House Bill 633, offered by Representative Saviano, a Bill for an Act to amend the Hearing Aid Consumer Protection Act. House Bill 639, offered by Representative Saviano, a Bill for an Act to amend the Illinois Dental Practice Act. House Bill 635, offered by Representative Saviano, a Bill for an Act to amend the Hearing Aid Consumer Protection Act. House Bill 636, offered by Representative Wirsing, a Bill for an Act to amend the Public Utilities Act. Correction House Bill 634, offered by Representative Saviano, a Bill for an Act to amend the Illinois Dental Practice Act. House Bill 637, offered by Representative Wirsing, a Bill for an Act to amend the Public Utilities Act. House Bill 638, offered by Representative Ackerman, a Bill for an Act to amend the Public Utilities Act. House Bill 639, offered by Representative Leitch, a Bill for an Act to amend the Public Utilities Act. House Bill 640, offered by Representative Leitch, a Bill for an Act to amend the Public Utilities Act. House Bill 641, offered by Representative Laurino, a Bill for an Act to amend the Criminal Code of 1961. House Bill 642, offered by Representative Laurino, a Bill for an Act relating to educational scholarships for school children. House Bill 643, offered by Representative Laurino, a Bill for an Act to amend the Unified Code of Corrections. House Bill 644, offered by Representative Laurino, a Bill for an Act in relation to firearms. House Bill 646, offered by Representative Ryder, a Bill for an Act to amend the Public Utilities Act. House Bill 647, offered by Representative Leitch, a Bill for an Act to amend the School Code. House Bill 648, offered by Representative Hoffman, a Bill for an

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Act to amend the Abused and Neglected Child Reporting Act. House Bill 649, offered by Representative McGuire, a Bill for an Act in relation to employment programs. House Bill 650, offered by Representative Woolard, a Bill for an Act to amend the Illinois Act on the Aging. House Bill 651, offered by Representative Stephens, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. House Bill 652, offered by Representative Wojcik, a Bill for an Act to amend the Illinois Domestic Violence Act. House Bill 653, offered by Representative Wojcik, a Bill for an Act to amend the Civil Administrative Code of Illinois. House Bill 654, offered by Representative McAuliffe, a Bill for an Act to amend the Illinois Pension Code. House Bill 655, offered by Representative Salvi, a Bill for an Act concerning vouchers for educational expenses. House Bill 656, offered by Representative Biggert, a Bill for an Act to amend the State Library Act. House Bill 657, offered by Representative Biggert, a Bill for an Act to create an Internet Access and Use Task Force. House Bill 658, offered by Representative Biggert, a Bill for an Act to amend the Legislative Information Service Act. House Bill 659, offered by Representative Maureen Murphy, a Bill for an Act concerning local transfer taxes. First Reading and Introduction of these House Bills."

Clerk McLennand: "Introduction - First Reading of Bills. House Bill 660, offered by Representative Cowlshaw, a Bill for an Act to amend the Higher Education Student Assistance Act. House Bill 661, offered by Representative Balthis, a Bill for an Act to amend the State Mandates Act. First Reading and Introduction of these House Bills."

Clerk McLennand: "Introduction and First Reading of these House Bills. House Resolution 8, offered by Representative

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Skinner; House Resolution 9, offered by Representative Burke; House Joint Resolution 3, offered by Representative Ryder; House Joint Resolution 4, offered by Representative Meyer; House Resolution 10, offered by Representative Wojcik."

Clerk McLennand: "Introduction and First Reading of HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 7, offered by Representative Stephens RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 6 of Article IX of the Illinois Constitution as follows: ARTICLE IX REVENUE SECTION 6. EXEMPTIONS FROM PROPERTY TAXATION The General Assembly by law may exempt from taxation only the property of the State, units of local government and school districts and property used exclusively for agricultural and horticultural societies, and for school, religious, cemetery and charitable purposes. The General Assembly by law shall exempt from taxation property of organizations of veterans of the United States Armed Forces. The General Assembly by law may grant homestead exemptions or rent credits. (Source: Illinois Constitution) SCHEDULE This amendment takes effect upon approval by the electors of the State. First Reading of this House Joint Resolution Constitutional Amendment."

Clerk Rossi: "HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT #8, offered by Representative Salvi RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, That there

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shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 23.5 to Article I of the Illinois Constitution as follows: ARTICLE I BILL OF RIGHTS SECTION 23.5. PARENTAL RIGHTS (a) The right of parents to direct the upbringing and education of their children shall not be infringed. (b) The General Assembly may provide by law for the enforcement of this Section. (c) Nothing in this Section shall be construed to affect any laws regarding abuse or neglect. SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State. First Reading of this Constitutional Amendment."

Clerk McLennand: "Introduction and First Reading of HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT #9 OFFERED BY REPRESENTATIVE BALTHIS RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 13 to Article VII of the Illinois Constitution as follows: ARTICLE VII LOCAL GOVERNMENT Sec. 13. Unfunded Mandates. (a) Except as provided in subsections (b), (c), and (d), a law, executive action, or administrative rule described in item (1), (2), or (3) of this subsection is not enforceable against a unit of local government or school district. (1) A law, executive action, or administrative rule that requires a unit of local government or school district to establish, expand, modify, or refrain from its activities in such a

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way as to necessitate additional expenditures from local revenues. (2) A law, executive action, or administrative rule that wholly or partially exempts or otherwise removes an item from a unit of local government's or school district's revenue base. (3) A law, executive action, or administrative rule that restricts a unit of local government's or school district's revenue producing ability by limiting, reducing, reallocating, reapportioning, or otherwise regulating tax rates, extensions of taxes, or valuations of property in a way that has the net effect of reducing revenue to the unit of local government or school district. (b) A law described in item (1), (2), or (3) of subsection (a) is not enforceable against a unit of local government or a school district unless the law receives the concurrence of at least two-thirds of the members elected to each house or the General Assembly provides for new funding or other revenue authorization not currently existing that is sufficient to pay all costs incurred by the unit of local government or school district in implementing the law. (c) An executive action or administrative rule described in item (1), (2), or (3) of subsection (a) is not enforceable against a unit of local government or school district during any period of time unless the executive action or administrative rule provides for new funding or other revenue authorization not currently existing that is sufficient to pay all costs incurred by the unit of local government or school district in implementing the executive action or administrative rule. (d) A law described in item (1), (2), or (3) of subsection (a) that implements (i) administration of justice, (ii) notification and conduct of public hearings, (iii) procedures for administrative and judicial review of

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actions taken by local governing bodies or school districts, or (iv) protection of the public from malfeasance, misfeasance, or nonfeasance by local government or school district officials or a law described in item (1), (2), or (3) of subsection (a) that is requested by the unit of local government or school district affected may be enforceable against school districts or units of local government if the law received the concurrence of a majority of the members elected to each house. SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State. First Reading and Introduction of House Joint Resolution Constitutional Amendment #9."

Clerk McLennand: "Introduction - First Reading of Bills. House Bill 662, offered by Representative Novak, a Bill for an Act to amend the Solid Waste Planning and Recycling Act. House Bill 663, offered by Representative Smith, a Bill for an Act in relation to hunting and fishing licenses, amending named Acts. House Bill 664, offered by Representative Bugielski, a Bill for an Act in relation to the manner of selection of the Illinois Commerce Commission, amending certain named Acts. First Reading and Introduction of these House Bills."

Clerk McLennand: "Being no further business, the House Perfunctory Session will stand adjourned and the House will reconvene on Tuesday, January 31, at the hour of 11:00 a.m."

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