

Out With The Old... In With The Old?

Retirement Of Senate President Emil Jones, Jr. Leaves Much In Doubt For Upcoming Legislative Session, But Structural Work Act Could Be Back

Applying band-aids to budget shortfalls by borrowing from pension plans and other projects has left the state of Illinois in a bind. When the state legislature is sworn in this January, a band-aid might not do the trick anymore.

"The state is at the point now where it can't even rob from Peter to pay Paul, because both Peter and Paul have left the country," said Jeff Glass of Capitol Consulting Group, the Builders Association's lobbyist in Springfield. "There have been so many non-realistic budgets and non-revenue generating budgets in a row that the state can't pay its bills. There are a lot of things to fix, which might make this the year that one of the Chambers brings a larger basic business tax to the table."

Glass stopped by the Builders Association office to give a preview of the coming legislative session. He believes that it's unlikely a business tax or anything else makes headway early in the session, as the legislature will sit in a virtual holding pattern until the Senate picks a President to replace the retiring Emil Jones, Jr. There are at least five viable candidates for the post, and majority support for one of the candidates on the first couple of ballots seems unlikely.

"I think any of them would be a good leader for the Senate," Glass said. "It's definitely going to dramatically change the dynamic of the Senate, no matter who it is."

Waiting for the Senate to select a President could take some time, but that could mean a flurry of activity when things are settled.

An additional tax on business is one thing contractors might see coming out of Springfield during the next legislative session – although with the Presidency up in the air it's hard to say when or how severe that tax would be, or if it would come at all.

That uncertainty extends to the possibility of the Structural Work Act returning to the forefront.

The trial lawyers lobby fought hard to pass the SWA last spring and while the bill didn't pass, it garnered significant support from Democrats in the House.

House Speaker Mike Madigan was reportedly one supporter of the bill. Depending on its importance to the Speaker, Glass doesn't discount the possibility of seeing the SWA again in the near future – perhaps even this session.

"We could very well see the Structural Work Act coming up again," he said. "There was some support for it last year, so it wouldn't surprise me to see a similar push."

Democrats held a strong majority in both chambers last session and made a hard charge to secure even more seats in the recent elections. The Democrats fell short of the veto-proof supermajority they sought in the House, but did pick up three seats and outnumber the Republicans in that chamber, 70-48.

"There are thousands of pieces of legislation out there and there could be a lot of things happening in a very short period



of time," Glass said. "Between revisiting the Structural Work Act and labor issues and a number of other things that could affect contractors, your members are going to have to keep an eye out for legislation that could have a bearing on their business."

The Structural Work Act never came to a vote on the floor of the House last year, due in part to active participation in the process by Builders Association members. Opponents of the bill commented that grassroots efforts from businesses in the form of letters, emails and calls to legislators helped ensure positive results for the construction industry.

A prevailing wage bill and movement on a capital improvement plan are other things that can be expected when the Chambers reconvene.

Keep an eye on the Builders Association's website and The Builder Blast for information on legislation that could impact your business as it starts to move in either the House or the Senate.

"There are a number of legislators who want to steer clear of anything that would harm business," Glass said. "It's important that people who own businesses develop relationships with their legislators."

"For the bigger bills, those owners need to let the people representing them know how these bills are going to affect their business."

"It's hard to tell right now what's going to happen in terms of which bills will be introduced and which won't. Until there's a President in place, it's really hard to gauge what's going to happen."