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The following is a general overview of the legislative activity occurring during the Illinois General Assembly's 2000 regular session. Reports also include detailed information about legislative activities of direct interest to each client.

CLIENT REPORT FOR 2000 END OF SESSION

The Illinois General Assembly concluded its 2000 spring session on April 15, 2000 -- the earliest adjournment date in 101 years. Illinois governmental and political attention now focuses in two directions: (a) on the Governor's Office, which will begin acting on the bills that passed the General Assembly this session; and (b) on the election in November, particularly with redistricting just around the corner.

This end-of-session report highlights legislative activities from the now-concluded 2000 regular session that may be of *general interest*.

I. GENERAL OVERVIEW OF SESSION

The 2000 spring session officially began on January 12, 2000. As anticipated, the session proved to be relatively limited in scope, with legislators hesitant to address controversial matters in an election year. In contrast, the 2000 veto session may be relatively active, since it will occur after the November 7 election and because the just-concluded regular session left some significant unfinished business.

As indicated above, the session proved to be one of the shortest in history, adjourning a full six weeks earlier than last year. As a result, this session was very rapid in pace, with legislative deadlines occurring much sooner than previous years. As always, many bills died because they failed to meet a required legislative deadline.

The compressed legislative schedule also somewhat heightened control of the process by the legislative leaders. The most dramatic evidence of this heightened control was the agreement between Speaker Madigan and Leader Daniels to allow only three House Bills and two Senate Bills per House member to be released from House Rules Committee.

The focus this year was limited, as it always is in the second year of a two-year General Assembly (these second-year sessions being election years and ones during which the legislative leadership traditionally keeps most bills bottled up in the respective Rules Committees of the House and Senate). The principle *foci* of the 2000 session included approval of a budget that provided tax relief; re-enactment of the Safe Neighborhoods Act (ruled unconstitutional by the Illinois Supreme Court last year, which the Governor was unsuccessful in re-enacting during the Special Session last December); and preliminary debate on what to do with the expected \$9 billion that the state is to receive from the tobacco settlement over a 25-year period, of which Illinois has already received about \$400 million.

As always, the tone of the session was shaped in significant part by the State of the State Address, which Governor Ryan combined with his budget address on February 2, 2000. Ryan's proposed \$46.5 billion state budget focused on: (a) education and workforce development, collectively slated for an increase of 6.6 percent; (b) tax relief of up to \$481 million; (c) a new technology program called "Venture Tech," focusing on science education, biotechnology, research, information technology and advanced physics, with proposed state spending of \$1.9 billion and an additional \$800 million in state-directed venture capital; and (d) no new taxes. The Governor stated that he expected the budget balance at the end of fiscal year 2000 to be \$1.3 billion and, at the end of 2001, to be \$1.1 billion.

A. The Budget

The actual fiscal year 2001 budget (running from July 1, 2000 to June 30, 2001), totaled \$49.2 billion and included the following key provisions:

Tax Relief: The final budget included \$350 million in tax relief, the majority of which will be funded through the tobacco settlement proceeds, as follows:

- \$280 million for a one-time rebate to homeowners equaling 5 percent of their 1999 property taxes or \$300, whichever is less. The rebate will arrive to homeowners sometime this fall.

- \$35 million for the creation of a state earned-income tax credit program for the working poor.
- \$35 million to expand the state Circuit Breaker program for the poor elderly. Eligibility for relief was expanded to include seniors who have income of less than \$20,875 (up from \$16,000), and the pharmaceutical assistance program was enlarged to include prescriptions for cancer, Alzheimer’s disease, glaucoma, Parkinson’s disease and smoking-related illnesses. The foregoing expansions will add an additional 178,000 seniors to the program.
- Fully phases in the personal exemption increase to \$2,000 (from \$1,000).

Other Key Elements: The final budget also included the following:

- \$467 million increase in education spending, representing 53 percent of new state revenues.
- Each legislative leader will be given control over a little less than \$100 million for member initiatives. Unlike previous budgets, the member-initiative projects were not specifically identified in the budget, but rather appear as “unallocated lump sum appropriations.”
- Of the \$688 million in tobacco settlement funds expected to be received by Illinois through the end of fiscal year 2001, \$30 million has been budgeted for smoking prevention programs, \$14 million will go to medical research, \$41 million will go to technological research, and \$225 million will be set aside in a “rainy day” fund. Most of the balance was appropriated to fund the one-time tax relief described above.
- Human Service providers will receive a 2.5 percent cost-of-living increase, an extra \$39 million over the Governor’s original proposal.
- The six Constitutional officers will not receive increases of more than five percent on their respective budgets.

B. Measures That Passed

Among the noteworthy measures of general interest that were passed this session by the General Assembly were the following:

- The four-month effort to re-enact the Safe Neighborhoods Act concluded successfully during the last week of session. The main point of contention was whether to make unlawful transportation of a weapon a felony. A compromise was reached that sets up two separate offenses for unlawful use of weapons, or UUW, offenses -- one a misdemeanor, the other a felony. First-time, non-violent offenders who improperly transport an unloaded firearm would be charged with a misdemeanor. Offenders who carry a loaded firearm, or have the ammunition within reach, and/or are in violation of other laws, would be subject to a felony. The six other bills which made up the re-enactment were approved overwhelmingly and with little debate. These bills created a variety of new crimes and increased criminal penalties. Governor Ryan has already approved these measures.
- The General Assembly passed legislation to prohibit public funding of abortions, except to protect the life (not the health) of the mother, or for victims of rape or incest. The Governor has not indicated whether he plans to approve the measure.
- Local school districts would get assistance in paying for breakfast programs for eligible students under legislation now on Governor Ryan's desk.
- Prosecution for attempted first degree murder can now be commenced at any time, instead of within seven years after the commission of the offense, under another bill awaiting gubernatorial action.
- Companies that sell fuel to local retailers that contains 2% MTBE must notify such retailers so that they can label their pumps as such under legislation that passed this year.
- Major rail carriers operating in Illinois must, pursuant to passed legislation, establish a counseling or trauma program to be available to crew members involved in accidents which cause death or serious injury.
- Public and appellate defenders would be statutorily immune from lawsuits, except for willful and wanton misconduct, should the Governor approve a bill now on his desk. This statutory immunity is a reaction to an Illinois Appellate Court decision finding that no such common law immunity exists in Illinois.
- Setting up a secret video camera in another person's home will now become a felony under legislatively-approved language.
- Children 13 and younger suspected of murder or sex offenses will now be required to have a lawyer before being questioned by police under legislation awaiting Governor Ryan's action.

Except as indicated above regarding the already-approved Safe Neighborhood Act, these measures now await action by the Governor.

C. Measures That Did Not Pass

Among the noteworthy measures of general interest that the General Assembly did not pass this session were the following:

- As expected, a tobacco settlement spending plan was not reached. The House approved a spending plan that created the Health First Plan Law and Tobacco Settlement Authority Law to distribute the funds into two areas. One-half of the amounts received would be invested under the jurisdiction of the Treasurer's Office, and a new Tobacco Settlement Bonding Authority would be empowered to use 20% of the proceeds for bonding purposes. The second half would be used for health-related programs through the creation of different funds. This measure overwhelmingly passed the House, but was never assigned to a Senate Committee. The Senate Republican leadership has decided to wait until the state finds out exactly how much it has to spend, since there are two pending lawsuits that could decrease such amount available to the state (the larger claim is from Cook County to reimburse its past spending on smoking-related health care, and the smaller claim is from private attorneys hired by the state for the balance of their legal fees). At this point, no decision has been made on how the distribution of the settlement proceeds will proceed (other than use of such monies this year to finance tax relief).
- Lawmakers rejected a pay increase for themselves, even though it was recommended by an independent Compensation Review Committee. Nonetheless, they will receive a cost of living increase next year.
- Legislation creating a state-run buying consortium entitling senior citizens to discount prices pharmaceutical companies provide to their largest customers passed the House, but was never assigned to a Senate committee, despite the heavy lobbying by senior citizen groups.
- Legislation failed that would have required some level of parity in insurance coverage for mental health conditions.
- Legislation which would mandate hospitals to offer rape victims emergency contraception was approved by the House, but was never assigned to a Senate committee.
- A proposed constitutional amendment to combine the offices of state treasurer and state comptroller did not advance.

- Legislation which would make the state responsible for debts incurred by the Illinois State Toll Highway Authority, and thereby allow for eventual elimination of toll-booths, did not pass.

II. THE POLITICAL ENVIRONMENT

The political parties are now gearing up for the November general election, which will determine the composition of the General Assembly for the process of redistricting Congressional/Legislative districts based on the 2000 census. Redistricting is accomplished through a legislative bill which is subject to veto or approval of the Governor. If the Republicans are able to retain control of the Senate (the Republicans presently enjoy a 32-27 majority) and are able to take control of the House (the Democrats now enjoy a 62-56 majority), the Republican party could unilaterally draw the map without input from the Democrats. Otherwise, both parties will have leverage in the redistricting debate, given that Republican Governor Ryan is not up for reelection. The map is crucial to the ability of either party to control the legislative process over the next decade.

The significance of redistricting and the upcoming elections drove the legislative leaders to fashion the short, and relatively controversy-free session that just concluded. The results of that session include passage of a bi-partisan tax relief plan, and a resolution to the previous stand-off on reenacting the Safe Neighborhoods Law. The majority parties in the Senate and House hope this quiet session will produce a “status quo” election, in which their respective majorities will be preserved.

The primary elections in March were, of course, a prelude to the fall contests. In the Senate there were a few primary challenges to incumbents. Senator Chris Lauzen (R-Aurora) won an easy victory over Sonny Abello (67% to 29%). Similarly, Senator David Sullivan (R-Park Ridge), running for the first time since his appointment to the late Marty Butler’s seat, won handily over Arlen Gould (64% to 36%). On the Democrat front, State Representative Larry Woolard won an easy victory (59% to 38%) over Senator Ned Mitchell. Although Senator Mitchell was the incumbent, he had not run previously for the position, having been appointed to fill the term of retiring Senator Jim Rea. Besides Senator Mitchell, who lost his primary election, Senator Art Berman (D-Chicago) retired. Representative Carol Ronen was appointed to replace him, and she is running for election this fall after being unopposed in the primary.

The primaries brought more changeover in the House. Incumbents were defeated in six races. Representative Sonia Silva (D-Chicago) was defeated by Suzanne Mendosa (D-Chicago) (55% to 45%). Similarly, Representative Edgar Lopez (D-Chicago) was defeated by Cynthia Soto (D-Chicago) (57% to 43%). Karen Yarbrough defeated incumbent Wanda Sharp (D-Maywood) (45% to 43%) in a rematch from two years ago. Annazete Collins defeated incumbent Coy Pugh (D-Chicago) (43.5% to 41.25%). David Miller defeated incumbent Willis Harris (D-Calumet City) by 50 votes. On the

Republican side, incumbent Cal Skinner (R-Crystal Lake) was defeated by Rosemary Kurz in another rematch from 1998 (53% to 43%). All of these primary winners appear “safe” in November.

Other House incumbents easily won primary challenges. Representative Calvin Giles (D-Chicago) won in a four way race with 39% of the vote. Assistant Majority Leader Art Turner (D-Chicago) defeated Charlie Allen (65.5% to 35.5%). Representative Harry Osterman (D-Chicago), who was appointed to fill the vacancy of Representative Carol Ronen when she was appointed to the Senate, defeated Claude Walker (73% to 28%). Representative Dan Burke won in a three-way race with 63% of the vote. Representative Monique Davis defeated Ronald Gaines (82.5% to 17.5%). Incumbent representative Harold Murphy (D-Markham) defeated Michael McMurray (80% to 20%). House Majority Leader Barbara Flynn Currie (D-Chicago) defeated Robert Palmer (86% to 14%).

On the Republican side in the House, Representative Bill O’Connor (R-Berwyn) defeated Michael Frederick (60% to 40%). Representative Tom Johnson (R-West Chicago) defeated Andrew Dungey (76% to 24%). Representative Sidney Mathias (R-Buffalo Grove) defeated Mark Riefenberg (64% to 36%). Representative Mark Beaubien (R-Barrington Hills) defeated Robert Freese (64% to 36%). Representative Patricia Reid Lindner (R-Sugar Grove) defeated Ken Anderson (63% to 37%). Representative Ronald Lawfer (R-Freeport) defeated Richard Weis (67% to 33%).

There were five House districts in which the incumbent did not run for reelection. Representative Mike Giglio (D-Lansing) retired from elective office, and Robert Ryan ran for the Democrat nomination in the district unopposed. He will face Republican Robert West, who also ran unopposed. As mentioned earlier, Representative Larry Woolard (D-Marion) ran successfully for the Democrat nomination for State Senate; Democrat Gary Forby won nomination to Woolard’s House seat with 50% of the vote in a three-way race. In the 60th District, incumbent Lauren Beth Gash ran unopposed for the Democrat nomination for Congress; this fall, Democrat Karen May will face Republican Nancy Flouret in the contest to succeed Gash. They both ran unopposed. Both the 88th District (Bill Brady) and the 104th District (Tim Johnson) will have new representation, as those incumbents ran against each other for nomination to Congress. Tim Johnson won. In the 88th District, local Coroner Dan Brady (no relation to Bill Brady) won by 47 votes against Ed Brady (brother of Bill Brady). In the 104th District, Democrat Charles “Chub” Conner defeated Michael Frerichs (54% to 46%) and will face Republican Tom Berns who won the nomination with 62% in a three-way race.

In the Senate, the Democrats would need to take three seats from the Republicans to take control of the Senate. The battleground appears to be the Chicago suburban area. The Democrats will target the Republican incumbents in the Northwest and Southwest suburban areas.

The two primary Republican incumbent targets in the Senate will be Christine Radogno (R-LaGrange) and Pat O’Malley (R-Palos Park). Senator Radogno won by less

than 100 votes in her first election in 1998. She will face Mary Jane O'Shea Mennella (a village trustee in Willow Springs) in November. They both ran unopposed in the primary.

Senator O'Malley won easily in his last election even though he was a target. Nevertheless, the fact that his district has two Democrat representatives gives Democrats some hope that he may be defeated in November. Sen. O'Malley faces the relatively unknown Rick Ryan in November. Both men ran unopposed in the primary.

Secondary Republican targets include Senator David Sullivan (R-Park Ridge) and Senator Wendell Jones (R-Palatine). Senator Sullivan has not run previously, having been appointed to fill the vacancy when Senator Marty Butler died. Although the district certainly leans Republican, the Democrats hope disillusionment with Governor Ryan, for whom Sen. Sullivan previously served as political director, may dampen Sen. Sullivan's appeal. Sullivan's 2-1 victory in the primary, together with his substantial local political organization, certainly could not have provided the Democrats much solace. Senator Sullivan will face a relatively unknown Phil Pritzker in November. Similarly, Senator Wendell Jones was appointed to fill the vacancy after Peter Fitzgerald ascended to the United States Senate. Senator Jones faces Sue Walton in November. Previously, Ms. Walton unsuccessfully challenged deceased State Representative Bernie Petersen. Since the district leans heavily Republican, Democrats must view this contest as a long shot.

The Republicans will certainly target Democrat incumbent Terry Link (D-Highwood). Senator Link won a surprising victory in 1996 against an incumbent State Representative (Tom Lachner, who lost in the 11-way Republican primary for the 10th Congressional seat last month). Sen. Link will face Republican Greg Kazarian in November. Both Link and Kazarian ran unopposed in the primary.

The rest of the incumbents appear safe, through the Democrats may make a long-shot effort against first-term Senator Duane Noland (R-Blue Mound), and the Republicans may make a similar effort against Representative Woolard. For the Democrats to wrest control of the Senate from the Republicans, they would have to win both of their primary target races (against Radogno and O'Malley), one of their secondary races (against Sullivan or Wendell Jones), and successfully defend their own target, Senator Link. Most observers believe the Senate will almost certainly remain in Republican control.

For the Republicans to take control of the House, they would have to pick up five seats. The first tier Democrat targets are Jack Franks (D-Woodstock), Susan Garrett (D-Lake Forest), James Fowler (D-Harrisburg), and the seat vacated by Lauren Beth Gash. These districts had been considered Republican leaning, and the Franks seat was considered strongly Republican. Representative Franks won a surprise victory in 1998 against an unpopular Republican incumbent who was appointed to fill a vacancy, and a fractured local Republican organization. The Republicans believe they can beat Franks this year. Representative Franks faces Republican nominee Tom Salvi, brother of Al Salvi. Tom Salvi won an impressive primary victory garnering over 55% of the vote in a

three-way race. The Democrats will nonetheless invest great resources in holding Franks' seat.

Representative Susan Garrett won the vacant seat in 1998 when incumbent Al Salvi ran unsuccessfully for Secretary of State. Her victory was almost as much a surprise as that of Representative Franks. She faces Republican Cecile Price. Both women ran unopposed in the primary, where Price received 5,319 votes while Garrett received 1,920 votes.

Representative Fowler won the seat vacated when former Representative David Phelps ran, and won, for Congress. The seat was considered "up for grabs" when Phelps left. Fowler faces Republican Eric Gregg. They both ran unopposed in the primary, with Fowler receiving 10,188 votes and Gregg receiving 7,566.

While the 60th District had been considered Republican leaning, incumbent representative Lauren Beth Gash had always won impressive victories. This race would clearly not be as targeted by the Republicans had Representative Gash decided to run again for the General Assembly rather than Congress. Karen May is the Democrat candidate and Nancy Flouret is the Republican. They both ran unopposed in the primary, with May receiving 3,036 votes and Flouret receiving 5,744.

The Republicans will also go after incumbents they unsuccessfully targeted in 1998 in the Southwest suburbs. Among those representatives are: Maggie Crotty (D- Oak Forest), who faces Republican Wendy Loftus (they received 4,122 votes and 2,948 votes respectively in unopposed primaries); James Brosnahan (D-Oak Lawn), who faces Republican Patricia Theresa Vlasis; Kevin McCarthy (D-Orland Park), who faces Republican Maureen Burns Bekta; and George Scully (D-Flossmoor) who faces Republican Susan Gowen (in unopposed primaries these candidates received 3,638 and 3,358 votes respectively). On paper these districts should be "swing" districts. However, with another two years of exposure since 1998, the Democrat incumbents may be difficult to beat. The Republicans may also take a run at the vacant seat held by Representative Woolard. Although the district is a fairly strong Democrat district, the Republican candidate (Jack Woolard, no relation to the current representative) may have a good ballot name.

While the House Democrats will primarily "play defense" with its five-seat majority, they will target a couple of districts currently held by Republicans. These will include perennial targets Mike Bost (R-Murphysboro) and John O. Jones (R-Mt. Vernon). Bost received 4,014 votes in an uncontested primary, and will face Democrat Robert Koehn, who received 5,814 votes in an uncontested primary. Representative John Jones received 6,851 in an uncontested primary, and will face Democrat Ben Klebba, who received 4,149 votes in an uncontested primary. The Democrats may also test Decatur area incumbent Republican Bill Mitchell, who won a surprisingly easy victory in 1998 against the Macon County Sheriff. Mitchell will face Democrat Jeff Hawkins, who received 5,383 votes in an uncontested primary to Mitchell's 7,629 in an uncontested primary.

The Democrats will probably also put resources in the two representative districts in the Urbana/Champaign area. In the 103rd District, incumbent Republican Rick Winkle will face Democrat Tod Satterthwaite. Although Winkle out-pollled Satterthwaite more than 2-1 in uncontested primaries (11,056 to 5,294), Satterthwaite is the son of a former Representative Helen Satterthwaite, and the name has appeal in the area. Finally, in the 104th District, where incumbent Republican Tim Johnson left to run for Congress, Republican Tom Berns faces Democrat Charles “Chub” Connor, in a contest which should be competitive, though the Republican should certainly be the favorite.

Most observers believe that House Republicans will succeed in one or more of their targeted races; however, they also believe it will be difficult for Republicans to rest control of the House from the Democrats. A critical factor, of course, will be the presidential race—if Bush trounces Gore in Illinois, House Republicans may well be in the hunt.

III. GOVERNOR’S ACTION ON BILLS

Under the Illinois Constitution, the General Assembly has 30 days in which to present a bill to the Governor after final passage. The Governor has 60 days after receipt of a bill in which to act—inaction beyond the 60-day period results in the bill automatically becoming law.

Typically, the Governor assigns a “bill review team” to analyze any measure that goes to his desk. The review team usually consists of one representative from each of the following areas of the Governor’s office: Legislative Affairs, Bureau of the Budget, Policy Staff, Press Staff and Legal Office. Affected administrative agencies are also typically represented.

IV. VETO SESSION

The 2000 veto session has been scheduled for November 9 (a perfunctory session day when the veto messages are simply read into the House and Senate records); November 14, 15 and 16 (when vetoed and amendatorily vetoed Senate Bills are considered in the Senate, and vetoed and amendatorily vetoed House Bills are considered in the House); and November 28, 29, 30 (when vetoes overridden, or accepted in the case of an amendatory veto in the original chamber, are considered in the other chamber).

There are three types of vetoes in Illinois: (a) total vetoes, where the Governor disapproves a bill in its entirety; (b) amendatory vetoes, where the Governor makes changes to the bill that, in turn, must be approved by the General Assembly; and (c) line item or reduction vetoes, where the Governor disapproves or reduces certain line items in

an appropriation bill, with the non-vetoed portions taking effect as law without further General Assembly action.

The General Assembly may override a veto by a three-fifths vote in each chamber, or it may simply kill a substantive bill by refusing to call for a vote any motion on the veto. Regarding amendatory vetoes, the legislature may accept them by way of a majority vote in both chambers.

During a veto session, legislative matters other than vetoes can be taken up depending upon the will of the House and Senate majority leadership. Typically, the veto session following a general election includes consideration of significant items that were deferred during the previous regular session.