



the

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Overtime Session Averted

Avoiding a repeat of last year's lengthy overtime session, the 94th General Assembly adjourned right before the June 1st deadline. Had the legislators not adjourned on schedule, a three-fifths majority vote for budget bills, as well as Republican support, would have become necessary instead of a simple majority. The House introduced 4,085 bills during the 2005 spring session compared to the 2,124 bills introduced in the Senate, for a total of 6,209 bills. From this total, only 443 house bills and 272 senate bills passed both chambers and were sent to the Governor.

Once again, raising taxes was avoided as a means of closing a \$1.2 billion hole and balancing the roughly \$54 to \$58 billion budget. There is some disagreement as to the actual number, but it does include \$24.4 billion in general revenue funds. Alternatives to tax increases were considered as potential revenue sources including gaming expansion and cigarette tax increases, but legislators were unable to reach an agreement on these issues. A few programs benefited from the budget this session. Elementary and secondary education received \$313 million in new funding, which increases the minimum per-pupil spending to \$5,164, a \$200 increase. Preschool education received \$30 million. Unrelated to education but significant in amount is the \$54 million bailout the Chicago Transit Authority (CTA) received.

"Memorandums of understanding" again played a role in the legislative process. As a sign of a basic level of mistrust, these informal written promises were first introduced to the process during last year's Spring legislative session, and the Governor signed more than 50 MOUs. This year, approximately 70 MOUs were signed. Some of the memos concern funding for hospitals; one in particular includes \$100,000 for Hillsboro Area Hospital. After school programs and community colleges also are slated to receive funds. A film festival will be the recipient of \$100,000 while the Chicago International House (Electronic) Music Festival will receive \$200,000. The city of Chicago and private donors

must demonstrate financial support of the project before the funding kicks in on the latter program. A large number of organizations, including elementary schools, after school programs and a medical center, via the Latino Caucus will receive millions of dollars as a result of MOUs. The village of Utica would receive another \$100,000 to repair a tornado-damaged village hall under a signed memo.

The Fiscal Year 2006 budget also calls for using an estimated \$159 million in surplus money from over 250 funds dedicated for specific purposes. Established by the Illinois General Assembly, these special funds cover everything from regulating professions like nurses, architects, and real estate agents, etc. to providing oversight of insurance and financial services. It remains to be seen whether the diversion of these funds is allowable. A lawsuit filed last year is still pending by the financial services industry about this practice, and a court injunction has been issued. If the surplus money from these funds is deemed unavailable, a significant gap in the FY 06 budget would result.

A workers' compensation bill was passed this spring, the first major revision to the system in about 30 years. **House Bill 2137** sets out a list of fees doctors can charge for treating on-the-job injuries and would implement a new governmental unit to investigate workers' compensation fraud. Among other things, the bill also requires companies to pay medical bills quickly and raises the death benefits for workers on the job. The legislation sponsored by Representative Jay Hoffman was sent to the Governor's office on May 28th and awaits his action.

With no Republican support, the Democrats passed a pension diversion plan through both chambers near the end of session that would close the shortfall in the budget. The pension holiday was taken as a drastic measure to avoid going into a potentially costly and contentious overtime session. \$2.3 billion in payments will be diverted from the employee retirement systems

over the next two years. Opponents of the plan argue that the funds would eventually need to be repaid and will cost the state more in the long run. According to a July 2nd *State Journal-Register* article, Illinois Attorney General Lisa Madigan ruled that the decision to defer the \$2.3 billion is constitutional. State Treasurer Judy Baar Topinka had suggested that it should have required a three-fifths vote because it causes the state to incur debt; it illegally diminished employee pension benefits; and it disregards provisions of the state's contract with the largest employee union regarding pension contributions.

For months now, groups representing trial lawyers, hospitals, doctors, businesses, and the insurance industry negotiated to develop a medical malpractice reform package. The Democratic legislative leaders and Governor's office were able to craft a compromise with **Senate Bill 475** that includes caps on non-economic damages for pain and suffering at \$500,000 for doctors and \$1 million for hospitals. The legislation also amends the Illinois Good Samaritan Act to expand immunity from civil damages for services performed without compensation from free medical clinics and increases standards for those who qualify as expert witnesses in malpractice cases. As has happened in the past, it is possible that the medical malpractice legislation could be challenged in the courts.

The following two bills are also of critical importance to the budget. **Senate Bill 157** creates the FY 2006 Hospital Assessment Act. The hospital assessment program is anticipated to generate about \$600 million in new federal funding for hospitals in Illinois, according to the Governor's office. **Senate Bill 316** allows riverboats to get their 70 percent maximum tax rate reduced to 50 percent. However, the legislation contains the stipulation that if the state loses any revenue, the casinos would have to pay the difference.

Sent to the Governor – Awaiting Action

A number of bills dealing with tougher measures against drunk drivers have recently been sent to Governor Blagojevich's desk for his action. **House Bill 887** (Black) requires prosecution of felony DUI charges by local State's Attorneys offices instead of municipal attorneys. Representative Black also sponsored **House Bill 888**, which calls for tougher penalties for persons caught driving on a suspended or revoked license or permit when the suspension or revocation occurred because of a DUI. **House Bill 1351** (Black) requires any-

one arrested for leaving the scene of a crash resulting in death or personal injury to submit to chemical testing within 12 hours after the accident. A driver caught transporting a child under the age of 16 while under the influence of alcohol or drugs face stiffer penalties if **House Bill 657** (Franks) is signed into law. Repeat DUI offenders will incur harsher sentences if **House Bill 3816** (Pihos) and **House Bill 1132** (Black) are signed. With the latter legislation, a sixth or subsequent DUI conviction would result in a Class X felony and a sentence of six to 30 years in prison for the offender.

Under **House Bill 4023** (Chapa LaVia), Illinois would become the first state in the country to ban the sale of violent video games to minors. **Senate Bill 1333** (Cullerton) amends the Firearm Owner's Identification Card Act, and would require gun sellers to request background checks for potential gun purchasers when obtaining firearms at gun shows. **House Bill 121** (Mitchell) prohibits a sex offender from participating in a holiday event in which he or she would wear a Santa Claus or Easter Bunny costume. Also prohibited is handing out candy on Halloween.

New Legislation on the Books

A number of bills offering protection to consumers and the safety of the general public have been signed into law already. **Public Act 94-0013** regulates payday loans by placing limits on fees imposed and bans roll-overs of loans. Stricter limits are placed on interest rates the industry can charge for short-term loans. Consumers will have a seven-day waiting period between taking out loans. The legislation also limits the size of the loans it can offer to 25% of the borrowers' monthly salary. **Public Act 94-0117** requires the police to record interrogations and confession in the case of a person being charged with a DUI that results in a death.

Public Act 94-0006 was signed on June 23 requiring Tasers and other stun gun purchases to obtain a Firearm Owner's Identification (FOID) card and requiring them to submit to background checks. Illinois becomes the first state in the nation to require a firearm license to own a stun gun. The 24-hour waiting period required for other rifles and guns will now apply to Tasers and stun guns also.

Public Act 94-0016 requires newly admitted inmates sentenced to life in prison or the death penalty to provide samples of blood, saliva, or tissue for collection of DNA within 45 days after sentencing. Additionally, inmates who have been sentenced to life in prison or

the death penalty prior to the bill signing must provide samples for DNA collection. According to Governor Blagojevich, "By collecting samples from criminals on death row and those serving life sentences, police may be able to solve crimes that have languished for years and provide some closure to victims and their families."

Signed on June 14th, **Public Act 94-0020** allows Illinois residents to legally make a profit off of selling their tickets, e.g., to sporting events, on Internet auction sites. **Public Act 94-0014** requires Illinois school districts to provide education about steroid abuse prevention to all students participating in interscholastic sports. **Public Act 94-0075** creates an organ donor registry based on first-person consent for persons 18 or older. The availability of the organ for transplant will be based on the donor's written expressed decision rather than by considering the next-of-kin's wishes.

Identity Theft Protections

Governor Blagojevich signed a number of pieces of legislation protecting consumers from identity theft. With **Public Act 94-0036**, Illinois becomes only the second state in the nation to require companies to quickly notify consumers in the state if their personal information is compromised due to a breach in company security. The Act becomes effective January 1, 2006. This legislation is a response to several recent breaches in security affecting millions of Americans.

Public Act 94-0074 allows people who have been victims of identity theft to place a security freeze on their credit reports. It will prevent a thief from opening additional credit card accounts with the person's information or from changing critical information in the report without the consumer being informed.

Public Act 94-0039 increases the penalties by one felony class for identity theft and aggravated identity theft crimes as well as against those who steal identities of more than three victims.

Public Act 94-0037 prohibits businesses from denying a person credit or utility services, or increasing a person's credit limit based solely on their status as an identity theft victim.

Effective immediately, **Public Act 94-0041** requires the Department of Revenue to notify a taxpayer immediately if another person is suspected of having used the taxpayer's Social Security number to register a business or pay taxes and fees.



Summer Reading Just off the Presses



For a history buff, Springfield, Illinois is the place to live. There is plenty to see and do for persons even mildly interested in our local or state history. One such activity is a walking tour of Springfield's Oak Ridge Cemetery, which is located on the northern edge of the city. Having been on one of these walking tours, I was fascinated by how the actors and actresses dressed in period costume bring people from Springfield's past to life in such a rich and colorful manner. For those who are unable to participate in the cemetery walks at Oak Ridge Cemetery, you now have another option with the very recent publication of *Now They Belong to the Ages: Abraham Lincoln and His Contemporaries in Oak Ridge Cemetery*.

Now They Belong to the Ages is written in the form of a walking tour starting and ending at Lincoln's Tomb. Written by Susan Krause, Kelley A. Boston, and Daniel W. Stowell, the book was published just this year by the Papers of Abraham Lincoln. Oak Ridge Cemetery is the largest cemetery in Illinois with more than 75,000 people buried there including Governors, dignitaries and, of course, Abraham Lincoln.

This work contains brief biographies of dozens of Lincoln's contemporaries. Included are details about the person's life and his or her relationship to Lincoln. Some of the subjects covered are friends, neighbors, family, law partners, clients, and some of Springfield's earliest businessmen and women, including operators of dry goods stores, mercantile, bankers, and clergy.

The book includes maps showing the locations of the people discussed in the book, photos of the tombstones and persons, when available, and samples of correspondence to and from Abraham Lincoln. The authors also incorporate other features to tell the stories of Springfield, including contracts, store advertisements, and snapshots of Springfield's past. For people who ever wondered how many of Springfield's streets and schools got their names, *Now They Belong to the Ages* provides the answers.



People In Transition

Former director of the Capitol Development Board **Tony Rossi** has been named the Governor's deputy chief of staff for economy and environment. He replaces **Julie Curry**, who will be lobbying for a firm called Illinois Strategies.

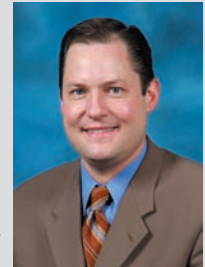
Jill Rock replaced **Courtney Nottage** the Senate Democratic chief of staff in order to become a lobbyist.

After 22 years with the Senate Democrats, most recently as deputy chief of staff, **Dave Gross** left to become the government affairs director for Southern Illinois University.

Tim Anderson has been named Special Assistant to the Senate President.

Will Burns has been named Deputy Chief of Staff for the Senate Democrats.

State Senator Larry Walsh (D-Joliet) has resigned his seat to become the new Will County Executive. **Arthur J. Wilhelm**, a lawyer with the Joliet firm of McKeown, Fitzgerald, Zollner, Buck, Hutchison, & Ruttle, was chosen as Walsh's replacement.



Arthur J. Wilhelm



Mike Jacobs

Mike Jacobs (D-Moline) was appointed to replace his father former **Senator Denny Jacobs** after he resigned last year. Senator Mike Jacobs had served as a downstate liaison to the Secretary of State's office.

Daniel Beiser (D-Alton) was appointed after the resignation of **Representative Steve Davis**. Representative Beiser served as Alton's treasurer since 1989, prior to his appointment to the legislative seat.

Representative John Milner was appointed to the Senate as of July 1st as a replacement for **Senator Kay Wojcik**, who recently retired from the Senate

James A. Wright was named the new Executive Inspector General by Governor Blagojevich to replace Zaldwaynaka "Z" Scott, who resigned from the post after two years. Wright recently served as Inspector General of the Illinois State Toll Highway Authority.

Governor Blagojevich has selected **Sheila Simon** to be on the Illinois Arts Council. Simon is a member of the Carbondale City Council and is the daughter of the late United States Senator Paul Simon. The Arts Council awards grants for fine arts activities in Illinois. Originally, the Governor had wanted Simon to serve on the Gaming Board, but she was unable to because she is not allowed to hold another paid public office.

Acting State Fair Manager **Amy Bliefnick** has been appointed the State Fair Manager and becomes the first woman to hold this position in the State Fair's 152-year history.

Attorney **James Sullivan** has been chosen to serve on the Illinois Gaming Board. He replaces Gary Peterlin, who was not reappointed when his term ended on June 30, 2005. **Joe Moore Jr.**, who runs a public relations firm in Chicago, was also named to fill a Gaming Board position, replacing William Dugan, whom Governor Blagojevich did not reappoint. These new members join three other members appointed a couple of months ago. **Judge Aaron Jaffe** retired in late 2004 after a nineteen-year stint on the Cook County bench. He will serve as chairman of the Gaming Board. Another appointee, **Reverend Eugene Winkler**, is a retired Methodist minister and social activist. The final member is **Charles Gardner**, who is a manager of a small, family-owned real estate investment company.

