

LEGISLATIVE REPORT

BOMA/SUBURBAN CHICAGO

May 24, 2019

The Illinois General Assembly adjourned Friday afternoon. The House is set to return to action Sunday afternoon and the Senate resumes Monday. With only five days of session left on the calendar, it will likely be a busy week with each chamber focused on floor action and concurrences – bills returning to the originating chamber for final approval after having undergone changes in the opposite chamber.

Word around the Capitol is that the FY 2020 budget is coming together and is likely to be approved by both chambers late in the week. While the budget is nearly complete, there are still a number of large items on the Governor’s agenda that are still undergoing negotiations including, gaming expansion and sports betting, recreational use of cannabis, a major construction plan and the “fair tax” proposal. With only a few more days left, look for the Governor’s office to push hard to get a number of those items through the General Assembly.

ADDED TO BILL REPORT THIS WEEK

➤ **None**

UPCOMING DATES

- May 24 – Third Reading Deadline for Bills in Opposite Chamber
- May 31 – House & Senate Adjournment

EXPUNGEMENT PROPOSAL PART OF RECREATIONAL CANNABIS PLAN

[State Journal-Register](#)

Illinois would enact one of the nation’s most comprehensive plans for expunging marijuana-related convictions if a bill pending in the General Assembly and supported by Gov. J.B. Pritzker becomes law.

Out of the 10 states that have legalized recreational marijuana, only California has a plan similar to Senate Bill 7 in Illinois to streamline the scrubbing of records for large numbers of marijuana convictions, according to Karen O’Keefe, director of state policies for the Marijuana Policy Project.

Illinois would go farther than California in at least one respect when it comes to helping people clear records and reduce barriers to employment, education and housing, O’Keefe said.

The current proposal in the Illinois General Assembly would allow for expungement of records involving convictions involving possession of far more than 1 ounce of marijuana. The bill would legalize possession of not more than 1 ounce.

Among convictions eligible for expungement in SB 7 would be misdemeanor possession of up to 3.5 ounces of cannabis and Class 4 felony possession of up to 17.6 ounces, or more than 1 pound.

On the other hand, a California bill signed into law last year sets in motion an automatic system of downgrading convictions and expunging marijuana conviction records, but only involving up to 1 ounce of marijuana, the legal limit authorized by voters in that state in 2016.

The broad level of expungements offered in the Illinois legislation has been one of the most controversial parts of the bill, which is expected to be amended by its sponsors this week. No votes have been taken yet in the Illinois Senate or House.

Erasing records of past convictions for conduct that would remain illegal after legalization “doesn’t seem to make sense,” said Ed Wojcicki, executive director of the Illinois Association of Chiefs of Police, which opposes the bill.

But the bill’s sponsors and O’Keefe defended the concept to repair damage done by the nationwide “war on drugs,” which resulted in disproportionately high levels of arrests and convictions of blacks compared with other ethnic and racial groups.

O’Keefe said there are indications other states will pursue the Illinois bill’s approach as legal sales of vast amounts of marijuana proliferate and create more moneymaking opportunities for wealthy entrepreneurs.

“The racial-justice component is becoming more a part of the national discussion,” said O’Keefe, whose employer describes itself as a not-for-profit marijuana policy advocacy and education organization.

“People shouldn’t be branded for life for conduct that others are making millions of dollars from now,” she said.

Sen. Heather Steans, the Chicago Democrat sponsoring SB 7 in the Senate, said dealing with the expungement issue will be important to ensure passage in the General Assembly.

Steans said after a three-hour hearing on the legislation last week that she plans to make changes to the bill this week in hopes of securing votes and clarifying issues raised during the hearing. She said she was aware of concerns by the Illinois State’s Attorneys Association that the proposed expungement system may be illegal under the Illinois Constitution unless the governor issued a mass pardon for the offenses.

Pritzker, a Democrat, hasn’t commented on whether he is willing to use his broad pardoning authority in concert with the legislation.

Steans also heard concerns at the hearing that the bill, as currently worded, would allow for swift expungement of future convictions for marijuana-related misdemeanors and felony offenses that would remain as crimes under Illinois law.

She added that clearing felony convictions would allow more people to work in the state’s legal marijuana industry — a goal of hers and the bill’s other sponsors.

Some have estimated that up to 800,000 people could benefit from the proposed expungements, which are part of what Steans and her lawmaker colleagues called the bill’s “social equity” benefits.

Sales of legal pot eventually are expected to generate up to \$500 million for state government annually. The bill says one-fourth of the money, or \$125 million, would go to a “Restoring Our Communities Fund” for grants to parts of the state harmed economically by the drug war.

The other social-equity component of the bill includes a low-interest loan program and other efforts to spur minority ownership among dispensaries, cultivation centers, processors and “craft growers.”

Such tactics are admirable but aren’t guaranteed to change a U.S. industry owned and controlled almost exclusively by white men, said Adam Orens, founding partner of the Denver-based Marijuana Policy Group, a consulting business.

No state has done a good job at promoting social equity through marijuana policy, Steans said. But she said no state except Illinois has developed such an in-depth plan.

“I think we’re going to set the standard for being a model on the social-equity piece,” she said.

Nine of the 10 states that have legalized marijuana (Alaska, California, Colorado, Maine, Massachusetts, Michigan, Nevada, Oregon and Washington) accomplished it through voter initiatives of the sort that aren’t allowed under the Illinois Constitution. Vermont did it through legislation.

Alaska and Michigan haven’t put in place any path to expunge records. But Michigan Gov. Gretchen Whitmer, a Democrat, has said she plans to use her clemency powers to free some of the thousands serving time in state prison for marijuana-related convictions. She also says she wants an expungement system put into place.

A Washington state bill recently signed into law would allow people to apply to have convictions wiped away for misdemeanors before 2012, when legalization was approved.

Some of the convictions could involve possession of more than the current legal limit of 1 ounce of cannabis, said Aaron Sherman, a spokesman for Washington Senate Democrats.

Colorado, which authorized adult use and sales of cannabis through a 2012 statewide legalization vote that paved the way for sales beginning in early 2014, hasn’t passed any laws dealing with expungement. District attorneys in Boulder County and Denver created programs on their own over the past year to invalidate convictions and seal records involving the legal limit of between 1 and 2 ounces of marijuana.

Since early 2019, only 11 people qualified for Boulder County’s “Moving on from Marijuana” program out of the 23 who applied.

Kupfner estimated that hundreds of people convicted of marijuana offenses could qualify for the program if they applied.

In Denver, 273 people applied to have convictions vacated, and 65 were granted, according to Carolyn Tyler, spokeswoman for the Denver DA’s office. She estimated that at least 10,000 people are potentially eligible for Denver’s “Turning Over a New Leaf” program.

The weak interest isn’t surprising when clearing records isn’t automatic and people need to be both aware of the programs and have time to apply, said Shawn Coleman, a marijuana industry lobbyist in Colorado.

ABORTION BILL COULD SEE MOVEMENT

State Journal-Register

The sponsor of a bill that would replace Illinois' current abortion law with language that is less restrictive said Wednesday she feels the bill will be moving forward, even after it was previously stalled in subcommittee.

The Reproductive Health Act, sponsored by Rep. Kelly Cassidy, D-Chicago, would, among other provisions, make it so everyone has "a fundamental right to make autonomous decisions" about their reproductive health. It also requires private health insurance companies that cover pregnancy-related benefits to cover abortion and allows physician-assistants to perform the procedure.

The bill had previously been put into the House Human Services committee and moved to the Informed Consent subcommittee, before being pushed back to the Rules Committee.

Cassidy said at the end of a caucus meeting, House Speaker Michael Madigan did confirm he would entertain a request for a hearing on the bill in a different committee. She said she did not know which committee it would be.

Brigid Leahy, senior director of public policy for Planned Parenthood of Illinois, said though the bill was held up for "quite some time," she is excited it could now start to move forward.

"I think the passage of these abortion bans in other states have really started to get legislators realizing the need for legislation is not just something we're talking about in an abstract way," Leahy said. "It's getting to be very real."

A new law in Alabama would effectively ban abortion in the state, and Georgia, Ohio and Kentucky have passed laws restricting abortions. Most recently, Missouri lawmakers sent a bill to the governor criminalizing abortion after eight weeks into a pregnancy.

Leahy said she knows legislators have a lot of "high-profile" issues to deal with in the next 10 days, but "given what we know is at risk in the courts," it would be a shame if the Reproductive Health Act was put off until next year.

PRITZKER DEFENDS TAX INCREASES FOR CONSTRUCTION PLAN

State Journal-Register

Gov. J.B. Pritzker Wednesday defended his proposed tax increases to pay for a capital bill against critics who said they will disproportionately hurt the poor.

Pritzker acknowledged some of the proposed taxes might be considered regressive, but he said they also represent a stable source of income.

"In order to put an infrastructure bill together, you've got to have various revenue sources," Pritzker said. "It's important that they are stable revenue sources because you need to bond them out."

Investors want to know there is a reliable revenue source behind bonds they invest in.

Pritzker proposed more than \$1.7 billion in tax and fee increases to finance the \$41.5 billion program. That included doubling the state's gasoline tax and raising license plate fees. Those two alone account for more than \$1 billion of the increases.

Pritzker also proposed higher taxes on alcoholic beverages, video gaming and a new tax on cable, satellite and streaming services.

Critics have said some of those taxes will fall most heavily on the poor who can least afford them. They contend the tax hikes will largely negate any breaks lower-income people will get from Pritzker's highly touted graduated income tax.

Pritzker agreed that many state taxes are flat taxes that tend to be regressive.

"The one where you can absolutely try to change the trajectory of that system is the income tax system," he said, touting his plan that he says will give tax relief to 97 percent of taxpayers.

Pritzker also indicated he won't be engaging in horse trading with lawmakers to win support for a capital plan.

Pritzker, who outlined his \$41.5 billion infrastructure program last week, said "there are a number of projects that just need to be done."

"There are bridges and roads and highways and that are falling apart," Pritzker said. "We need to put some money into those to make sure they don't fall apart. We need to advance the economic interests of the state so we have projects in there that are about that."

Pritzker said individual members have had input into the capital plan, but that doesn't mean the administration is promising projects to secure support.

"We put this capital bill together because we are focused on making sure the infrastructure is solid across the state," Pritzker said. "The members understand we have a huge infrastructure deficit in the state. We've got a lot of work to do here and I think everyone understands that."

MAYOR LIGHTFOOT TO REPLACE ENTIRE CPS SCHOOL BOARD

[Chicago Tribune](#)

Newly inaugurated Chicago Mayor Lori Lightfoot, who endorsed an elected school board on the campaign trail, announced Wednesday she will overhaul the seven-member board of education.

The announcement came less than an hour after Board President Frank Clark told fellow board members at their regular monthly meeting that he is stepping down.

Lightfoot's office said the names of the new school board members will be announced in the coming days and that they will be sworn in June 26. The mayor said in a statement she wants to ensure that "decisions made on behalf of our children are led by those with different perspectives throughout the district" as she prepares to "deliver bold reforms to our public school system."

At the same time, she has announced she will retain Janice Jackson as CEO of Chicago Public Schools, one of several leaders carried over from former Mayor Rahm Emanuel's administration.

CPS and city leaders will face ongoing enrollment declines and financial challenges, as well as upcoming contract negotiations with a Chicago Teachers Union, which staged a rally outside the Thompson Center Wednesday evening to push members' plea for equity in schools and what they consider a fair contract.

At the City Hall news conference earlier Wednesday, Lightfoot said her administration "wanted to make sure we were doing what we could to really bring diversity into the process and place the emphasis on existing CPS parents, people who've been through the (local school council) process or otherwise were viewed in the field as education experts. You will see with the names we will announce shortly that that's been the priority we've placed on looking at a new school board."

She noted there are "a lot of important issues" the board will face.

Lightfoot said during her campaign that she supports the move from an appointed to an elected school board for Chicago.

Yet she has signaled she opposes the current version of a bill pending in Springfield that would create a 21-member elected school board — a measure that was approved in the Illinois House two days after she won the mayor's office.

Lightfoot has called the bill — sponsored by Democratic state Rep. Robert Martwick of Chicago — "unwieldy."

The House bill is on hold in the Senate to allow the new mayor to look into the issue, said John Patterson, a spokesman for Senate President John Cullerton.

Clark, the outgoing board president and retired ComEd chairman and CEO, was appointed by Emanuel in 2015.

In announcing his departure, Clark said he was "very, very proud of the work of this board. The reduction of a \$1 billion deficit to virtually zero, the constant and continued academic achievement under Dr. Jackson's leadership and ultimately dealing with the very sensitive issue around sexual abuse. I would say without any hesitation the structure, the process, the systems that are in place will be able to address those issues much more rigorously than we have in the past."

Clark received a standing ovation and thanked colleagues, the city and the district's 360,000 students.

Jackson thanked the board members for their service, noting it was the last meeting of the board in its current form.

Besides Clark, the outgoing board includes Vice President Jaime Guzman and members Mark Furlong, Alejandra Garza, Austan Goolsbee, Mahalia Hines and Gail Ward.