

STATE OF ILLINOIS  
102nd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

120th Legislative Day

1/6/2023

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PRESIDING OFFICER: (SENATOR KOEHLER)

The (regular Session of the) 102nd General Assembly will please come to order. Will the Members please be at their desks? The invocation today will be given by Pastor Scott Marsh, of the Texas Christian Church in Clinton and the Maroa Christian Church in Maroa. Pastor.

PASTOR SCOTT MARSH:

(Prayer led by Pastor Scott Marsh)

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Johnson, will you please lead us in the pledge?

SENATOR JOHNSON:

(Pledge of Allegiance, led by Senator Johnson)

PRESIDING OFFICER: (SENATOR KOEHLER)

Blueroomstream seeks leave of the Body to videostream. WCIA seeks leave of the Body to film and video and audio. WGEM seeks leave of the Body to record video and audio. Seeing no objection, leave is granted. Mr. Secretary, Reading and Approval of the Journal.

SECRETARY ANDERSON:

Senate Journal of Thursday, January 5th, 2023.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Hunter.

SENATOR HUNTER:

Mr. President, I move to postpone the reading and approval of the Journal just read by the Secretary, pending the arrival of the printed transcripts.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Hunter moves to approve the Journals -- to postpone the reading and approval of the Journal, pending arrival of the

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printed transcripts. There being no objection, so ordered. The Daily Line seeks leave of the Body to audio and photo. Seeing no objection, leave is granted. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Castro, Chair of the Committee on Executive, reports House Bill 1688 Do Pass; Senate Amendment 1 to House Bill 240, Senate Amendment 1 to House Bill 4412, Senate Amendment 1 to House Bill 5188 and Senate Amendment 1 to House Bill 5285 Recommend Do Adopt.

PRESIDING OFFICER: (SENATOR KOEHLER):

To all Members within the sound of my voice, please come to the Senate Floor. We will be doing 3rd Readings. All Members of the Senate, within the sound of my voice, please come to the Senate Floor for action. Mr. Secretary, Messages from the House.

SECRETARY ANDERSON:

A Message from the House by Mr. Hollman, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1534.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendments 1, 2, 3 and 4 to Senate Bill 1534.

We received like Messages on Senate Bill 2022 -- 2226, with House Amendments 1 and 3. Passed the House, as amended, January 6th, 2023 (January 5, 2023). John W. Hollman, Clerk of the House.

PRESIDING OFFICER: (SENATOR KOEHLER)

Supplemental Calendar No. 1 has been distributed. So on,

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Supplemental Calendar No. 1, we have House Bill 1648. We have 1688, on 2nd Reading. Senator Villa, do you wish to move your bill to 3rd? Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1688.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR KOEHLER)

3rd Reading. We're going to final action. If you turn to your Calendar on page 2, towards the top, is House Bill 2369. Senator Wilcox. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 2369.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Wilcox, to explain your bill.

SENATOR WILCOX:

So, this bill is the trailer language to the Veterans Assistance Commission bill that we promised to bring back. Primarily, it is the Attorney General mediation process for VAC's and counties to use when they have different opinions on the Military Veterans Assistance Act. This was negotiated for quite a while to include with Cook County and county board members, even this week. There are a number of other changes. Understanding that Cook County has some different structures, we made changes to accommodate them. But the reality is, this trailer language takes effect with 5184 that took effect January 1st, of this year, so there is a slight -- slight gap between this language that should

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not cause any concerns. Between these bills that Rep. Kifowit and I have worked on, the Veterans Service-Related Ailment(s) Task Force, work that's occurred in IDVA under Director Prince. We are well on our way to fixing Illinois being fifty-first or fiftieth in the nation in veteran compensation and benefits. If we make these changes, and we get Illinois just to the national average, we could bring another billion dollars into the economy in federal benefits that veterans have earned. If we excel, and get Illinois to tenth in the nation, because we're tenth in veteran population, we could see another five-billion dollars entered into our Illinois economy. I know of no opposition, and request your support of the bill. Thank you.

PRESIDING OFFICER: (SENATOR KOEHLER)

Is there any discussion? Senator Castro.

SENATOR CASTRO:

Thank you, Mr. President. As I am a member of IJF, I will be abstaining -- I will be voting Present, on this bill.

PRESIDING OFFICER: (SENATOR KOEHLER)

Is there any other discussion? Seeing none. Senator Wilcox, to close.

SENATOR WILCOX:

I know the title does say Joining Forces. This was the old bill, for the bill that Senator Cunningham passed yesterday. So, this is purely Veterans Assistance Commissions and county structures under the MVAA. Thank you.

PRESIDING OFFICER: (SENATOR KOEHLER)

So, the question is, shall House Bill 2369 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

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Take the record. On that question, there are 48 voting Yea, none voting Nay, none voting Present. And House Bill 2369, having received the required constitutional majority, is declared passed. Moving down the list on page 2, we have House Bill 3878. Senator Pacione-Zayas seeks leave of the Body to return House Bill 3878 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is House Bill 3878. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Pacione-Zayas.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Pacione-Zayas, on your amendment.

SENATOR PACIONE-ZAYAS:

Thank you, Mr. President. The amendment is -- I'd like to actually adopt the Floor amendment and explain it all on 3rd.

PRESIDING OFFICER: (SENATOR KOEHLER)

Are there any further Floor amendments approved for consideration? Is there any discussion on -- on adopting the amendment? All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KOEHLER)

3rd Reading. Now on the Order of 3rd Reading is House Bill 3878. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 3878.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Pacione-Zayas, to explain your bill.

SENATOR PACIONE-ZAYAS:

Thank you, Mr. President. Essentially, what this bill is trying to do is provide funding to further support the Rental Housing Support Program. It will be doubling the fee that is collected by clerks and recorders for real estate transactions, from nine dollars to eighteen dollars, so that we can add some additional funds and expand the impact of the Rental Housing Support Program administered by the Illinois Department -- Illinois Housing Development Authority. The amendments changed some dates, because we do establish a task force so that we can more equitably distribute the funds, as well as prioritize communities that historically have not been able to take advantage of this program. And, we have expanded the task force, because this has been a negotiated bill, to include the voices of clerks outside of Chicago. There's three additional seats, on this particular task force, that will take up the issues around the distribution of funds, equity and prioritizing communities that historically have not been included. I urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR KOEHLER)

Is there any discussion? Senator Rezin.

SENATOR REZIN:

Thank you, Mr. President. Senator, can you...

PRESIDING OFFICER: (SENATOR KOEHLER)

Sponsor indicates she'll yield.

SENATOR REZIN:

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Thank you, I'm a little foggy today. Thank you. Senator, will the funds that are collected be kept in the county that they were collected in?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Pacione-Zayas.

SENATOR PACIONE-ZAYAS:

The funds are collected by the Department of Revenue, in a discrete funding line, that goes to the Illinois Housing Development Authority, that, then, based on a formula, that is informed by the census every ten years, and creates the eligibility threshold. It then gets granted out to local administering agencies, who then enter contracts with private landlords to close the gap for the market rate, and a rent and what a household can afford.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Rezin.

SENATOR REZIN:

Thank you. So, I take it, then, the funds are not kept in the county in which they were collected. Can you then explain to me what the breakdown of the pot of dollars from the funds that are collected from the fees, how would that money be dispersed throughout the State?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Pacione-Zayas.

SENATOR PACIONE-ZAYAS:

Yes, so there are - the State is broken up into four regions. The first region is Chicago, the second is suburbs, the third is small metros and the fourth are rural counties. The formula is established based on the proportion of the households that meet



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fifty percent of the State median income, plus have a thirty percent housing cost burden. So, the way that works right now, Chicago has forty-three percent of that proportion based on the population that meets that criteria. And then the remaining sixty-seven percent is broken down, with forty-five percent going towards suburbs -- suburbs, twenty-five percent going towards small metro and thirty percent going towards rural. That was determined by the census. But, actually, it's -- there's a couple variations because now in terms of the actual funding since the program inception in 2005, it's roughly the same, but just a couple percentage points of a difference.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Rezin.

SENATOR REZIN:

Thank you. So, in order to access the funds, say, for a rural community, how would they access the funds? Is it guaranteed -- is it guaranteed money that will be broken down and sent to particular areas, or do they have to apply for grants to be able to access the -- the funds for their -- for their area?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Pacione-Zayas.

SENATOR PACIONE-ZAYAS:

So, the Illinois Housing Development Authority, which administers the funds, they put out -- RF -- RFP's, for local administering agencies, to apply for the grants. And, so, in statute, we have now indicated that IHDA is supposed to make every best effort to ensure that every single county has access to a local administering agency. There are currently seventeen, right now. One of them, particularly manages quite a few of the smaller

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rural counties. But, this particular statute, or this bill, can expand the number of local administering agencies, so we can - like I said, in terms of the task force's charge, fill in the gaps where communities historically have not been prioritized.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Rezin.

SENATOR REZIN:

Thank you. Does Chicago have to apply through an RFP?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Pacione-Zayas.

SENATOR PACIONE-ZAYAS:

I -- I believe.. Yeah. They do have to submit the numbers and justify the funding that would be coming to them to then be able to subsidize the units for eligible applicants.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Rezin.

SENATOR REZIN:

Thank you. Senator, is this -- as we -- we are talking about, we're reading a lot about affordable housing in the media. Many people are talking about the need for more affordable housing. I understand and I agree. Is this your way of dealing with -- is this bill the type of policy that you would like to see to -- to deal with affordable housing throughout the State of Illinois?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Pacione-Zayas.

SENATOR PACIONE-ZAYAS:

Thank you for that question. This is one of the many tools that we're going to have to employ to address the affordable housing crisis across the State. And, I think it has been

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especially exacerbated through the pandemic. And right now, we're in a phase where we have quite a bit of federal relief. We know that that is going to expire in 2024, and should we not put into place additional resources that are specifically directed by the State, we're going to have a huge cliff and this is going to only get more acute and profound. So, this will be one of the tools, one of the levers, that we will need to pool to begin to address this in a more substantive way. Might I remind you that the total receipts collected for this, is at this point, status quo nineteen million dollars. We're looking to potentially double it. That's a drop in the bucket, when we think about what our needs for affordable housing. So, this will be one of many things that we will need to put into place so we can address this crisis across the State.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Rezin.

SENATOR REZIN:

Thank you. This will be my last question, and then I'll speak to the bill. Senator, is this - so when you talk about tools in the toolbox, do you consider - will we see a bill in the future that -- that includes rent control? Would that be one of your tool in the toolbox that you're talking about?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Pacione-Zayas.

SENATOR PACIONE-ZAYAS:

That is under discussion in many different spaces. And so, I think it's important that we look at the plethora of options as we are looking to address this problem across the State. So, that -- that may be one of the pieces that we take up for consideration.

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PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Rezin.

SENATOR REZIN:

Thank you. To the bill, Mr...

PRESIDING OFFICER: (SENATOR KOEHLER)

To the bill.

SENATOR REZIN:

Thank you. Again, I applaud the sponsor for taking a very difficult problem that we have in the State of Illinois and across the country. I do think that this particular bill is one of the, you know, tools in the toolbox that we should look at, in order to address affordable housing. The realtors are neutral or support the bill, which tells me, you know, they're at the table trying to make sure that we offer affordable housing throughout the State. So that, it's important to me, that they have a seat at the table. To my Members on this side, even though it is good policy, there are fee increases locally. So, I just want my Members on this side to know that. And, I appreciate your indulgence, Mr. President. Thank you.

PRESIDING OFFICER: (SENATOR KOEHLER)

Any further discussion? Senator Pacione-Zayas, to close.

SENATOR PACIONE-ZAYAS:

Thank you for the opportunity for working together to get this bill where it's at. I am committed, to working with folks who still may have some concerns, to ensure that the task force puts the pressure and holds IHDA accountable, so that we can ensure that there is transparency, there are processes, we have a more equitable distribution. And, ultimately the -- the program works as it should function to close the gap and expand our affordable

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housing. And, just for the record, the realtors are in support of the bill. Thank you. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR KOEHLER)

So, the question is, shall House Bill 3878 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 voting Yea, -- 18 voting Nay, and 1 voting Present. And, House Bill 3878, having received the required constitutional majority, is declared passed. Media requests. The Chicago Tribune seeks leave of the Body to record and video and videotape and take photographs. Seeing no objection, leave is granted. We're going to turn the page, to page 3, towards the top is House Bill 5285. Senator Pacione-Zayas seeks leave of the Body to return House Bill 5285 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is House Bill 5285. Mr. Secretary, are there any amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Pacione-Zayas.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Pacione-Zayas, on your amendment.

SENATOR PACIONE-ZAYAS:

Thank you, Mr. President. I'd like to adopt the amendment and explain on 3rd.

PRESIDING OFFICER: (SENATOR KOEHLER)

Is there any discussion? All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

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No further amendments reported.

PRESIDING OFFICER: (SENATOR KOEHLER)

3rd Reading. Now on the Order of 3rd Reading is House Bill 5285. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5285.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Pacione-Zayas, to explain your bill.

SENATOR PACIONE-ZAYAS:

Thank you. House Bill 5285, seeks to establish transparency, due process, and fully empower local school councils of Chicago Public Schools in the principal eligibility process. What it essentially does is it creates a public database of..

PRESIDING OFFICER: (SENATOR KOEHLER)

Excuse me, Senator. Can we have a little bit of quiet? Please go ahead.

SENATOR PACIONE-ZAYAS:

Thank you. It -- it creates a public database, with all of the candidates that are eligible to be a principal in Chicago Public Schools, but it also provides for an opt in and opt out process and schedule. In that public database, it ensures transparency in the principal eligibility process by making public all the criteria for eligibility. Providing those who may not meet the threshold to become a principal, a written report with competency aligned scores, evidence-based rationale, and there's also - it makes available targeted supports to address the quote -- quote "deficiencies", of -- of potential candidate. And, then

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it also provides provisions to prevent conscious and unconscious bias. It establishes a grievance and hearing procedure that would be created by Chicago Public Schools Board of Education, in cooperation with the organization that represents district principals and assistant principals. And it also, empowers local school councils in terms of, if in their evaluation to - of the principal to be considered, when the Board is looking at a principal's eligibility and if they should be removed from the database. This is an agreed upon bill. We spent a glorious twelve hours over the winter break, making sure that we were meeting the spirit of the bill and addressing the concerns of Chicago Public Schools. There is no opposition, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR KOEHLER)

Is there any discussion? Senator Rezin.

SENATOR REZIN:

Thank you, Mr. President. A question for the sponsor, please.

PRESIDING OFFICER: (SENATOR KOEHLER)

She indicates she will yield.

SENATOR REZIN:

Thank you. Senator Pacione-Zayas, is there a no-strike clause in this bill?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Pacione-Zayas.

SENATOR PACIONE-ZAYAS:

This bill does not deal with unionization. This is strictly on the principal eligibility process. The strike clause has to do with the principal unionization vote.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Rezin.

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SENATOR REZIN:

Thank you, Mr. President. I apologize, I'm on the wrong bill. So, I -- you know, I commend the sponsor. She has spent a tremendous amount of time on this bill trying to get both parties together, CPS and CPA. They are in agreement, and I ask for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR KOEHLER)

Is there any further discussion? Senator Pacione-Zayas, to close.

SENATOR PACIONE-ZAYAS:

Just, this is a bill that, basically, is overdue in terms of providing the transparency due process, and fully empowering local school councils to fulfill those statutory responsibility to have all of the information in front of them as they are making one of the most important decisions, and that is selecting the leader of the school, the instructional leader, that is, I urge and Aye vote, and thank you.

PRESIDING OFFICER: (SENATOR KOEHLER)

And so, the question is, shall House Bill 5285 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 voting Yea, none voting Nay, none voting Present. And House Bill 5285, having received the required constitutional majority, is declared passed. Senator Johnson, for what purpose do you seek recognition?

SENATOR JOHNSON:

Thank you, Mr. President. So, on the House Bill 2369, I was having technical problems. So, if you can let the record reflect that I am a Yes vote.



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PRESIDING OFFICER: (SENATOR KOEHLER)

The record will so reflect your intentions. Staying on page 3, we'll go to the top of the page and we'll go to House Bill 5107. Senator Peters, thank you for joining us this morning. Are you ready to present your bill? Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5107.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Peters, to explain your bill.

SENATOR PETERS:

Thank you, Mr. President. HB 5107, allows principals and assistant principals in the City of Chicago to unionize. I ask for a Yes vote.

PRESIDING OFFICER: (SENATOR KOEHLER)

Is there any discussion? Senator McClure.

SENATOR MCCLURE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR KOEHLER)

Sponsor indicates he will yield.

SENATOR MCCLURE:

Senator, is there a no-strike provision in this legislation?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Peters.

SENATOR PETERS:

Yes.

PRESIDING OFFICER: (SENATOR KOEHLER)

Is there further discussion? Seeing none, Senator Peters, to

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close.

SENATOR PETERS:

Please vote Yes.

PRESIDING OFFICER: (SENATOR KOEHLER)

The question is, shall House Bill 5107 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 voting Yea, 7 voting Nay, none voting Present. And House Bill 5107, having received the required constitutional majority, is declared passed. Senator Hunter, for what purpose do you seek recognition?

SENATOR HUNTER:

The Senate Democrats will caucus for one hour at 9:30 in Room 212, of the Capitol.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator McClure, what -- what purpose do you seek recognition?

SENATOR MCCLURE:

Mr. President, the Senate Republicans will caucus at 9:30 for approximately an hour in 400, in the Capitol.

PRESIDING OFFICER: (SENATOR KOEHLER)

Both the Senate Democrats and Republicans will caucus for one hour starting at 9:30. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR KOEHLER)

The Senate will come to order. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

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Senate Resolutions 1379 and 1380, offered by Senator McClure and all Members.

As they are celebration of life resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR KOEHLER)

Resolutions Consent Calendar. The Committee on Assignments will meet in the front room of the Chamber. Committee on Assignments. Committee Reports.

SECRETARY ANDERSON:

Senator Lightford, Chair of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Floor Amendment 2 to House Bill 240, Floor Amendment 1 to House Bill 1688, Floor Amendments 2 and 3 to House Bill 4412.

Signed, Senator Kimberly A. Lightford, Chair.

PRESIDING OFFICER: (SENATOR KOEHLER)

We're going to final action. 3rd Readings, we'll go to page 2, top of page 2. House Bill 240. Senator Gillespie seeks leave of the Body to return House Bill 240 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is House Bill 240. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Gillespie.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Gillespie, to explain your amendment.

SENATOR GILLESPIE:

I'd like to adopt the amendment and speak to it on 3rd, please.

PRESIDING OFFICER: (SENATOR KOEHLER)

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Is there any discussion? All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Gillespie.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Gillespie, on your amendment.

SENATOR GILLESPIE:

I'd like to adopt the amendment and speak to it on 3rd, please.

PRESIDING OFFICER: (SENATOR KOEHLER)

Is there any discussion? All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No -- no further amendments reported.

PRESIDING OFFICER: (SENATOR KOEHLER)

3rd Reading. Now, on the Order of 3rd Reading is House Bill 240. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 240.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Gillespie, to explain your bill.

SENATOR GILLESPIE:

Thank you, Mr. President. This bill said -- the Floor Amendment No. 1, on this bill, will reestablish some provisions

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that we passed earlier in Veto, and will add some additional provisions; it provides State authorization for rural hospitals to operate under a new federal care delivery model as rural emergency hospitals, it allows applicants for licensure as an applied behavioral analyst, to complete a graduate level program in a field related to behavior analysis if approved by IDFP, it makes several cleanup changes to the nursing home assessment program, makes cleanup changes to AARP payments for ground ambulance providers, requires DFPR to provide a one-time fee waiver to podiatrists for fiscal year '23 in line with waivers that were provided for other health care professional, delays staffing fines for nursing homes until 2025, makes several changes to procedures for defendants who are unfit for trial or not guilty by reason of insanity, allows for the automatic extension of the certificate of exemption for construction for Woodlake Specialty Hospital, and, subject to federal approval, requires HFS to make an additional one time directed payment during 2023 to community mental health providers. Floor Amendment No. 2, is a page and line amendment, that clarifies that the one-time directed payment for community mental health providers, is intended to apply only in fiscal year '23 and does not require a permanent rate increase in fiscal year '24. With that, I'm happy to take any questions.

PRESIDING OFFICER: (SENATOR KOEHLER)

Is there any discussion? Senator McClure.

SENATOR MCCLURE:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR KOEHLER)

Sponsor indicates she will yield.

SENATOR MCCLURE:

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So, Senator, on the issue with DHS and particularly with inmates - not inmates, but folks that are being detained at the county jails that have severe mental health issues, how does this change what is currently -- current law?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Gillespie.

SENATOR GILLESPIE:

This was going to make a series of changes that is ultimately going to enable more people with serious mental health issues to be moved from county jails faster and into IDHS facilities. It does this through modifying timeframes for the determination of placement, as well, as some notification provisions. It does this by authorizing SMHRF, Special Mental Health Residential Facilities, to take patients, and it is all being done subject to a court order of conditional release and a medical proof that the patient has been stabilized.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator McClure.

SENATOR MCCLURE:

I guess I'm confused, because it seems to me this provision was simply put in this legislation to -- to counter current lawsuits against DHS, because of the fact, that people with mental health issues are languishing in these jails. And, in fact, I believe, Senator, and correct me if I'm wrong, this bill allows for extensions that could go into perpetuity for people that need to get serious treatment, that they will not be able to access at the county jail. So, I guess these extensions that are in the bill, how is that going to make these people able to leave to go to an appropriate institution instead of languishing in these jails?

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PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Gillespie.

SENATOR GILLESPIE:

Senator, this actually creates, for the first time, a standard timeframe for determination of placement. Currently, what's in the bill is a notification timeframe, but not -- there's nothing that says how long it can take to make the determination actually execute the placement. So, for the first time, we are adding a sixty-day standard. It does allow for extension based on the State going into court and proving they have been able to find a stepdown facility or other appropriate facility for the -- individual to be placed in. But for the first time, we have standards and time frames around the final determination.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator McClure.

SENATOR MCCLURE:

So, the sixty days that you just talked about, is there any limit to how many sixty-day periods there can be?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Gillespie.

SENATOR GILLESPIE:

The limit is that each time the State has to go in and prove their case in court, and the court has to agree to their rationale and request for the extension. I might add, at this point, that the State's Attorneys Association requested the initial sixty-day timeframe. They felt that that was something that they needed to do their end of the process. And the Public Defenders Association has agreed with this. So, both of those organizations are in support of this timeframe.

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PRESIDING OFFICER: (SENATOR KOEHLER)

Senator McClure.

SENATOR MCCLURE:

I guess speaking of the -- the sixty days, and this -- the State's Attorneys and the Public Defenders in Sangamon County, our Public Defender and our State's Attorney, are suing over the fact that DCFS is not taking these folks that are in our -- our county jails that we've got, DHS, I said DHS, right? DHS has not taken these folks. So, how is this going to affect those lawsuits right now?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Gillespie.

SENATOR GILLESPIE:

You'd have to ask the court how -- how it's going to affect the lawsuits. But what this is doing, is creating for the first time a -- a timeframe, a standard, a process, requiring a court going into court to request the extension. And, we also have courts that are differing on how they're interpreting that. I can't speak to how Sangamon County is doing it, but I know there's been division in the courts. And so, this is attempting to put some clarity around those timeframes and the process for any extension.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator McClure.

SENATOR MCCLURE:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR KOEHLER)

To the bill.

SENATOR MCCLURE:

So, first of all, there are some good things in this bill.



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There's some good funding, and the problem with bills this large, sometimes, is there is a massive, horrific poison pill that's put in. This is that poison pill. And, you know, there's been a lot of discussion in this Chamber, over the last couple of years, about what's fair pretrial. What's fair for people that are accused of crimes? What's fair for people with mental health issues? I can assure you, this portion of the bill, is unfair to everyone and not just the people that are in these jails with mental health issues, but also to the sheriffs, to the state's attorneys, and to the defense attorneys. Proof of that is the fact that state's attorneys and defense attorneys are -- are suing together. Public defenders and prosecutors are joined together in lawsuits, very upset at the fact that these people that need mental health treatment are languishing in these jails. In many cases, they are deteriorating at a much faster rate. In some cases, that deterioration is not going to be recoverable. These county jails do not have the resources to deal with people with severe mental health issues. And sometimes they're a danger to themselves and sometimes they're a danger to the deputies that have to secure these jails. So, why on earth, in the midst of a lawsuit, a bipartisan -- multiple bipartisan lawsuits, saying that this is unjust towards these folks. Why is the Senate coming in to say, well, we're going to now allow you to keep these people in county jails in perpetuity? Oh, you've got to show up -- you know -- every sixty days in court. Just say why this person needs to stay in the county jail. We -- we have this -- those cases right now where they do that, and guess what? Nothing changes. Nothing is going to change until DHS is forced to do their jobs. In the meantime, people with severe mental health issues are going to suffer. And

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the fact that, in the Senate, we can't agree on that, that we need to help people with mental health issues that are treatable, that's very -- that's distressing. And to attach it to this bill, which does have lots of good things, is also distressing. Another point that was made to me by a couple of sheriffs this morning about this, was when you have a person that's got mental health issues, that are severe, trying to accommodate them takes away resources from other people that have smaller mental health issues within the jail. So, it actually doesn't just take away from the county jails and their security teams, the public defenders, the prosecutors, it takes away from the other inmates who are not going to get treatment that they also need, that's not as severe. So, to create a piece of legislation that causes people that need mental health treatment now to not get that, and to not have any timeline that is firm, that says DHS, you've got to get this person out of local custody, is a disgrace. And the fact that there are pending lawsuits, right now, and this legislation is being introduced in the middle of those lawsuits, is also a disgrace. And, there's really no consistency here. Anyone who votes for this and talks about pretrial fairness or anything else, to not be concerned about pretrial fairness, and justice for people that have severe mental health issues to me is -- is really a bad -- a bad thing. So, I would, for that reason, I am advocating to vote against this bill despite the fact that admittedly, there is a lot of great things in this bill for funding. This should have been taken out and it's just flat out wrong.

PRESIDING OFFICER: (SENATOR KOEHLER)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

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Thank you, Mr. President. First, this bill obviously contains a lot of very important issues for all of our communities, helping the downstate hospitals, long term care, which is clearly struggled from pandemic until now. This is a very crucial parts of this bill, including ambulance coverages. This last part is difficult and clearly is going to create financial hardships for local counties. We talked about this last night, Senator. We know that by not moving these patients or inmates, not moving them from counties to the State facilities is saving the State millions of dollars. Is there a way we could work it out until the State can staff up or has those abilities, that counties can be reimbursed for the cost of housing these State -- these State inmates -- or State residents?

PRESIDING OFFICER: (SENATOR KOEHLER)

She indicates she will yield. Senator Gillespie.

SENATOR GILLESPIE:

Thank you for the question. There is -- there really isn't anything in this bill that is increasing the -- the amount of time they're going to spend in county jails. It's actually working to free up beds, by moving them into stepdown facilities, to be able to get people out, I don't think, of county jails. I don't think anybody disagrees that we have a crisis of people with mental health issues in jails. This is an attempt to try to reduce that and one that has been embraced by the State's Attorneys and Public Defenders' Associations. The issue of payment is a much bigger issue. I do think it's one that the State needs to address, but that's not what this bill is, and that's not what this bill is exacerbate -- it's not exacerbating the situation.

PRESIDING OFFICER: (SENATOR KOEHLER)

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Senator Syverson.

SENATOR SYVERSON:

I think if -- if -- if we thought that this was going to be a quick fix, or these steps that are in this bill, were going to actually reduce the time, and I don't think we would have as much opposition from the sheriffs and the counties regarding the concern of that. So, I guess in the perfect world, if it doesn't happen as we had hoped or anticipated it would be, and we find out that it does end up extending the current time that's -- that these individuals are staying in county jails, is there a way that we can look at contracting with these counties? Does the Department have the ability to contract with these counties, to be able to pay them a -- rate for housing these -- these State -- these State patients?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Gillespie.

SENATOR GILLESPIE:

As they -- a representative from the Governor's staff -- Governor's Office said last night, they're -- they're, certainly -- this is a broader discussion. They are willing to engage and have that discussion. They have been having ongoing meetings with sheriffs and with counties to do that. I expect those efforts to continue, and I'm hopeful that we will find a solution to that, Senator.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Syverson.

SENATOR SYVERSON:

Say, thank you, just to the bill.

PRESIDING OFFICER: (SENATOR KOEHLER)

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To the bill.

SENATOR SYVERSON:

I certainly hope we can work to help alleviate, I think everyone realizes there's a problem. The State has not staffed up, whether it's in these services, or in our State facilities. The Department made it clear last night that they have plenty of space. They just have not staffed up in a number of facilities like Elgin, for example. So, we need to stay on the State to make sure that they're staffing up like they should do and that they follow up with this program. I think at looking at the underlying importance of this bill, I certainly am going to support it, but we're going to watch this work with the sheriffs and the departments and hopefully, that all of us, if we're realizing this is not working, that we'll come up with a way to give a grant program to help those counties that are struggling financially, to be able to continue to house these individuals. So, thank you. Thank you, Senator, for your time on the legislation.

PRESIDING OFFICER: (SENATOR KOEHLER)

Further discussion? Senator Tracy.

SENATOR TRACY:

Thank you, Mr. President. Will the sponsor yield for questions, please?

PRESIDING OFFICER: (SENATOR KOEHLER)

She indicates she will yield.

SENATOR TRACY:

Senator Gillespie, does your omnibus bill address the actual shortage of nursing staff?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Gillespie.

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SENATOR GILLESPIE:

This bill doesn't. We've been doing other things that do try to address that in the spring. We did some things with nursing homes and with hospitals. We've got some things in the budget this year that continues to try to help with that.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Tracy.

SENATOR TRACY:

And in your bill, you have a two-year reprieve for fines being imposed for not having adequate staff of nursing. What will happen if, after the two years, if we're still in the same situation?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Gillespie.

SENATOR GILLESPIE:

Senator Tracy, thank you for the opportunity to clarify this. In spring, we passed the monumental reform of the payment methodology for nursing homes. And in that new methodology that is taking effect now, as we stand here, it moves financial penalties to not being just reactive, but to being proactive. Because what it does, is say, if you are not meeting the federal level national standard for staffing based on the acuity level of the patients in your facility, you do not get the staffing supplement. You have to demonstrate through payroll records, that you are staffing to those minimum standards before you get the supplement. Likewise, for quality, if you're not hitting the adequate five-star rating under the federal program, you don't get the quality supplemental payment either. So, in this bill, while we're delaying the reactive penalties that IDPH was issuing, we have not removed financial

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penalties. We have moved them forward to -- the payment up front, and we will reinstate the retroactive part in 2025. The delay is due, in part, to the monumental staffing crisis we're seeing across the healthcare sector, including nursing homes and the struggle to find staffing at all levels of -- of health care and the -- and that's -- so, that's the reason for the two-year delay in that, because they're getting the proactive financial penalty coming, starting now.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Tracy.

SENATOR TRACY:

I understand that explanation. But what -- what I -- my question is, what are we going to do. We're not addressing staffing in this bill. What are we going to do after two years, if we find ourselves in the same situation with staffing?

SECRETARY ANDERSON:

Senator Gillespie.

SENATOR GILLESPIE:

You'll find when we do budget discussions, that there are some stability payments, we are continuing to provide to healthcare community, including nursing homes, to help during this period where we're having the staffing crisis. We continue to find proactive ways to do that. The Department of Health -- Health and Family Services is working with a long-term staffing recruitment program, staffing stability program, that they are working on right now. So, they were -- are going to provide support for that, as well. And those are some of the approaches that we will continue to take.

PRESIDING OFFICER: (SENATOR KOEHLER)

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Senator Tracy.

SENATOR TRACY:

But they are not in this bill, correct?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Gillespie.

SENATOR GILLESPIE:

They are not in this bill. They will be in other bills you will be seeing later today, or when we reconvene.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Tracy.

SENATOR TRACY:

I have a question on another part of the bill, and then I will speak to the bill in whole. I just simply, after listening to the discussion on the people who are housed in county jails, that have not been convicted but have been found unfit to stand trial, why were these provisions put in a healthcare omnibus bill that addresses issues of healthcare outside of mental health?

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Gillespie.

SENATOR GILLESPIE:

Because part of what we had to do here is modify the SMHRF legislation, the authorizing legislation, to allow them to act as a stepdown facility, as a way to increase the -- the ability of beds. We had to address the timeframe so that we could move patients out, that needed -- that were stabilized and were now eligible for conditional release to a stepdown facility. And this bill was addressing other types of facilities, and that's why it's part of this bill.

PRESIDING OFFICER: (SENATOR KOEHLER)



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Senator Tracy.

SENATOR TRACY:

But it doesn't address the mental health issues that those are -- that are - in -- housed in jail, pending open beds in DHS because they don't have adequate staffing. It doesn't address that. I just don't understand why we had to put that provision in to a very good bill, at this point in time.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Gillespie.

SENATOR GILLESPIE:

It doesn't, there are provisions in this bill that do address mental health. I mentioned we have the community mental health providers. There are -- we're doing things on the SMHRF legislation, which is also under the purview of healthcare as a healthcare facility. It is an attempt to get people with mental illnesses to the appropriate level of care, which I would posit is a healthcare issue. That is why it's part of this legislation. It's a -- it's a piece of a more comprehensive solution that DHS is working on. And not all of it requires legislation. This particular piece did, and that's why it's part of this healthcare bill.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Tracy.

SENATOR TRACY:

Thank you, Senator Gillespie. Now I'd like to speak to the bill.

PRESIDING OFFICER: (SENATOR KOEHLER)

To the bill.

SENATOR TRACY:

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For purposes of an omnibus, you assume many problems are going to get solved. We're going to delay implementation of long-term staffing fines, but we're not going to address why those need for the fines would even exist. We -- we have a huge staffing problem in the State of Illinois for our healthcare facilities, and it was pre-COVID, and now it's still in existence after COVID. Public Health has stayed the fines for the nursing homes, and that was a step in the right direction. But that happened after they issued fines. If you go to any nursing home, I don't think you will find one that isn't trying to hire staff, but we're not doing anything to address those issues. Senator Iris Martinez championed the Compact Nursing bill. It goes nowhere. We created a bill to address issues that we had during the COVID pandemic, when we thought that staffing nursing agencies were taking advantage of nurses. We have an opportunity to try to fix that. We've heard from the Hospital Association, they would -- that now we can't even get international nurses to come to the State of Illinois to try to address our shortage of nursing staff, that would alleviate some of this. They won't do business in Illinois because of the prior bill, we had -- they have a fix, that bills out there. It's not in this omnibus bill. When are we going to get our act together and take a wholesome, holistic approach to really fixing problems that exist in our system and we just pick at it and piecemeal and create more issues? Some nursing homes are not staffing correctly, but most cannot get staff. And who suffers is the people that they serve and those staff that have to work long hours. Those shortages exist within DHS. They exist within our Illinois veterans' homes. They exist in our -- our entire healthcare system. So, why do we not address the real issue is staffing, how to make it easier.

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I've asked Public Health. I've asked Secretary Howe and DHS to please appeal to the Governor. One of the things that's happening in veterans' homes and DHS facilities, is they're still required to have a COVID vaccine. Now, we've seen that that definitely is a useful tool to those that have been vaccinated, if they re-infect with COVID. But you can still get COVID, even if you're vaccinated. So, why impose this restriction and have people fired from jobs in the veterans' homes, in DHS facilities, for not -- for appealing and choosing not to be vaccinated for exemptions that should be recognized by the law? That does not help with -- with the staffing issue. So, I think we have a real issue. Certainly, delaying the fines is helpful. Many of my nursing homes that were fined, had to hire attorneys at a very expensive rate to defend those fines, only to find that Public Health pulled back from them as they should. But the nursing staff is real, the employee staffing is real. That is what we need to address. So, I would ask the sponsor to continue to work on that. And then, again, why we want to choose to be inhumane to people with mental health issues, that are ordered to be found beds at DHS. And there again, the reason is, DHS doesn't have the proper staffing to handle it. So, it just -- how we treat our developmentally disabled -- disabled, our elderly and our mental health -- mentally ill people in this State is deplorable, really. We say we really care, but we don't. We don't. We're not doing what needs to be done to help them. So, with that, I -- I can't support this bill. It could be -- it could be a very good bill, and has very good aspects. And I know the sponsor works very hard. I admire how hard she works on healthcare issues, but we can do better. I'm just tired of passing legislation that just nips and tucks at small issues and doesn't

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cure anything. Thank you.

PRESIDING OFFICER: (SENATOR KOEHLER)

Further discussion? Senator Gillespie, to close.

SENATOR GILLESPIE:

Thank you, Mr. President. And, thank you to my colleagues for these questions. I just want to make a couple of statements to clarify some of these things. There is court confusion and there are lawsuits, but part of the reason for the court confusion is that there is not a standard, there's not a clear statement in the law today, of what the timeframe is for determination of appropriate care, appropriate treatment placement. That is what this law is trying to do, in part. With regard to the foreign staffing, the stakeholders continue to negotiate on that. When they have reached agreement, we will be back with a bill on that. With regard to trying to solve all of the mental health crisis, nobody in this room disagrees that we have a mental health crisis we need to solve, but we can't let perfection be the enemy of the good. We're making progress by doing bills like this, by making steps forward. And -- and, you know, with all due respect, part of this Chamber consistently complains when we try to pass huge bills that address issues holistically. And I would posit that a bill trying to solve the mental health crisis, if we did it all at once, all in one bill, would be far bigger than Senator Peter's Safety Act Bill. And then finally, I just want to say, there is -- there is provisions to address staffing that are becoming in the budget. There were in last year's budget as well. I look forward to everybody that supports solving the mental health crisis, voting in favor of this budget that's going to provide the necessary funding to be addressing this problem while we work on the holistic

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solution. With that, I ask for an Aye vote on this bill. Thank you.

PRESIDING OFFICER: (SENATOR KOEHLER)

We've had a long discussion. I want to make sure that everybody's computer is up and ready to vote. The question is, shall House Bill 240 pass. All those in favor, vote Aye. Opposed, Nay. We've got a problem. We're going to make sure that the computers are up and running. Is there anybody else that has a problem? The question is, shall House Bill 240 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 voting Yea, 15 voting Nay, none voting Present. And House Bill 240, having received the required constitutional majority, is declared passed. The Illinois Times seeks permission to take photographs. Without any objection, leave is granted. Mr. Secretary, Messages from the House.

SECRETARY ANDERSON:

A Message from the House by Mr. Hollman, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1001.

Together with the following amendment which is attached in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 2 to Senate Bill 1001.

Passed the House, as amended, January 6th, 2023. John W. Hollman, Clerk of the House.

PRESIDING OFFICER: (SENATOR KOEHLER)

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Mr. President, for what purpose do you seek recognition?

SENATOR HARMON:

Thank -- thank you, Mr. President, Ladies and Gentlemen of the Senate. We're standing at ease for a moment. We're going to turn to a supplemental budget bill shortly. And I just wanted to -- to share with the Chamber, I've only missed one budget vote in my twenty years in Springfield, when I left early for my son's high school graduation. I am going to leave momentarily to go home for the wake. Senator Sims, the co-sponsor of the budget bill, is going to handle the presentation on the Floor. I want to thank you all for your tremendous graciousness and patience with me this week. And, I know I will be driving home alone, but with all of you in the car with me. So, please keep the people's business here through the end of the day today. I will see some of you over the next day or two, and all of you back on Sunday. But, thank you very much for your understanding. And I'm going to bid you adieu for the day. Thank you.

PRESIDING OFFICER: (SENATOR KOEHLER)

Senator Holmes, to the podium, please. Senator Holmes. Senator Linda Holmes. Leader Lightford, in the Chair. The Senate will come to order. Senator Sims.

SENATOR SIMS:

Thank -- thank you, Mr. President. This -- the Appropriations Committee will have a subject matter hearing on the supplemental budget on Sunday, January 8th, at 3:30 p.m. in Room 212.

PRESIDING OFFICER: (SENATOR KOEHLER)

We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Mr. Secretary, have

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there have been any objections filed to the resolutions on the Consent Calendar?

SECRETARY ANDERSON:

No objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR KOEHLER)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor say Aye. Opposed, Nay. The Ayes have it, the motion carries, and the resolutions are adopted. All right, we are preparing to adjourn, just to remind you that the Appropriations Committee will meet at 3:30 on Sunday afternoon, and we're going to be going in at 5 p.m. So, there being no further business to come before the Senate, the Senate stands adjourned until 5:00 p.m. on the 8th day of January, 2023. The Senate stands adjourned.