

STATE OF ILLINOIS  
101st GENERAL ASSEMBLY  
FIRST SPECIAL SESSION  
SENATE TRANSCRIPT

2nd Legislative Day

5/21/2020

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

The regular -- the First Special Session of the 101st General Assembly will please come to order. In place of a prayer, we will have a moment of silence. Would you all please rise for a moment of silence? (Moment of silence observed) Please remain standing for the Pledge of Allegiance. Senator Bennett.

SENATOR BENNETT:

(Pledge of Allegiance, led by Senator Bennett)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Lisa Yuscius, [Blueroomstream.com](http://Blueroomstream.com), requests permission to video. Leave is granted. Justin Fowler, State Journal-Register, requests permission to photo. Leave is granted. Members of the public may view Senate Session through various electronic means, such as video in Room 118 of the State Capitol, the atrium of the Illinois State Library on Monroe Street, and on the Illinois General Assembly website. In addition, anyone seeking to file written testimony for the Senate's May Session -- through a process laid out on the General Assembly website under the Senate tab. The Illinois General Assembly website is [www.ilga.gov](http://www.ilga.gov). Mr. Secretary, Reading and -- and Approval of the Journal.

SECRETARY ANDERSON:

Senate Journal of May 20th, 2020.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hunter moves to postpone..

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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Thank you, Senator. Senator Hunter moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. Senator Cunningham, for what purpose do you rise?

SENATOR CUNNINGHAM:

Madam President, under 13-4 of the Senate Special Session Rules, the following Members are excused today: Senators Collins, Martwick, and McGuire.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Mr. -- Senator Cunningham. It will be noted for the record. Senator Anderson, for what purpose do you rise?

SENATOR ANDERSON:

Thank you, Madam President. The Senate Republicans would request a forty-five-minute caucus immediately.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Request is always in order. Senate Repubs would like to caucus, forty-five minutes. Senator -- Senator Hunter, for what purpose do you rise?

SENATOR HUNTER:

For the purpose of an announcement, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your announcement, Senator.

SENATOR HUNTER:

The Senate Democrats will caucus for approximately an hour immediately upon adjournment {sic}.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you...

SENATOR HUNTER:

Thank you.

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Upon recess, both Chamber's caucuses will be caucusing for about an hour. Senate Dems request a caucus as well. The Senate now stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The First Special Session will please come to order. Committee on Assignments, please come to the President's Anteroom. Mr. Secretary, a -- 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 1857.

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

House Amendments 2 and 3 to Senate Bill 1857.

Passed the House, as amended, May 21st, 2020. John W. Hollman, Clerk of the House.

We have received like Messages on Senate Bill 2052, with House Amendments 3 and 4. Passed the House, as amended, May 21st 2020. John W. Hollman, Clerk of the House.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Committee of {sic} (on) Assignments, please come to the front of the Well. Senator Martinez in the Chair.

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PRESIDING OFFICER: (SENATOR MARTINEZ)

Ladies and Gentlemen, can we please, please, keep it down? The Committee on Assignments is trying to meet. Please take your conversations to the back of the Chamber or outside the Chamber. Thank you. Leader Lightford back in the Chair.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The Senate will come to order. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Lightford, Chairperson of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - House Bill 64, House Bill 190, House Bill 3427, Floor Amendment 3 to House Bill 123, Floor Amendment 3 to House Bill 2096, Floor Amendment 2 to House Bill 2174, Floor Amendment 2 to House Bill 2238, Floor Amendment 2 to House Bill 2455, and Floor Amendment 1 to House Bill 3597.

Signed, Senator Kimberly Lightford, Chairperson.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen of the Senate, this is final action. Final action. On the top of page 2, House Bills 3rd Reading on the top of page 2 of your Calendars. House Bills 3rd Reading, beginning with House Bill 1-2-3. Senator Steans. Senator Steans seeks leave of the Body to return House Bill 1-2-3 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 1-2-3. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Steans.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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Senator Steans, on your amendment.

SENATOR STEANS:

Yes, Floor Amendment No. 3 becomes the bill and I'll speak on it on 3rd.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. 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 further amendments reported.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

3rd Reading. Now on the Order of 3rd Reading, Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 123.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

Thank you, Madam President, Members of the Senate. Okay, so this bill is doing further work on the newly created adult use cannabis program to make sure it can work effectively. It's making some changes to the advertising restrictions to ensure that if somebody's reading a newspaper and it's in a -- happens to be in a school, it's there, that the newspaper's not held accountable for the fact that if some -- somebody under age is there in that location. It prohibits taxing district bodies from levying a tax

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on cannabis. Never the intent. We just want to make sure not another tax is getting added to the -- to the cannabis products. It allows the current medical cannabis dispensaries to move to a new location for recreational sales under -- very limited circumstances - if their location has opted out or there's a -- a public safety concern and they have zoning approval and approval of the municipal leadership - and they're not allowed to move, however, until the licenses that were due to be issued on May 1st are also issued. It allows cannabis containers to be resealable. It allows cannabis workers to begin working before their background check has been completed. The background checks are very -- taking a very long period of time and they've been having a huge problem in backlogging, getting enough staff on board. They still have to complete the background check, and if there's an issue found, the worker's terminated. This has not yet ever happened. It also gives IDFPR and the Department of Ag flexibility in rules to ensure a fair and competitive cannabis marketplace. It provides IDFPR guidance on how to handle applications that result in a tie score. This is for the applications that were going to be issued May 1st, but, because of the pandemic, got postponed. That had been set up in emergency rule, which they can no longer -- they can't reissue that again and they run out before. They're now going to issue them. So we're putting that in -- we're codifying that in statute. It also aligns the FOIA provisions of the Compassionate Use of Medical Cannabis Program with those of the adult use program to make sure that all ownership information is made public and posted online on who -- who owns the businesses. And it allows medical patients to purchase products from any licensed dispensary, so they're no longer tethered to just a single medical cannabis

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dispensary. And finally, it clarifies that cannabis vapes are taxed under the cannabis tax/regulation Act, not under electronic cigarettes scheme. I would ask for your support and very much appreciate the help of the Senate Republicans and the House Chamber as well in negotiating this bill and getting it to what I think is pretty much an agreed-to bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Is there any discussion? Senator Barickman, for what purpose do you rise?

SENATOR BARICKMAN:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Sponsor indicates she will yield, Senator. Senator Barickman.

SENATOR BARICKMAN:

Thanks, Senator Steans. Let's start with just some legislative intent. The -- the legislation grants the Department of Agriculture and the Department of Financial and Professional Regulation additional oversight with the goal of ensuring "a fair and competitive marketplace" in Section 55-35, better known as the "administrative rulemaking" Section of the bill. This includes standards for distribution and sale to the other licensed business establishments, including percentage requirements for distribution and sale to the -- to other business establishments with common ownership. For the purpose of legislative intent, can you define "fair and competitive"?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

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"A fair and competitive marketplace" shall be determined by the mechanisms prescribed in Section 5-45 of the Cannabis Regulation and Tax Act. However, this oversight is granted on an ongoing basis at a timeline unrelated to the disparity and availability study which shall be published by March 1st, 2021.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Barickman.

SENATOR BARICKMAN:

Thank you. And for clarity, the powers granted to the Department of Agriculture and the Department of Financial and Professional Regulation appear in separate subsections of the bill. Is it your intent that these agencies collaborate in the absence of an Illinois Cannabis Regulation Oversight Officer, created by Section 5-45 of the Cannabis Regulation and Tax Act?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

Yes.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Barickman.

SENATOR BARICKMAN:

Now, in plain language, could you tell us what we just said? No, thanks. Let me withdraw that question. I -- no, I just want, for the sake of the Body, to express my support for the bill, my appreciation for the sponsor and her work. We have a long history of working together on this issue and others, and we had a friendly dialogue over the last several weeks in a very unconventional manner, but I appreciate the work of the sponsor in the manner in which we were able to work together. Madam President, you as well,

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and Senator Villanueva. And would ask for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator Barickman. Further discussion? Further discussion? Senator Feigenholtz, for what purpose do you rise?

SENATOR FEIGENHOLTZ:

Thank you, Madam. For purposes -- I -- I just have a question of the sponsor. On pages 190 and 191 of the amendment, Section 55-85, "medical cannabis", the Act is amended with this language: "Where there is conflict between this Act and the Compassionate Use of Medical Cannabis Program Act as they relate to cannabis business establishments, this Act shall prevail." Does this amendatory language have any impact whatsoever on a municipality's ability to enact zoning ordinances or opt out of the adult use cannabis program?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The sponsor indicates she will yield. Senator Steans.

SENATOR STEANS:

No. This language does not impact a unit of local government's ability to enact any zoning restrictions, ordinance, resolutions that they can and -- and they can still pass ordinances to opt out of the sale of adult use. Amendatory language clarifies that in the case of a conflict between the two Acts, the Cannabis Regulation and Tax Act takes precedent over the Medical Cannabis Program Act. Specifically, for example, if a cultivation center licensed as both a medical and adult use cultivation center seeks to relocate their facility, the Cannabis Regulation and Tax Act as well as local zoning ordinances would be the guiding laws.

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Senator Feigenholtz.

SENATOR FEIGENHOLTZ:

Thank you very much.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator DeWitte, for what purpose do you rise?

SENATOR DeWITTE:

Question of the sponsor, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. The lady indicates she will yield.  
Senator DeWitte.

SENATOR DeWITTE:

Thank you very much, Madam President. Senator Steans, for purposes of legislative intent, the Cannabis Regulation and Tax Act defines a "Conditional Adult Use Dispensing Organization License" as "a license awarded to top-scoring applicants for an Adult Use Dispensing Organization License that reserves the right to an Adult Use Dispensing Organization License if the applicant meets certain conditions described in the Act, but does not entitle the recipient to begin purchasing or selling cannabis or cannabis-infused products." For the purpose of legislative intent, does the term "awarded" reflect the act of a correspondence being sent to the recipient of this license type?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

Yes. It is our legislative intent that dispensary licenses awarded under the Compassionate Use of Medical Cannabis Program Act are not able to relocate using the mechanism described in Section 15-15 until the Executive Branch announces the award of

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"Conditional Adult Use Dispensing Organization License" to the next wave of dispensary applicants.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator DeWitte.

SENATOR DeWITTE:

To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR DeWITTE:

Thank you. I just want to add my thanks to Chairman Steans for her assistance and cooperation in inserting this particular legislation into this omnibus Act. I urge an Aye vote on the part of my side of the aisle. And I will close with that, Madam President. Thank you very much.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator DeWitte. Any further discussion? Further discussion? Seeing none, the question is, shall House Bill 1-2-3 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? We will call Members to the Floor for voting in groups of ten. If we move to the next group of Senators and you have not yet voted, you may still come to the Floor to vote until voting is closed. Senators Anderson, Aquino, Barickman, Belt, Bennett, Bertino-Tarrant, Brady, Bush, Castro, and Crowe, please come to the Floor to vote. Senators Cullerton, Cunningham, Curran, DeWitte, Ellman, Feigenholtz, Fine, Fowler, Gillespie, and Glowiak Hilton, please come to the Floor to vote. Senators Anderson, Aquino, Barickman, Belt, Bennett, Bertino-Tarrant, Brady, Bush, Castro, and Crowe, Senators Cullerton, Cunningham, Curran, DeWitte, Ellman, Feigenholtz, Fine, Fowler,

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Gillespie, and Glowiak Hilton, please come to the Floor to vote. Senators Cullerton, Cunningham, Curran, DeWitte, Ellman, Feigenholtz, Fine, Fowler, Gillespie, and Glowiak Hilton. Senators Harris, Hastings, Holmes, Hunter, Jones, Joyce, Koehler, Landek, Lightford, and Link, please come to the Floor to vote. Senators Harris, Hastings, Holmes, Hunter, Jones, Joyce, Koehler, Landek, Lightford, and Link, please come to the Floor to vote. Senators Manar, Martinez, McClure, McConchie, Morrison, Muñoz, Murphy, Oberweis, Peters, and Plummer. Senators Manar, Martinez, McClure, McConchie, Morrison, Muñoz, Murphy, Oberweis, Peters, and Plummer, please come to the Floor to vote. Senators Harris, Hastings, Holmes, Hunter, Jones, Joyce, Koehler, Landek, Lightford, and Link, Senators Manar, Martinez, McClure, McConchie, Morrison, Muñoz, Murphy, Oberweis, Peters, and Plummer, please come to the Floor to vote. Senators Rezin, Righter, Rose, Schimpf, Sims, Stadelman, Steans, Stewart, Syverson, and Tracy, please come to the Floor to vote. Senators Rezin, Righter, Rose, Schimpf, Sims, Stadelman, Steans, Stewart, Syverson, and Tracy. Senators Van Pelt, Villanueva, Villivalam, Weaver, Wilcox, and President Harmon, please come to the Floor to vote. Senators Van Pelt, Villanueva, Villivalam, Weaver, Wilcox, and Mr. President, please come to the Floor to vote. Senators Manar, Martinez, McClure, McConchie, Morrison, Muñoz, Murphy, Oberweis, Peters, and Plummer. Senators Rezin, Righter, Rose, Schimpf, Sims, Stadelman, Steans, Stewart, Syverson, and Tracy. Last grouping: Senators Van Pelt, Villanueva, Villivalam, Weaver, Wilcox, and Mr. President, please come to the Floor to vote. Senators Stadelman, Stewart, Villivalam, and Weaver, please come to the Senate Floor to vote. Have all voted who wish? Have all voted who wish? Take the

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record. On that question, there are 46 voting Yea, 10 voting Nay, 0 voting Present. House Bill 1-2-3, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, staying on page 2, House Bills 3rd Reading. Our next bill is -- House Bill 2-0-9-6. Senator Murphy. The lady indicates she wishes to proceed. Senator Murphy seeks leave of the Body to return House Bill 2096 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 2096. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Murphy.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Murphy, on your amendment.

SENATOR MURPHY:

Thank you, Madam President. The amendment becomes the bill and I'd like to explain on 3rd.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Is there any discussion? Any discussion? Seeing none, 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 LIGHTFORD)

3rd Reading. Now on the Order of 3rd Reading, Mr. Secretary, please read the lady's bill.

SECRETARY ANDERSON:

House Bill 2096.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Murphy.

SENATOR MURPHY:

...President. So House Bill 2096, it has some COVID-related responses for local government...

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Excuse me. Hold on. Ladies and Gentlemen, it's... Ladies and Gentlemen, can you please lower your voices? It's really difficult to hear the bill. Thank you.

SENATOR MURPHY:

So the first provision provides that the township board may postpone their annual township meeting if the dates fall during a disaster declaration. If postponed, the meeting will be held on the third Tuesday, after 6 p.m., of the month following the expiration of the disaster proclamation {sic} (declaration) with the same reporting requirements. The second portion amends the Illinois Public Aid Code and provides any rebate authorized under the Coronavirus Aid, Relief, and Economic Security Act, CARES, or any other federal economic stimulus program created in response to the COVID-19 emergency does not count as earned income when determining township general assistance eligibility. It also creates the Card {sic} (Cards) for Kids program {sic} (Act) that allows a nonresident to access libraries within an incorporated {sic} (unincorporated) area as long as they meet {sic} the U.S. Department of Agriculture's Income Eligibility Guidelines. Also, allows school construction bids to be communicated, opened, and accepted electronically. And finally, expands the Cook County --

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to Cook County the developmental tools under the Housing Authority {sic} (Authorities) Act to be able to participate as a partner or member of a business arrangement with a for-profit or not-for-profit developer. Currently, the aid only applies to the Chicago Housing Authority. I know of no opposition and I'm happy to entertain any questions. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you. Is there any discussion? Senator Curran, for what purpose do you rise?

SENATOR CURRAN:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR CURRAN:

Leader, thank you for your work on this with the Local Government working group. Many -- many of these items in this bill were discussed and recommended to the full Senate from the Local Government working group as items that needed to assist and aid local governments in issues due to the coronavirus pandemic. So, thank you again, Senator, for -- Leader. It was a pleasure working with you through that Local Government group.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Further discussion? Further discussion? Seeing none, the question is, shall House Bill 2096 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? We will call Members to the Floor for voting in groups of ten. Senator Anderson, Aquino, Barickman, Belt, Bennett, Bertino-Tarrant, Brady, Bush, Castro, and Crowe, Senators Cullerton, Cunningham, Curran, DeWitte, Ellman,

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Feigenholtz, Fine, Fowler, Gillespie, and Glowiak Hilton, please come to the Floor to vote. Senators Cullerton, Cunningham, Curran, DeWitte, Ellman, Feigenholtz, Fine, Fowler, Gillespie, and Glowiak Hilton, Senators Harris, Hastings, Holmes, Hunter, Jones, Joyce, Koehler, Landek, Lightford, and Link, please come to the Floor to vote. Senators Manar, Martinez, McClure, McConchie, Morrison, Muñoz, Murphy, Oberweis, Peters, and Plummer, please come to the Floor to vote. Senators Harris, Hastings, Holmes, Hunter, Jones, Joyce, Koehler, Landek, Lightford, and Link, Senators Manar, Martinez, McClure, McConchie, Morrison, Muñoz, Murphy, Oberweis, Peters, and Plummer, Senators Rezin, Righter, Rose, Schimpf, Sims, Stadelman, Steans, Stewart, Syverson, and Tracy, please come to the Floor to vote. Senators Van Pelt, Villanueva, Villivalam, Weaver, Wilcox, and Mr. President, please come to the Floor to vote. Senators Van Pelt, Villanueva, Villivalam, Weaver, Wilcox, and Mr. President, please come to the Floor to vote. Senator Glowiak Hilton, Senator Landek, Manar, Plummer, Stadelman, and Weaver, please come to the Floor to vote. Senator Manar, Plummer, Stadelman, and Weaver, please come to the Floor to vote. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 voting Yea, 0 voting Nay, 0 voting Present. House Bill 2096, having received the required constitutional majority, is declared passed. Remaining on page 2, House Bills 3rd Reading. House Bill 2174. Senator Jones. He indicates he wishes to proceed. Senator Jones seeks leave of the Body to return House Bill 2174 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 2174. Mr. Secretary, are there any Floor amendments approved for consideration?

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SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Jones.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Jones.

SENATOR JONES:

Thank you. I move for its adoption and I'll explain it on 3rd.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, 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 LIGHTFORD)

3rd Reading. Now on the Order of 3rd Reading, Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 2174.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Jones.

SENATOR JONES:

Thank you. This is just a one-year extension of the current Cemetery Oversight Act. It just extends what currently is current law right now. I ask for your support and look for a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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Is there any discussion? Seeing none, the question is, shall House Bill 2174 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Senators Anderson, Aquino, Barickman, Belt, Bennett, Bertino-Tarrant, Brady, Bush, Castro, and Crowe, Senators Cullerton, Cunningham, Curran, DeWitte, Ellman, Feigenholtz, Fine, Fowler, Gillespie, and Glowiak Hilton, please come to the Floor to vote. Senators Harris, Hastings, Holmes, Hunter, Jones, Joyce, Koehler, Landek, Lightford, and Link, Senators Manar, Martinez, McClure, McConchie, Morrison, Muñoz, Murphy, Oberweis, Peters, and Plummer, please come to the Senate Floor to vote. Senators Van Pelt, Villanueva, Villivalam, Weaver, Wilcox, and Mr. President, please come to the Floor to vote. Van Pelt, Villanueva, Villivalam, Weaver, Wilcox, and President Harmon. Senator Bertino-Tarrant, Senator Gillespie, Senator Glowiak Hilton, Senator Landek, Link, McClure, Senator Oberweis, Syverson, and Wilcox, please come to the Senate Floor to vote. Last time call. Senator Bertino-Tarrant, Senator Glowiak Hilton, please come to the Senate Floor to vote. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yea, 0 voting Nay, 0 voting Present. House Bill 2174, having received the required constitutional majority, is declared passed. Moving right along to House Bill 2455, Mr. Secretary. House Bills 3rd Reading. House Bill 2455. Senator Holmes seeks leave of the Body to return House Bill 2455 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 2455. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Holmes.

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Holmes, on your amendment.

SENATOR HOLMES:

Thank you so much, Madam President. I would like to move the bill to 3rd and I will explain it on 3rd. Move the amendment to 3rds.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thanks, Senator. Senator Holmes -- is there any discussion? Any discussion? Seeing none, 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 LIGHTFORD)

3rd Reading. Now on the Order of 3rd Reading is House Bill 2455. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 2455.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Holmes.

SENATOR HOLMES:

Thank you so much, Madam President. House Bill 2455, as amended, contains a number of employee protection measures in response to the COVID-19 public health crisis, including expansion of unemployment insurance eligibility to ensure the State program's eligible for further federal funding, establish a temporary rebuttable presumption that a first responder or

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essential worker who contracts the COVID-19 virus did so in the course of their employment for the purpose of workers' compensation, creates a temporary rebuttable presumption that Chicago police officers and Chicago firefighters and paramedics who contract and die from COVID-19 virus did so in the line of duty and are afforded death benefits and annuity death benefits, and requires appointments to be made to the Illinois Work {sic} (Works) Review Panel within thirty days of the enactment of this legislation and have their first meeting within forty-five days of the enactment of this legislation. This bill actually is a legislative package and it results from the agreed bill process between business and labor in response to the COVID-19 public health and economic crisis as it relates to unemployment insurance, workers' compensation, line of duty death benefits, and appointments to the Work {sic} Review Panel. I'll be happy to take any questions.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Senator Gillespie, for what purpose do you rise?

SENATOR GILLESPIE:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Sponsor indicates she will yield. Senator Gillespie.

SENATOR GILLESPIE:

A question. The bill allows the employer to select CDC guidelines to follow for the workplace. Where the National Institute for Occupational Safety and Health, otherwise known as NIOSH, a part of the CDC, has issued industry-specific guidance, will the NIOSH guidance be considered the appropriate guidance

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over more general CDC-issued guidance for application in a workers' compensation case?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Holmes, I understand you will be deferring that question to Senator Cunningham. Senator Cunningham.

SENATOR CUNNINGHAM:

Thank you, Madam President. Yes, Senator Gillespie. The answer to your question is yes. That organization is part of the CDC. So it would indeed -- it is indeed contemplated in this legislation. And in fact, during the working group discussions of this matter, it was acknowledged that that is indeed a branch of the Centers for Disease Control. So it -- it is the CDC.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator -- Senator Curran, for what purpose do you rise?

SENATOR CURRAN:

Question -- question of the sponsor, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Sponsor indicates she will yield. Senator Curran.

SENATOR CURRAN:

For the purpose of providing clear legislative intent, I'd like to ask a few questions of the sponsor. Is it your intent that regardless of other questions that may have been asked that these questions and answers are designed to provide the legislative intent?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator -- Senator Holmes.

SENATOR HOLMES:

Yes.

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Curran.

SENATOR CURRAN:

Does this legislation create a rebuttable presumption similar to a rebuttable presumption already in the Workers' Compensation Act?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Holmes.

SENATOR HOLMES:

Yes, it does.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Curran.

SENATOR CURRAN:

Is there a case that addressed the issue of the amount of evidence necessary to rebut a rebuttable presumption already in the Workers' Compensation Act? What amount of evidence did that -- case use to rebut the rebuttable presumption?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Holmes.

SENATOR HOLMES:

Yes, there is a case. The Illinois Appellate Court's 2nd District opinion in Kevin Johnston versus Illinois Workers' Compensation Commission states, "The amount of evidence that's required from an adversary to meet the presumption..." - paragraph 39. The Appellate Court said "some evidence sufficient to support a finding that something other than the {sic} claimant's occupation...caused his condition" is sufficient to rebut the presumption - paragraph 45.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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Senator Curran.

SENATOR CURRAN:

Is it your intent to create an ordinary presumption following the contraction of COVID-19 related to one's employment that follows the holding in the Johnston case?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Holmes.

SENATOR HOLMES:

Yes.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Curran.

SENATOR CURRAN:

Did the Johnston case hold that the rebuttable presumption in question was an "ordinary rebuttable presumption"? How does an ordinary rebuttable presumption work?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Holmes.

SENATOR HOLMES:

Yes, the Johnston case held that the rebuttable presumption was an ordinary rebuttable presumption. The presumption creates a prima facie case as to the issue of injury arising out of the course of employment. Then, to rebut the presumption, the employer must introduce some evidence that claimant's occupation was not the cause of the injury or disease in question. Once the employer introduces some evidence that the employee's occupation was not the cause of the employee's injury or disease, "the presumption ceases to operate, and the issue is determined on the basis of (the) evidence adduced at trial as if no presumption had ever existed". "The burden of proof thus does not shift but remains

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with the party who initially had the benefit of the presumption"  
- paragraph 36.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Curran.

SENATOR CURRAN:

Regardless of any other response to a question or statement given today, we need to clarify one specific issue on the intent of this legislation. Is it your intent to follow the holding in the Illinois Appellate Court's 2017 2nd District decision in Kevin Johnston versus the Illinois Workers' Compensation Commission?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Holmes.

SENATOR HOLMES:

Yes.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Curran.

SENATOR CURRAN:

To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR CURRAN:

Leader Cunningham and the other parties that participated in this agreed-bill process, in crafting this, this was a -- a good bipartisan, joint measure between labor and management, bringing them to an agreement on this, and I would encourage an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Senator Holmes, to close.

SENATOR HOLMES:

Yes, I would...

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Excuse me. Excuse me, Senator. Before you close, Senator Cunningham.

SENATOR CUNNINGHAM:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR CUNNINGHAM:

I, too, wanted to rise and echo the statements of Senator Curran. This was a very positive experience of business and labor working together through the agreed-bill process to produce, I think, a really important product to protect our workers who are out there on the front lines during this coronavirus crisis. I do, in particular, want to point out the work of a couple of other Senators that were instrumental in crafting this bill. That would be Senator Ann Gillespie, who did a -- a lot of work, made a number of very good suggestions throughout the process, and Senator Pat McGuire, who also offered some -- some key ideas, that was able to bring this together thanks to Senator Curran's leadership on the Republican side. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Senator Holmes, to close.

SENATOR HOLMES:

Yes, thank you, Madam President. I would also like to thank the members of the Unemployment Insurance working group, along with the leaders of business and labor who came together, and after numerous hours, created an agreed bill on this very, very important issue for the residents of Illinois. So, again, thank you. Thank you to Sue Rezin, who was on this group, also working with me.

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And I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. The question is, shall House Bill 2455 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Members, please come to the Senate Floor to vote. Senator Anderson, Aquino, Barickman, Belt, Bennett, Bertino-Tarrant, Brady, Bush, Castro, and Crowe, Cullerton, Cunningham, Curran, DeWitte, Ellman, Feigenholtz, Fine, Fowler, Gillespie, and Glowiak Hilton, please come to the Senate Floor to vote. Senators Harris, Hastings, Holmes, Hunter, Jones, Joyce, Koehler, Landek, Lightford, and Link. Senators Manar, Martinez, McClure, McConchie, Morrison, Muñoz, Murphy, Oberweis, Peters, and Plummer. Senators Rezin, Righter, Rose, Schimpf, Sims, Stadelman, Steans, Stewart, Syverson, and Tracy. Senators Van Pelt, Villanueva, Villivalam, Weaver, Wilcox, and Mr. President. Please come to the Floor to vote. Senator Bennett, Castro, Ellman, Harris, Jones, Lightford, Manar, McClure, Muñoz, please come to the Senate Floor to vote. Senator Oberweis, Plummer, Steans, please come to the Senate Floor to vote. Senator Bennett, Castro, Ellman, Manar, McClure, Muñoz, Oberweis, Plummer, Steans, please come to the Senate Floor to vote. Last call. Last call, Members. Senator Ellman, McClure, Muñoz, Oberweis, Plummer, and Steans -- and Steans, please come to the Senate Floor to cast your vote. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 voting Yea, 4 voting Nay, 0 voting Present. House Bill 2455, having received the required constitutional majority, is declared passed. Senator Martinez in the Chair.

PRESIDING OFFICER: (SENATOR MARTINEZ)

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Ladies and Gentlemen, Supplemental No. 1 has been distributed. We're -- on House Bills 2nd Reading, Senator Harris. Oh, President Harmon. Sorry. Mr. -- Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 64.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR MARTINEZ)

3rd Reading. Ladies and Gentlemen, will the Committee on Assignment {sic} please report to the Floor, Senate Floor? The Committee on Assignments. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Lightford, Chairperson of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Motion to Concur with House Amendments 2 and 3 to Senate Bill 1857.

Signed, Kimberly A. Lightford, Chairperson.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Hunter in the Chair.

PRESIDING OFFICER: (SENATOR HUNTER)

Supplemental Calendar has been printed and distributed. Secretary's Desk, Concurrence, Senate Bill 1857. Martinez. Mr. Secretary, read the motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendments 2 and 3 to Senate Bill 1857.

Signed by Senator Martinez.

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PRESIDING OFFICER: (SENATOR HUNTER)

Senator Martinez, please explain your amendment {sic}.

SENATOR MARTINEZ:

Thank you, Madam -- thank you, Madam President. I -- I'd like to concur with the House on Senate Bill 1857. And I'll be happy to explain it on 3rd Reading. I mean I'm happy to explain. Oh, okay. I've got it. Trying to get back into the groove of this. Senate Bill 1857 is a -- is the -- an extension of the deadlines for the government administrative sunset dates. This, again, is due to what's going on today in -- in today's current world, but these are only on sunset, will only be for one year. And I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HUNTER)

Is there any discussion? Hearing {sic} no discussion, the question is, shall the -- shall the Senate concur in House Amendment No. 2 and 3 to Senate Bill 1857. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? We will call Members to the Floor for voting in groups of ten. If we move to the next group of Senators and if you have not yet voted, you may still come to the Floor to vote until voting is closed. Senators Anderson, Aquino, Barickman, Belt, Bennett, Bertino-Tarrant, Brady, Bush, Castro, Crowe, please come to the Floor to vote. Senators Cullerton, Cunningham, Currant -- Curran, DeWitte, Ellman, Feigenholtz, Fine, Fowler, Gillespie, and Glowiak Hilton, please come to the Floor and vote. Anderson, Aquino, Barickman, Belt, Bennett, Bertino-Tarrant, Brady, Bush, Castro, and Crowe, please come to the Floor to vote. Cullerton, Cunningham, Currant {sic}, DeWitte, Ellman, Feigenholtz, Fine, Fowler, Gillespie, and Glowiak

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Hilton, please come to the Floor to vote. Senators Harris, Hastings, Holmes, Jones, Joyce, Koehler, Landek, Lightford, and Link, please come to the Floor to vote. Senators Manar, McGuire, McConchie, Morrison, Muñoz, Murphy, Oberweis, Peters, and Plummer, please come to the Floor to vote. Senator Rezin -- Senators Rezin, Righter, Rose, Schimpf, Sims, Stadelman, Steans, Stewart, Syverson, Tracy, please come to the Floor to vote. Senators Van Pelt, Villanueva, Villivalam, Weaver, Wilcox, and President Harmon, please come to the Floor to vote. Anderson, Brady, DeWitte, Ellman, Fine, Holmes, Koehler, Landek, Manar, Martwick, McGuire, Plummer, Rezin, Righter, Schimpf, Sims, Stadelman, Steans, Stewart, Villanueva, Weaver, and Wilcox, please come to the Floor to vote. Ladies and Gentlemen, I will go through the names one more time. Please come to the Floor. Anderson, Brady, Ellman, Holmes, Landek, Martwick, McGuire, Rezin, and Wilcox. Have all who -- voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Yea and 0 Nays. Having received the required constitutional majority, the Senate does concur with House Amendment 2 and 3 to Senate Bill 1857, and the bill is so declared passed.

PRESIDING OFFICER: (SENATOR MARTINEZ)

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 1863.

Together with the following amendments which are attached, in

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the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendments 5, 6, and 7 to Senate Bill 1863.

Passed the House, as amended, May 21st, 2020. John W. Hollman, Clerk of the House.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Joint Resolution 1, offered by President Harmon. It is substantive.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Mr. Secretary, Messages from the House.

SECRETARY ANDERSON:

Madam President, I have a Corrected 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 1863.

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

House Amendments 5 and 6 to Senate Bill 1863.

Passed the House, as amended, May 21st, 2020. John W. Hollman, Clerk of the House.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Rezin, for what purpose do you rise?

SENATOR REZIN:

Are we good? Senate Republicans would like to caucus at 7:30,

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please. Oh, I -- I apologize. Just for thirty minutes. Thank you.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Thank you, Senator. That's always in order. The Republicans have requested a recess -- I mean, I'm sorry, for a caucus for thirty minutes. The Senate will stand in recess to the call of the Chair. The Senate will return tonight for further Floor action requiring votes. The Senate stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The First Special Session will please come to order. Will the Committee on Assignments please meet in front of the Well? The Committee on Assignments, please meet in front of the Well immediately. Thank you. President Harmon in the Chair.

PRESIDENT HARMON:

Senator Lightford in the Chair.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Lightford, Chairperson of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Senate Joint Resolution 1.

Signed, Senator Kimberly Lightford, Chairperson.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen of the Senate, Supplemental --

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Supplemental Calendar No. 3 is being distributed. Please, for a moment, take a look. Supplemental Calendar No. 3 is being distributed. On Secretary -- Mr. Secretary, on the Order of Secretary {sic} Desk, Resolutions, Senate Joint Resolution 1. Senate Joint Resolution 1. On page {sic} 3 of the Calendar is the Order of Resolutions. This is final action. On the Order of Supplemental Calendar No. 3, Senate Joint Resolution 1. President Harmon. Pursuant to our Special Senate Rules, the Leaders have determined that there will be three speakers on both sides of the aisle. The speakers for the Republicans will be Senator McConchie, Senator Righter, Leader Brady. Correction - Senator Barickman, my buddy; Senator McConchie; and Leader Brady. Senate Joint Resolution No. 1. Senator Harmon, do you wish to proceed? He indicates he does. Mr. Secretary, please read the resolution.

SECRETARY ANDERSON:

Senate Joint Resolution No. 1, offered by President Harmon.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Harmon, on Senate Resolution -- Joint Resolution 1.

SENATOR HARMON:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I have been working on the "fair tax" constitutional amendment for more than ten years now, and I confess, I never expected I would be on the Senate Floor presenting the resolution to put the ballot question language before us behind a face covering and very foggy glasses. The Senate (Joint) Resolution No. 1 is our last step legislatively in advancing the fair tax to the ballot to present to the voters. It includes the ballot language itself as well as the arguments for and against the amendment that will be sent as a pamphlet to every registered voter

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in the State of Illinois. The arguments in favor of the ballot initiative were drafted by the proponents, the Democrats, and the arguments against were drafted by the opponents, the Republicans. So I'm happy to take any questions you might have and look forward to the conversation.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you. Is there any discussion? Any discussion? Senator McConchie, for what -- Senator Barickman, for what purpose do you rise?

SENATOR BARICKMAN:

To the resolution, Madam...

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. To the resolution.

SENATOR BARICKMAN:

Thank you, Madam President. I -- I rise today in -- to speak on this resolution and to point out -- to point out some of the concerns and oppositions that have been raised throughout this long debate. I think it's -- I think it's important to recognize here, Madam President, that there are a number of lawmakers who have been in the General Assembly for a number of years, and if we were to listen to the voices of those Members over the years, what we recognize is a continued pattern of communications that "if we just raise this one tax this one more time that it will solve the State's financial problems". We heard that back in 2011. We heard that more recently in 2017. And the message then was the same message that the proponents have for this constitutional amendment, which is "just trust us, and if you trust us to raise your taxes, we'll solve all the State's problem". Many -- many Illinoisans have lost their trust in Illinois' government. They

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do not believe that the General Assembly has earned the trust that is necessary to raise taxes because the General Assembly has not done the tough job of reforming the manner in which our government spends our dollars. Countless Illinoisans see this constitutional amendment as doing nothing more than allowing lawmakers to have a blank check to continue to spend recklessly and -- without accountability to taxpayers. And so, today, I rise in opposition to that which this constitutional amendment proposes to do, which is to make it easier, not tougher, for the General Assembly to continue to raise taxes on the backs of the hardworking men and women of our State who have asked us to do our job by rolling up our sleeves and looking at ways in which we can make tough decisions to reform our government and do a better job of shepherding the limited resources that our Illinois taxpayers give to us under our current system. I think this constitutional amendment is dangerous for Illinois taxpayers who believe they've been overtaxed. We see countless reports of Illinois -- of Illinoisans who are fleeing Illinois because they believe they live in a state that has taxed them to the -- to the brink. They look around the country at other states. We see other states where the economies are thriving and the governments are trying to find ways to lower taxes, lower property taxes, put more money in their voters' and their constituents' pockets, and releasing the burden of an overcommitted government to the taxpayers of their state, and what do they see in Illinois, efforts in -- or changes in law in 2011 to raise taxes, 2017 to raise taxes, and here again in 2020 to do it again. And so I rise today to point out the opposition that many of us have raised to this constitutional amendment. And thank you, Madam President, for your time.

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator Barickman. Senator McConchie, for what purpose do you rise?

SENATOR McCONCHIE:

A question of the sponsor, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Sponsor indicates he will yield. Senator McConchie.

SENATOR McCONCHIE:

Thank you, Madam President. Thank you, Mr. President. It's good to see you over there, even though I didn't immediately recognize you, I must admit, with our attire that we have on here. I'd like to just walk through the question itself and -- and ask a question and then -- in regards to some of the language that'll be associated with it. In the question itself, it says this, that the proposed amendment "gives the State the ability to impose higher tax rates on those with higher income levels and lower (income) tax rates on those with middle and lower income levels". The -- the truth of the matter is that the amendment itself actually doesn't -- isn't that limited, correct? It -- it doesn't -- you know, albeit the rates and such that have -- have currently been already passed would do that, this does not mandate such a system going forward, correct? It -- it is possible that a future General Assembly could change rates and actually charge one bracket significantly higher than another bracket even if they were making less.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Harmon.

SENATOR HARMON:

Thank you, Madam President. Thank you, Senator, for your

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question. The form of the ballot is factually correct. I am not aware of any state income tax structure that permits a fair tax where higher rates are applied to the lowest end of the spectrum and that they decrease. The traditional model in a fair tax regime is just what we've described. You start at the bottom of the income spectrum with the lowest rates and increase those rates as the income rises.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McConchie.

SENATOR McCONCHIE:

Thank you. I -- and I agree that that is the case, Mr. President. However, we didn't choose to -- you know, we could have chosen with -- with the amendment to put that limitation in in order to guarantee those protections and we did not do that. Into -- a couple of questions in regards to the arguments that have been laid out here, the arguments in favor. One of which, it says that "This amendment will help small business owners by creating a stable economic environment for their business to thrive." Can -- can you tell me what that means?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Harmon.

SENATOR HARMON:

Can you point -- I'm sorry, Senator. Can you point me out to -- to that language?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McConchie.

SENATOR McCONCHIE:

Certainly, Mr. President. Page 6, lines 6 and 7.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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Senator Harmon.

SENATOR HARMON:

Thank you. I appreciate that. I do see that language. Might you repeat the question?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McConchie.

SENATOR McCONCHIE:

Certainly. I'm -- I'm trying to understand what that statement means. It indicates that somehow by putting in a graduated tax structure that this is going to help small business owners -- well, it says, "by creating a stable economic environment for their businesses to thrive". And -- and I'm not entirely sure how -- how it is that a graduated tax structure is -- is -- will do that.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Harmon.

SENATOR HARMON:

...Madam President. I believe that the proponents agree with me that a -- a fair tax will provide stability in our tax policy and I believe that according to the law that we have already adopted, that will spring into effect when the voters approve the fair tax, that the vast majority of small business owners will see a tax reduction.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McConchie.

SENATOR McCONCHIE:

Thank you, Mr. President. That leads me into the next question. It -- it actually says on -- let's see -- so it says on page 8, lines 8 through 10, "If this Amendment passes, the State

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has already enacted a new graduated tax structure where ninety-seven percent of taxpayers will pay the same or less." You -- you've just indicated you think that some small business -- significant number of small businesses will actually pay less. Do you have a breakdown as far as we -- we know that some are going to pay the same and some would pay less? Do we know, this ninety-seven percent, how this is broken up?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Harmon.

SENATOR HARMON:

Thank you, Madam President. The ninety-seven percent would be individual income taxpayers in the State of Illinois. Most small business owners, I believe from the information I've seen, which I do not have with me on the Floor, today are organized as pass-through corporate entities, where they pay the individual income tax only, and even those owners of corporations that may pay a corporate tax rate, especially small business owners, I expect would consider their individual income their -- their primary income. So I -- I stand by the assertion that a significant number of small business owners would see a tax reduction as a result of this measure.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McConchie.

SENATOR McCONCHIE:

Thank you, Madam President. Thank you, Mr. President, for that. I -- I do wish we would be more, I guess, specific in regards to this. I -- I -- part of my concern here is that I -- I think that there are people out there who are going to read this and assume that they're going to pay less even when they aren't

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and -- and I'm concerned about those people feeling like they will be misled. Also, in regards to this, I mean this -- this is subject to change - right? - at any point in time that the Legislature would so choose. So we -- you indicate -- it -- it's indicated here on page 6, in also another reference, "ninety-seven percent of taxpayers will pay the same or less, ...only those making...two hundred and fifty thousand dollars a year will see a tax increase". That is subject to change at any point in time, as you and I discussed when this originally passed, with a simple majority of the Legislature that chooses to do that - not the supermajority that was required to put it on the ballot in the first place. And additionally, on the same page, in line 18, it says, "This amendment does not tax retirement income." Well, that, it is my understanding, is also subject to change if the Legislature was to so choose to do so in the future. So, isn't that the case, that while -- while -- you know, for -- that these things are all subject to change by a General Assembly at any point in time going down the road?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Harmon.

SENATOR HARMON:

Thank -- thank you, Madam President. Senator, I appreciate those questions; I think they are misplaced. The -- the potential changes that you have suggested are, in fact, possible today, whether or not we pass this constitutional amendment or not. Retirement income could be taxed, although, clearly, there is no appetite to do that in this General Assembly. The flat tax rate could be changed, although, again, I don't believe there is any eagerness to do that. And the first line would be to pass the

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fair tax.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McConchie. To the resolution, Senator.

SENATOR McCONCHIE:

Thank you, Madam President. Thank you, Mr. President, for the discussion in the, you know, unique environment that we're in. I think that this, especially during our current crisis, is ill-placed. I firmly support our Leader who put forward a proposal that we remove this from the ballot, especially within the current environment. That this -- you know, raising taxes on businesses and individuals, especially in a -- in -- in a situation and with a structure that can be changed at any point in time by the General Assembly. And right now, the changes that we would make would apply to everyone, but in the future, if this were to pass, we can change it at any point in time only on certain segments. And I think it politically becomes significantly easier to try to do that under this structure. We need to constrain our spending. We need to get our government under control rather than simply trying to change the structure to demand more and more from taxpayers, especially in a situation in which there is -- this can be changed at any point in time. This is an issue of trust. I would urge a No vote. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Further discussion? Leader Brady, for what purpose do you rise?

SENATOR BRADY:

Thank you -- thank you, Madam President. To the resolution.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Absolutely, Senator. To the resolution.

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SENATOR BRADY:

We have debated this issue in -- in the past and, clearly, there's an argument between our two parties, our -- our two sides of the aisle. We firmly believe that a fair flat tax is trustworthy and -- and brings certainty to the people of Illinois. And eliminating that provision in our Constitution brings into a lot of question about what the tax structure will look like, and we've argued and debated about those differences. But today we are in a different economy. The citizens of Illinois are in a crisis economy. They're in a COVID-19 economy. They don't know how they're going to pay their mortgage. They don't know if they're going to be able to meet their rent payment. They don't know if they're going to be able to keep their employees paid and on payroll. They don't know if there's going to be sales to keep their business going in the next days, weeks, months, and even years ahead. Generation-old businesses are closing. The people of Illinois are struggling. And although we were in a different economy when this idea was first passed in this Chamber, we are in an economy that is tremendously challenged. We would argue that this is the worst time of all to leave a questionable initiative in front of rebuilding our economy that will bring great pause and concern to the people of this Illinois at all income levels - as it should. We want to work together to rebuild our economy on sound business principles that give confidence and trust to the people of Illinois, not questionable principles that deter that trust. We -- as we have asked you, is to remove this question from the ballot and put it on at a different date potentially, but not at this time in our -- in our State's difficult challenges. And therefore, we think this is the wrong time to do this. And

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where we would welcome at a later date working on other ways in which we can rebuild our economy, we simply must be opposed to the language in this resolution and the question and lack of trust we believe this will bring to the people of Illinois. So we stand here tonight in opposition to this, hoping there are better ways to rebuild Illinois' economy and rebuild trust in government.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Leader Brady. President Harmon, to close.

SENATOR HARMON:

Thank you, Madam President. Leader Brady and to the members of your caucus who spoke against this, I want to first thank you for the very civil way in which we've conducted the debate. I -- I've been grateful for that for the entirety of this process and I -- I have always expected our debates to be more civil than other legislative bodies, even those nearby, but I'm grateful for the way we've approached this tonight. I do -- as -- as you -- you've spoke to matters beyond the text of the resolution and to the general atmosphere, I'd like to close by reflecting on those. I want to emphasize that by virtue of a law we have already passed and has been signed by the Governor, when the voters approve the fair tax, it will lower taxes on ninety-seven percent of Illinoisans. There is no talk of raising taxes on middle-class families. And today, most importantly, the people who have been kicked in the teeth by this pandemic are the same people who will benefit the most from the fair tax. If you're earning fifty thousand dollars a year, if you've had your hours cut back, if you're worried about losing your job, you're the people who are going to get the most profound tax reduction from the fair tax. Most people earning two hundred and fifty thousand or five hundred

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thousand dollars a year aren't facing those same paralyzing fears. Their jobs may have been disrupted, but they likely have the resources to get by and they are almost certain to be making that kind of money going forward. The family getting by on thirty-five thousand dollars or seventy-five thousand dollars a year and worried about whether they're going to have the job, they're the ones who get the tax cut. And I would point out that this amendment does nothing, nothing, to make it any easier to take the hardest vote we ever have to take in the General Assembly, which is to raise taxes on middle-class families. That will always be the hardest thing we have to do and the fair tax will not make that any easier. Thank you for the time. And I ask for your Aye votes.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you. As this resolution requires the expenditure of State funds, a roll call vote will be required. The question is, shall Senate Joint Resolution 1 pass. All those in favor will vote Aye. Opposed voting Nay. The voting is open. Have all voted who wish? We will call all Members to the Floor for voting in groups of ten. If we move to the next group of Senators and you have not voted -- have not yet voted, you may still come to the Floor to vote until voting is closed. Senators Anderson, Aquino, Barickman, Belt, Bennett, Bertino-Tarrant, Brady, Bush, Castro, and Crowe, please come to the Floor to vote. Senators Anderson, Aquino, Barickman, Belt, Bennett, Bertino-Tarrant, Brady, Bush, Castro, and Crowe. Senators Cullerton, Cunningham, Curran, DeWitte, Ellman, Feigenholtz, Fine, Fowler, Gillespie, and Glowiak Hilton, please come to the Floor to vote. Senators Harris, Hastings, Holmes, Hunter, Jones, Joyce, Koehler, Landek, Lightford, and Link, Manar, Martinez, McClure, McConchie,

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Morrison, Muñoz, Murphy, Oberweis, Peters, and Plummer, please come to the Floor to vote. Senators Manar, Martinez, McClure, McConchie, Morrison, Muñoz, Murphy, Oberweis, Peters, and Plummer. Senators Rezin, Righter, Rose, Schimpf, Sims, Stadelman, Steans, Stewart, Syverson, and Tracy. Senators Van Pelt, Villanueva, Villivalam, Weaver, Wilcox, and President Harmon, please come to the Floor to vote. Senator Curran, Feigenholtz, Fine, Glowiak Hilton, Hastings, McClure, please vote. Senator Rose, Sims, Stadelman, Van Pelt, and Villivalam, please cast your vote. Senator Fine, Glowiak Hilton, Sims, Stadelman, please come to the Senate Floor to vote. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 voting Yea, 19 voting Nay, 0 voting Present. Senate Joint Resolution 1, having received the required constitutional majority, is declared passed. Excuse me - is declared adopted. There being no further business to come before the First Special Session, the First Special Session of the Senate stands adjourned until the hour of 10:30 a.m. on the 22nd day of May 2020. The First Special Session stands adjourned.