



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

118TH LEGISLATIVE DAY

MONDAY, JANUARY 8, 2007

8:35 O'CLOCK A.M.

SENATE
Daily Journal Index
118th Legislative Day

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Bill Number	Legislative Action	Page(s)
HB 0822	Second Reading	4
HB 3752	Second Reading	5

The Senate met pursuant to adjournment.
 Senator Debbie DeFrancesco Halvorson, Crete, Illinois, presiding.
 Prayer by Reverend Joseph Eby, Chatham Presbyterian Church, Chatham, Illinois.
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Sunday, January 7, 2007, was being read when on motion of Senator Crotty, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Annual Progress Report: Services for Persons with Autism Spectrum Disorder, submitted by the Department of Human Services.

Exemption Declaration pursuant to the Mercury-Free Vaccine Act, submitted by the Department of Public Health.

House Joint Resolution 20 Options for Transportation-Disadvantaged Populations, submitted by the Interagency Coordinating Committee on Transportation Clearinghouse.

Educator Supply & Demand Preliminary Annual Report, submitted by the Illinois State Board of Education.

Capital Needs Assessment Survey Results, submitted by the Illinois State Board of Education and the Capital Development Board.

Class Size Survey 2006-07, submitted by the Illinois State Board of Education.

2005 Annual Statistical Report, submitted by the Illinois State Board of Education.

2006 Annual Report of the Illinois Council on Responsible Fatherhood, submitted the Illinois Council on Responsible Fatherhood.

Illinois Electronic Health Records Task Force Report and Plan, submitted by the Department of Public Health.

Annual Real Property Utilization Reports, submitted by the Department of Central Management Services.

Bilingual Needs and Bilingual Pay Survey 2006 Report, submitted by the Department of Central Management Services.

Report on Funding of the Illinois Veteran Grant Program, the Illinois National Guard and Naval Militia Grant Program, and the MIA-POW Scholarship Program, submitted the Illinois State Board of Education and the Illinois Community College Board.

Response to HR 843 of the 94th General Assembly, submitted Department of Commerce and Economic Opportunity.

FY 2006 OIG Annual Report, submitted by the Department of Children and Family Services, Office of the Inspector General.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

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EXCUSED FROM ATTENDANCE

On motion of Senator DeLeo, Senator Collins was excused from attendance due to a funeral in her district.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Forby, **House Bill No. 822** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment & Energy, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 822

AMENDMENT NO. 1. Amend House Bill 822 by replacing everything after the enacting clause with the following:

"Section 5. The Coal Mining Act is amended by changing Sections 11.08 and 11.09 as follows:
(225 ILCS 705/11.08)

Sec. 11.08. Self-contained self-rescuer (SCSR) devices; caches; strobe lights; luminescent signs.

(a) An operator must require each person underground to carry a SCSR device on his or her person or, alternatively, a SCSR device must be kept within 25 feet of the person underground or may be kept more than 25 feet from the person underground if done according to a plan approved by the Mining Board.

(b) An operator must provide for each person who is underground at least one SCSR device, in addition to the device required under subsection (a), that provides protection for a period of one hour or longer, to cover all persons in the mine. This additional SCSR device must be kept within 25 feet of the person underground or may be kept more than 25 feet from the person underground if done according to a plan approved by the Mining Board.

(c) If a mantrip or mobile equipment is used to enter or exit the mine, additional SCSR devices, each of which must provide protection for a period of one hour or longer, must be available for all persons who use such transportation from portal to portal.

(c-5) Beginning July 31, 2007, in addition to the SCSR devices required under subsections (a), (b), and (c) of this Section, an operator must provide a minimum of 30 SCSR devices in each cache located within a mine. All SCSR devices required under this subsection (c-5) shall be stored in caches that are conspicuous and readily accessible by each person in the mine. If the average seam height of a mine is:

(1) less than 40 inches, caches must be located no more than 2,200 feet apart throughout a mine;

(2) 40 inches or more, but less than 51 inches, caches must be located no more than 3,300 feet apart throughout a mine;

(3) 51 inches or more, but less than 66 inches, caches must be located no more than 4,400 feet apart throughout a mine; and

(4) 66 inches or more, caches must be located no more than 5,700 feet apart throughout a mine.

An operator must submit for approval a plan addressing the requirements of this subsection (c-5) to the Mining Board on or before May 1, 2007.

(d) The Mining Board must require all operators to provide additional SCSR devices in the primary and alternate escapeways to ensure safe evacuation if the Mining Board determines that if the SCSR devices required under subsections (a), (b), and (c) and (c-5) are not adequate to provide enough oxygen for all persons to safely evacuate the mine under mine emergency conditions, the mine operator must provide additional SCSR devices in the primary and alternate escapeways to ensure safe evacuation for all persons underground through both primary and alternate escapeways. The Mining Board must determine the time needed for safe evacuation under emergency conditions from each of those locations at 1,000 foot intervals. If the Mining Board determines that additional SCSR devices are needed under this subsection (d), the ~~The~~ mine operator must submit a SCSR storage plan to the Mining Board for approval. The mine operator must include in the SCSR storage plan the location, quantity, and type of additional SCSR devices, including, but not limited to, SCSR devices required under subsections (a), (b), (c), and (c-5) of this Section, each of which must provide protection for a period of one hour or longer, that are stored in the primary and alternate escapeways. The SCSR storage plan must also show how each storage location in the primary and alternate escapeways was determined. The Mining Board must require the mine operator to demonstrate that the location, quantity, and type of the additional SCSRs

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provide protection to all persons to safely evacuate the mine. The SCSR storage plan must be kept current by the mine operator and made available for inspection by an authorized representative of the Mining Board and by the miners' representative.

(e) ~~(Blank) All SCSR devices required under this Section shall be stored in caches that are conspicuous and readily accessible by each person in the mine.~~

(f) An operator must ~~provide~~ require luminescent direction signs leading to each cache and rescue chamber ~~to be posted~~ in a mine, and a luminescent sign with the ~~word~~ words "SELF-CONTAINED SELF-RESCUER" or "SELF-CONTAINED SELF-RESCUERS" must be conspicuously posted at each cache and rescue chamber.

(g) Intrinsically safe, battery-powered strobe lights ~~that have been approved by the Department~~ must be affixed to each cache and rescue chamber and must be capable of automatic activation in the event of an emergency; ~~however, until such time as the Department approves intrinsically safe, battery-powered strobe lights, reflective tape or any other illuminated material approved by the Department must be affixed to each cache and rescue chamber in a mine.~~

(h) The Mining Board must adopt and impose a plan for the daily inspection of SCSR devices required under subsections (a), (b), and (c) of this Section in order to ensure that the devices perform their designated functions each working day. Additional SCSR devices required under subsections (c-5) and subsection (d) must be inspected every 90 days to ensure that the devices perform their designated functions, in addition to meeting all federal Mine Safety and Health Administration requirements.

(i) Any person who, without the authorization of the operator or the Mining Board, knowingly removes or attempts to remove any self-contained self-rescue device, ~~or~~ battery-powered strobe light, reflective tape, or other any other illuminated material approved by the Department from a mine or mine site with the intent to permanently deprive the operator of the device, ~~or~~ light, reflective tape, or illuminated material or who knowingly tampers with or attempts to tamper with the device, ~~or~~ light, reflective tape, or illuminated material is guilty of a Class 4 felony.

(j) ~~(Blank) Beginning January 31, 2007, in addition to the SCSR devices required under subsections (a), (b), and (c), an operator must provide a minimum of 30 SCSR devices in each cache located within a mine, in addition to federal Mine Safety and Health Administration requirements. Caches must be located no more than 4,000 feet apart throughout a mine.~~

(k) ~~(Blank) An operator must submit for approval a plan addressing the requirements of subsection (j) of this Section to the Mining Board within 3 months after the effective date of this amendatory Act of the 94th General Assembly.~~

(Source: P.A. 94-1041, eff. 7-24-06.)

(225 ILCS 705/11.09)

Sec. 11.09. Rescue chambers.

(a) ~~Rescue chambers approved by the Mining Board must be provided at suitable locations throughout a mine. (b) Beginning January 31, 2007, rescue chambers approved by the Mining Board must be provided and located within 3,000 feet of each working section of a mine, in accordance with a plan submitted by an operator and approved by the Mining Board.~~

(b) ~~(e) An operator must submit a plan for approval concerning the construction and maintenance of rescue chambers required under this Section to the Mining Board on or before May 1, 2007 within 3 months after the effective date of this amendatory Act of the 94th General Assembly.~~

(Source: P.A. 94-1041, eff. 7-24-06.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Delgado, **House Bill No. 3752** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Labor, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 3752

AMENDMENT NO. 1. Amend House Bill 3752 by replacing everything after the enacting clause with the following:

"Section 5. If and only if Senate Bill 1268 of the 94th General Assembly becomes law as that bill was amended by House Amendment No. 3, the Minimum Wage Law is amended by changing Section 4 as follows:

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(820 ILCS 105/4) (from Ch. 48, par. 1004)

Sec. 4. (a)(1) Every employer shall pay to each of his employees in every occupation wages of not less than \$2.30 per hour or in the case of employees under 18 years of age wages of not less than \$1.95 per hour, except as provided in Sections 5 and 6 of this Act, and on and after January 1, 1984, every employer shall pay to each of his employees in every occupation wages of not less than \$2.65 per hour or in the case of employees under 18 years of age wages of not less than \$2.25 per hour, and on and after October 1, 1984 every employer shall pay to each of his employees in every occupation wages of not less than \$3.00 per hour or in the case of employees under 18 years of age wages of not less than \$2.55 per hour, and on or after July 1, 1985 every employer shall pay to each of his employees in every occupation wages of not less than \$3.35 per hour or in the case of employees under 18 years of age wages of not less than \$2.85 per hour, and from January 1, 2004 through December 31, 2004 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than \$5.50 per hour, and from January 1, 2005 through June 30, 2007 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than \$6.50 per hour, and from July 1, 2007 through June 30, 2008 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than \$7.50 per hour, and from July 1, 2008 through June 30, 2009 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than \$7.75 per hour, and from July 1, 2009 through June 30, 2010 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than \$8.00 per hour, and on and after July 1, 2010 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than \$8.25 per hour.

(2) Unless an employee's wages are reduced under Section 6, then in lieu of the rate prescribed in item (1) of this subsection (a), an employer may pay an employee who is 18 years of age or older, during the first 90 consecutive calendar days after the employee is initially employed by the employer, a wage that is not more than 50¢ less than the wage prescribed in item (1) of this subsection (a); however, an employer shall pay not less than the rate prescribed in item (1) of this subsection (a) to:

(A) a day or temporary laborer, as defined in Section 5 of the Day and Temporary Labor Services Act, who is 18 years of age or older; and

(B) an employee who is 18 years of age or older and whose employment is occasional or irregular and requires not more than 90 days to complete.

(3) At no time shall the wages paid to any employee under 18 years of age be more than 50¢ less than the wage required to be paid to employees who are at least 18 years of age under item (1) of this subsection (a).

(b) No employer shall discriminate between employees on the basis of sex or mental or physical handicap, except as otherwise provided in this Act by paying wages to employees at a rate less than the rate at which he pays wages to employees for the same or substantially similar work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (1) a seniority system; (2) a merit system; (3) a system which measures earnings by quantity or quality of production; or (4) a differential based on any other factor other than sex or mental or physical handicap, except as otherwise provided in this Act.

(c) Every employer of an employee engaged in an occupation in which gratuities have customarily and usually constituted and have been recognized as part of the remuneration for hire purposes is entitled to an allowance for gratuities as part of the hourly wage rate provided in Section 4, subsection (a) in an amount not to exceed 40% of the applicable minimum wage rate. The Director shall require each employer desiring an allowance for gratuities to provide substantial evidence that the amount claimed, which may not exceed 40% of the applicable minimum wage rate, was received by the employee in the period for which the claim of exemption is made, and no part thereof was returned to the employer.

(d) No camp counselor who resides on the premises of a seasonal camp of an organized not-for-profit corporation shall be subject to the adult minimum wage if the camp counselor (1) works 40 or more hours per week, and (2) receives a total weekly salary of not less than the adult minimum wage for a 40-hour week. If the counselor works less than 40 hours per week, the counselor shall be paid the minimum hourly wage for each hour worked. Every employer of a camp counselor under this subsection is entitled to an allowance for meals and lodging as part of the hourly wage rate provided in Section 4, subsection (a), in an amount not to exceed 25% of the minimum wage rate.

(e) A camp counselor employed at a day camp of an organized not-for-profit corporation is not subject to the adult minimum wage if the camp counselor is paid a stipend on a onetime or periodic basis and, if the camp counselor is a minor, the minor's parent, guardian or other custodian has consented in writing

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to the terms of payment before the commencement of such employment.
(Source: P.A. 93-581, eff. 1-1-04; 94SB1268ham003.)

Section 99. Effective date. This Act takes effect July 1, 2007."

There being no further amendments, the bill, as amended, was ordered to a third reading.

COMMITTEE MEETING ANNOUNCEMENT

The Chair announced that the Executive Appointments Committee will meet today in Room 212, at 9:00 o'clock a.m.

At the hour of 8:43 o'clock a.m., the Chair announced that the Senate stand adjourned until Tuesday, January 9, 2007, at 11:00 o'clock a.m.

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