



SENATE JOURNAL

STATE OF ILLINOIS

**ONE HUNDRED FIRST GENERAL
ASSEMBLY**

10TH LEGISLATIVE DAY

THURSDAY, FEBRUARY 7, 2019

10:11 O'CLOCK A.M.

SENATE
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10th Legislative Day

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The Senate met pursuant to adjournment.

Senator Antonio Muñoz, Chicago, Illinois, presiding.

Prayer by Pastor Scott Marsh, Texas Christian Church and Maroa Christian Church, Maroa, Illinois.

Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, February 6, 2019, be postponed, pending arrival of the printed Journal.

The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Annual Lead Paint Poisoning Report, submitted by the Kane County State's Attorney's Office.

2019 Child Care Flex Time Report Pursuant to PA 87-552, submitted by the Illinois Department of Human Services.

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 90

Offered by Senator Bennett and all Senators:

Mourns the death of Nicholas A. "Nick" Elizondo of Belleville.

SENATE RESOLUTION NO. 91

Offered by Senator Brady and all Senators:

Mourns the death of Harry Miller Stern of Bloomington.

SENATE RESOLUTION NO. 92

Offered by Senator Brady and all Senators:

Mourns the death of Dr. Thomas E. "Tom" Theobald, OD, of Jacksonville, Florida, formerly of Bloomington.

SENATE RESOLUTION NO. 93

Offered by Senator Brady and all Senators:

Mourns the death of John Cunningham of Normal.

SENATE RESOLUTION NO. 94

Offered by Senator Bennett and all Senators:

Mourns the death of James P. "Jim" Warfield of Urbana.

SENATE RESOLUTION NO. 95

Offered by Senator Barickman and all Senators:

Mourns the death of Charles Carroll "Charlie" Crabtree of Normal.

SENATE RESOLUTION NO. 96

Offered by Senator Barickman and all Senators:

Mourns the death of Robert D. "Bob" Horner of Streator.

SENATE RESOLUTION NO. 97

Offered by Senator Bennett and all Senators:

Mourns the death of Jose Del Carmen Velazquez.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Tracy offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 89

WHEREAS, Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society; improving educational results for children with disabilities is an essential element of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities; and

WHEREAS, Research shows that the best outcomes for all young children are realized when high-quality specialized services such as special education, early intervention, and related services are delivered in the same setting the child would attend if they did not have a disability; and

WHEREAS, Inclusive education brings all children together in one classroom, setting, and community, regardless of their ability or disability in any domain of development, and seeks to maximize the potential of all preschool-aged children; and

WHEREAS, Preschool may be the child and family's first experience with school; and

WHEREAS, The commonality between all preschool-aged children is the need to be amongst their peers; and

WHEREAS, Preschool-aged children with disabilities can be included socially with their peers; this allows them to create long-lasting friendships that would not be otherwise possible, and these friendships can give them the skills to navigate social relationships later in life; and

WHEREAS, In a well-designed, high-quality inclusive early childhood environment, the teacher uses inclusion strategies to help children succeed developmentally and socially; therefore, children encounter higher expectations; and

WHEREAS, Preschool-aged children with disabilities who are educated in an inclusive classroom have been found to score higher on literacy measures than children educated in segregated settings; and

WHEREAS, Research has shown that most children without disabilities in inclusive classrooms have scored higher on state standardized tests over a period of 4 years; and

WHEREAS, Research also indicates that inclusive education promotes and enhances the social growth of all children within inclusive classrooms and does not negatively affect the academic growth of typically developing children; and

WHEREAS, In an inclusion setting, children with and without disabilities learn how to work with each other, regardless of individual skills and abilities, which helps improve academic performance and the ability to succeed later in life; and

WHEREAS, All families want their children to be accepted by their peers and have friends, and inclusive settings can make this vision a reality for children with disabilities; and

WHEREAS, Families can be positively affected by having their children educated in inclusive early childhood classrooms through potential friendship and relationship opportunities; and

WHEREAS, When preschool-aged children attend inclusive early childhood classes that reflect the similarities and differences of people in the real world, they learn to appreciate diversity; and

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WHEREAS, Respect and understanding grow when children of differing abilities and cultures communicate and learn together, which may be the first step in creating a more diverse workforce and world; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we encourage the Illinois State Board of Education, special education cooperatives, and each school district in this State to consider the potential benefits of inclusive education for children with and without disabilities in Illinois; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Illinois State Board of Education and the Regional Offices of Education.

Senator Collins offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 98

WHEREAS, The Illinois Constitution reads, in SECTION 2. DUE PROCESS AND EQUAL PROTECTION, "No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws"; and

WHEREAS, The November 2018 Summary Report of the Second Court Appointed Expert Filed in the District Court for the Northern District Court of Illinois finds that 1/3 of the deaths occurring at the Illinois Department of Corrections were preventable; and

WHEREAS, Illinois has averaged 19 healthcare professionals for every 1,000 inmates, compared to the national average of 40 healthcare professionals for every 1,000 inmates, ranking seventh lowest in the United States in terms of per capita spending per year; and

WHEREAS, The 2018 Summary Report finds that the conditions of the healthcare provided in the Illinois Department of Corrections have not improved or have become far worse since 2015; the report reads, in part, "Overall, the health program is not significantly improved since the First Court Expert's report. Based on record reviews, we found that clinical care was extremely poor and resulted in preventable morbidity and mortality that appeared worse than that uncovered by the First Court Expert"; and

WHEREAS, The 2018 Summary Report finds staffing to be a major issue in providing necessary and adequate care to stop preventable deaths at the Illinois Department of Corrections and states, "The IDOC does not have a staffing plan that is sufficient to implement IDOC policies and procedures. The staffing plan does not incorporate a staff relief factor. Custody staffing has also not been analyzed relative to health care delivery to determine if there are sufficient custody staff to deliver adequate medical care. Staff vacancy rates are very high"; and

WHEREAS, The 2018 Summary Report finds lack of hiring of properly-licensed physicians to provide the necessary care needed and links it to preventable deaths impacting monitoring of sanitation, management of chronic disease, infection control, necessity of specialty care, and periodic examination; in this case, "The vendor, fails to hire properly credentialed and privileged physicians. This appears to be a major factor in preventable morbidity and mortality, and significantly increases risk of harm to patients with the IDOC...It is our opinion that the quality of physicians in the IDOC is the single most important variable in preventable morbidity and mortality, which is substantial"; and

WHEREAS, The 2018 Summary Report finds inadequate accommodation for the elderly and the disabled and states, "Housing of the elderly and disabled is inadequate"; and

WHEREAS, The 2018 Summary Report finds the dental care below adequate, noting, "Dental care continues to be below accepted professional standards and is not minimally adequate...There is no dentist on staff"; and

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WHEREAS, The 2018 Summary Report finds the lack of authority given to the Illinois Department of Corrections Agency Medical Director is a critical issue that correlates with the overall monitoring of quality of care; it was noted that "The Agency Medical Director has limited responsibility with respect to the health program. He is responsible for formulation of statewide health care policy and chronic care guidelines. Through subordinates, he monitors and reviews medical services, but he has insufficient physician staff to perform adequate monitoring, especially for physician care. He has no authority to manage operations of the health program. He has no responsibility for the budget except in a consultative role. He participates in scoring prospective vendors of the medical contract and in reviewing staffing recommendations in the contract. But this is mostly an advisory and consultative role. According to his job description and interview, he does not function as the authority in establishing budgets, staffing levels, or equipment purchases. Although he appears to be the final clinical medical decision maker, one has to infer this responsibility because it is nowhere stated in his job description"; and

WHEREAS, The 2018 Summary Report finds the impact of vendors hired by the Illinois Department of Corrections self-monitoring their services is an impediment of improvement of healthcare provided at IDOC facilities; the report states, "The Wexford Regional Medical Directors are responsible for ensuring that direct patient care is consistent with community standards and with contract requirements. They supervise the facility Medical Directors and are responsible for peer reviews of Medical Directors, and must ensure and/or conduct death reviews. Since there is inadequate oversight by the IDOC over physicians, the supervision of Wexford Regional Medical Directors is the only oversight of physicians. Wexford is thereby evaluating its own performance and does this extremely poorly"; and

WHEREAS, The 2018 Summary Report finds the same conditions in clinical space as the First Summary Report of 2015; the report notes, "In the final report, the First Court Expert noted that clinical space, sanitation, and equipment were problematic at virtually every facility...Overall, we found problems with nurse sick call rooms, infirmary spaces, and examination rooms in all facilities we visited. The dialysis unit at SCC is inadequate and needs renovation. These problems detracted from the ability to provide care"; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Illinois Department of Corrections to put in place processes and measures to implement the recommendations of the November 2018 Summary Report of the Second Court Appointed Expert filed in the District Court for the Northern District Court of Illinois and to provide this General Assembly with a written report of its initiatives and impact by the end of the 2019 Legislative Session.

Senator Morrison offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 99

WHEREAS, Adverse childhood experiences, or ACEs, are traumatic experiences occurring during childhood that may have a profound effect on a child's developing brain and body and may result in poor health during the person's adulthood; ACEs can be physical, emotional, and sexual abuse, physical and emotional neglect, and household dysfunction, such as domestic violence, separation or divorce involving household members, and substance abuse, untreated mental illness, or incarceration of a household member; and

WHEREAS, Research over the last two decades in the evolving fields of neuroscience, molecular biology, public health, genomics, and epigenetics reveals that experiences in the first few years of life build changes into the biology of the human body that, in turn, influence the person's physical and mental health over the person's lifetime; and

WHEREAS, Strong, frequent, or prolonged stress in childhood caused by adverse childhood experiences can become toxic stress, affecting the development of a child's fundamental brain architecture and stress response systems; and

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WHEREAS, Adverse childhood experience studies have also found a strong correlation between the number of ACEs and a person's risk for disease and negative health behaviors, including suicide attempts, cancer, ischemic heart disease, diabetes, smoking, substance abuse, depression, obesity, unplanned pregnancies, workplace absenteeism, lower educational achievement, and lower wages; and

WHEREAS, Findings from the Illinois 2013 Behavioral Risk Factor Surveillance Survey (BRFSS) Illinois ACEs Response Collaborative found that almost 60% of non-institutionalized adults in Illinois say they had at least one ACE; this number equates to almost 5 million Illinois residents; 14.2% of Illinois adults reported four or more ACEs; and

WHEREAS, The Illinois 2013 BRFSS also found that approximately one in seven women and one in eight men reported experiencing four or more ACEs; and

WHEREAS, BRFSS data also showed that approximately 20% of African American and Hispanic adults in Illinois reported four or more ACEs, compared to 13% of non-Hispanic whites; and

WHEREAS, Individuals with six or more ACEs were found, on average, to live 20 years less than those individuals with zero ACEs; and

WHEREAS, Among those who misuse opioids, the individuals most likely to experience problems with addiction are those who suffered ACEs; general population surveys have estimated that 75% of individuals with substance use disorders have experienced trauma at some point in their lives; rates are even higher among populations seeking treatment for opioid addiction; and

WHEREAS, ACEs appear to be a root cause of many of our most challenging health and social problems, including smoking, substance abuse, obesity, heart disease, low birth weight, unemployment, depression, and suicide; without adequate family intervention and support, ACEs appear to be transmitted from one generation to the next, further exacerbating this problem; and

WHEREAS, It is more effective and less costly to positively influence the architecture of a young child's developing brain than to attempt to correct poor learning, health, and behaviors later in life; and

WHEREAS, Trauma-informed care is an approach that can bring greater understanding and more effective ways to prevent, identify, and support and serve children, adults, families, and communities affected by ACEs, trauma, adversity, and toxic stress; and

WHEREAS, Trauma-informed care is not a therapy or an intervention, but a principle-based, culture-change process aimed at recognizing strengths and resiliency as well as helping people who have experienced trauma to overcome those issues in order to lead healthy and positive lives; and

WHEREAS, The Substance Abuse and Mental Health Services Administration and many other agencies and organizations provide substantial resources to better engage individuals and communities across the United States in order to implement trauma-informed care; and

WHEREAS, A trauma-informed Illinois enhances the ability of children and adults to adapt, cope and thrive despite difficult times, supporting the mental well-being of everyone in our state; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that policy decisions enacted by the Illinois State Legislature should acknowledge and take into account the principles of early childhood brain development and should, whenever possible, consider the concepts of toxic stress, early adversity, and buffering relationships, and note the role of early intervention and investment in early childhood years as important strategies to achieve a lasting foundation for a more prosperous and sustainable State through investing in human capital; and be it further

RESOLVED, That we declare May 15, 2019 as Trauma-Informed Awareness Day in Illinois to highlight the impact of trauma and the importance of prevention and community resilience through trauma-informed care; and be it further

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RESOLVED, That we encourage all officers, agencies and employees of the State of Illinois whose responsibilities impact children and adults, including the Office of the Governor, the State Board of Education, the Department of Human Services, the Department of Children and Family Services, the Department of Public Health, the Department of Juvenile Justice and Department of Corrections, to become informed regarding well-documented short-term, long-term and generational impacts of adverse childhood experiences, toxic stress and structural violence on children, adults and communities and to become aware of evidence-based and evidence-informed trauma-informed care practices, tools, and interventions that promote healing and resiliency in children, adults and communities so that people, systems and community, family and interpersonal relationships will be able to maximize their well-being; and be it further

RESOLVED, That suitable copies of this resolution be presented to Governor J.B. Pritzker, House Speaker Michael Madigan, Senate President John Cullerton, House Majority Leader Greg Harris, Senate Minority Leader Bill Brady, the Secretary of Human Services, the State Superintendent of Schools, and all directors of the above mentioned State departments.

Senators Syverson and Tracy offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 18

RESOLVED, BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Illinois Automated Dialing and Solicitation Task Force is created; and be it further

RESOLVED, That the Illinois Automated Dialing and Solicitation Task Force is charged with reviewing the Telephone Solicitations Act (815 ILCS 413/) and developing ideas to update the Act; the Task Force shall study, but not be limited to, the following items:

- (1) Penalties for violating the Do Not Call List;
- (2) Penalties for Call Spoofing; and
- (3) New technology for preventing automated calls; and be it further

RESOLVED, That the Illinois Automated Dialing and Solicitation Task Force shall consist of the following members, who shall be appointed by July 31, 2019:

- (1) four members of the General Assembly, one appointed by each of the four legislative leaders and coming from their caucus;
- (2) one member of the governor's office appointed by the Governor, who shall serve as Chair;
- (3) two members from the Attorney General's office appointed by the Attorney General;
- (4) one member from the Illinois State Police Department appointed the Director; and
- (5) five members from the telecommunications industry, one each appointed by the four legislative leaders and one appointed by the Governor; and be it further

RESOLVED, That members of the Illinois Automated Dialing and Solicitation Task Force shall serve without compensation; the Governor's office shall provide administrative support; and be it further

RESOLVED, That the Illinois Automated Dialing and Solicitation Task Force shall file its report with the General Assembly no later than December 31, 2019, and upon the filing of its report, is dissolved.

REPORTS FROM STANDING COMMITTEES

Senator McGuire, Vice-Chairperson of the Committee on State Government, to which was referred **Senate Bill No. 115**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

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Senator McGuire, Vice-Chairperson of the Committee on State Government, to which was referred **Senate Resolution No. 54**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 54** was placed on the Secretary's Desk.

Senator Hastings, Chairperson of the Committee on Executive, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 1

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Hastings, Chairperson of the Committee on Executive, to which was referred **Senate Joint Resolution No. 17**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 17** was placed on the Secretary's Desk.

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred **Senate Bills Numbered 91 and 110**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

APPOINTMENT MESSAGE

Appointment Message No. 1010045

To the Honorable Members of the Senate, One Hundred First General Assembly:

I, JB Pritzker, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Director

Agency or Other Body: Illinois Department of Public Health

Start Date: February 11, 2019

End Date: January 21, 2021

Name: Ngozi Ezike

Residence: 814 Hillberry Ct., La Grange, IL 60525

Annual Compensation: \$172,762.00

Per diem: Not Applicable

Nominee's Senator: Senator John F. Curran

Most Recent Holder of Office: Nirav Shah

Superseded Appointment Message: Not Applicable

Under the rules, the foregoing Appointment Message was referred to the Committee on Executive Appointments.

[February 7, 2019]

INTRODUCTION OF BILLS

SENATE BILL NO. 1274. Introduced by Senator Stadelman, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1275. Introduced by Senator Stadelman, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1276. Introduced by Senator Stadelman, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1277. Introduced by Senator Manar, a bill for AN ACT concerning State government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1278. Introduced by Senator Manar, a bill for AN ACT concerning revenue.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1279. Introduced by Senator Hunter, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1280. Introduced by Senator Weaver, a bill for AN ACT concerning courts.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1281. Introduced by Senator Hunter, a bill for AN ACT concerning local government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1282. Introduced by Senator DeWitte, a bill for AN ACT concerning safety.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1283. Introduced by Senator Weaver, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1284. Introduced by Senator McConchie, a bill for AN ACT concerning criminal law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1285. Introduced by Senator Tracy, a bill for AN ACT concerning local government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

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SENATE BILL NO. 1286. Introduced by Senator Plummer, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1287. Introduced by Senator Rezin, a bill for AN ACT concerning education.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1288. Introduced by Senator Weaver, a bill for AN ACT concerning education.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1289. Introduced by Senator Collins, a bill for AN ACT concerning State government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1290. Introduced by Senator Castro, a bill for AN ACT concerning civil law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1291. Introduced by Senator Morrison, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1292. Introduced by Senator Muñoz, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1293. Introduced by Senator Muñoz, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1294. Introduced by Senator Glowiak, a bill for AN ACT concerning criminal law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1295. Introduced by Senator Gillespie, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1296. Introduced by Senator Bush, a bill for AN ACT concerning local government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1297. Introduced by Senator E. Jones III, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1298. Introduced by Senator Villivalam, a bill for AN ACT concerning finance.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1299. Introduced by Senator Muñoz, a bill for AN ACT concerning government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1300. Introduced by Senator Mulroe, a bill for AN ACT concerning public employee benefits.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1301. Introduced by Senator Mulroe, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1302. Introduced by Senator Mulroe, a bill for AN ACT concerning courts.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1303. Introduced by Senator Manar, a bill for AN ACT concerning education.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1304. Introduced by Senator Hastings, a bill for AN ACT concerning criminal law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1305. Introduced by Senator Righter, a bill for AN ACT concerning finance.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1306. Introduced by Senator Rose, a bill for AN ACT concerning State government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1307. Introduced by Senator Rose, a bill for AN ACT concerning health.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1308. Introduced by Senator Rose, a bill for AN ACT concerning education.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1309. Introduced by Senator Rose, a bill for AN ACT concerning education.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1310. Introduced by Senator Rezin, a bill for AN ACT concerning State government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

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SENATE BILL NO. 1311. Introduced by Senator Plummer, a bill for AN ACT concerning animals.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1312. Introduced by Senator Plummer, a bill for AN ACT concerning animals.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1313. Introduced by Senator Castro, a bill for AN ACT concerning civil law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1314. Introduced by Senator Hutchinson, a bill for AN ACT concerning revenue.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1315. Introduced by Senator Aquino, a bill for AN ACT concerning public employee benefits.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1316. Introduced by Senator Aquino, a bill for AN ACT concerning children.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1317. Introduced by Senator Harmon, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1318. Introduced by Senator Morrison, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1319. Introduced by Senator Villivalam, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1320. Introduced by Senator Villivalam, a bill for AN ACT concerning education.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1321. Introduced by Senator Villivalam, a bill for AN ACT concerning public aid.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1322. Introduced by Senator Bush, a bill for AN ACT concerning revenue.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1323. Introduced by Senator Bush, a bill for AN ACT concerning public employee benefits.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1324. Introduced by Senator Bush, a bill for AN ACT concerning regulation. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1325. Introduced by Senator Bush, a bill for AN ACT concerning health. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1326. Introduced by Senator Murphy, a bill for AN ACT concerning finance. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1327. Introduced by Senator Murphy, a bill for AN ACT concerning public aid. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1328. Introduced by Senator Holmes, a bill for AN ACT concerning revenue. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

Senator Hunter asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

Senator Righter asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 10:25 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 11:15 o'clock a.m., the Senate resumed consideration of business. Senator Muñoz, presiding.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Van Pelt moved that **Senate Resolution No. 8**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Van Pelt moved that Senate Resolution No. 8 be adopted.

And on that motion, a call of the roll was had resulting as follows:

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Sandoval
Aquino	Fine	Manar	Schimpf
Barickman	Fowler	Martinez	Sims
Belt	Gillespie	McClure	Stadelman
Bennett	Glowiak	McGuire	Steans
Bertino-Tarrant	Harmon	Morrison	Stewart

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Brady	Harris	Mulroe	Syverson
Bush	Hastings	Muñoz	Tracy
Castro	Holmes	Murphy	Van Pelt
Collins	Hunter	Oberweis	Villivalam
Crowe	Hutchinson	Peters	Weaver
Cullerton, T.	Jones, E.	Plummer	Mr. President
Cunningham	Koehler	Rezin	
Curran	Landek	Righter	
DeWitte	Lightford	Rose	

The motion prevailed.
And the resolution was adopted.

Senator E. Jones III moved that **Senate Resolution No. 31**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator E. Jones III moved that Senate Resolution No. 31 be adopted.
The motion prevailed.
And the resolution was adopted.

Senator Bertino-Tarrant moved that **Senate Resolution No. 70**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Bertino-Tarrant moved that Senate Resolution No. 70 be adopted.
The motion prevailed.
And the resolution was adopted.

Senator Ellman moved that **Senate Resolution No. 78**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Ellman moved that Senate Resolution No. 78 be adopted.
The motion prevailed.
And the resolution was adopted.

Senator Belt moved that **Senate Resolution No. 54**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Belt moved that Senate Resolution No. 54 be adopted.
The motion prevailed.
And the resolution was adopted.

Senator Link moved that **Senate Joint Resolution No. 17**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Link moved that Senate Joint Resolution No. 17 be adopted.
And on that motion, a call of the roll was had resulting as follows:

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Rose
Aquino	Fine	Manar	Sandoval
Barickman	Fowler	Martinez	Schimpf
Belt	Gillespie	McClure	Sims
Bennett	Glowiak	McConchie	Stadelman
Bertino-Tarrant	Harmon	McGuire	Steans
Brady	Harris	Morrison	Stewart
Bush	Hastings	Mulroe	Syverson

Castro	Holmes	Muñoz	Tracy
Collins	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Mr. President
Cunningham	Koehler	Plummer	
Curran	Landek	Rezin	
DeWitte	Lightford	Righter	

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 1** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1

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

"Section 1. This Act may be referred to as the Lifting Up Illinois Working Families Act.

Section 5. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows: (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

Sec. 5-45. Emergency rulemaking.

(a) "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.

(b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.

(c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more than once in any 24-month period, except that this limitation on the number of emergency rules that may be adopted in a 24-month period does not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock Management Facilities Act, (iii) emergency rules adopted by the Illinois Department of Public Health under subsections (a) through (i) of Section 2 of the Department of Public Health Act when necessary to protect the public's health, (iv) emergency rules adopted pursuant to subsection (n) of this Section, (v) emergency rules adopted pursuant to subsection (o) of this Section, or (vi) emergency rules adopted pursuant to subsection (c-5) of this Section. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section.

(c-5) To facilitate the maintenance of the program of group health benefits provided to annuitants, survivors, and retired employees under the State Employees Group Insurance Act of 1971, rules to alter the contributions to be paid by the State, annuitants, survivors, retired employees, or any combination of those entities, for that program of group health benefits, shall be adopted as emergency rules. The adoption of those rules shall be considered an emergency and necessary for the public interest, safety, and welfare.

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(d) In order to provide for the expeditious and timely implementation of the State's fiscal year 1999 budget, emergency rules to implement any provision of Public Act 90-587 or 90-588 or any other budget initiative for fiscal year 1999 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (d). The adoption of emergency rules authorized by this subsection (d) shall be deemed to be necessary for the public interest, safety, and welfare.

(e) In order to provide for the expeditious and timely implementation of the State's fiscal year 2000 budget, emergency rules to implement any provision of Public Act 91-24 or any other budget initiative for fiscal year 2000 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (e). The adoption of emergency rules authorized by this subsection (e) shall be deemed to be necessary for the public interest, safety, and welfare.

(f) In order to provide for the expeditious and timely implementation of the State's fiscal year 2001 budget, emergency rules to implement any provision of Public Act 91-712 or any other budget initiative for fiscal year 2001 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (f). The adoption of emergency rules authorized by this subsection (f) shall be deemed to be necessary for the public interest, safety, and welfare.

(g) In order to provide for the expeditious and timely implementation of the State's fiscal year 2002 budget, emergency rules to implement any provision of Public Act 92-10 or any other budget initiative for fiscal year 2002 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (g). The adoption of emergency rules authorized by this subsection (g) shall be deemed to be necessary for the public interest, safety, and welfare.

(h) In order to provide for the expeditious and timely implementation of the State's fiscal year 2003 budget, emergency rules to implement any provision of Public Act 92-597 or any other budget initiative for fiscal year 2003 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (h). The adoption of emergency rules authorized by this subsection (h) shall be deemed to be necessary for the public interest, safety, and welfare.

(i) In order to provide for the expeditious and timely implementation of the State's fiscal year 2004 budget, emergency rules to implement any provision of Public Act 93-20 or any other budget initiative for fiscal year 2004 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (i). The adoption of emergency rules authorized by this subsection (i) shall be deemed to be necessary for the public interest, safety, and welfare.

(j) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2005 budget as provided under the Fiscal Year 2005 Budget Implementation (Human Services) Act, emergency rules to implement any provision of the Fiscal Year 2005 Budget Implementation (Human Services) Act may be adopted in accordance with this Section by the agency charged with administering that provision, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (j). The Department of Public Aid may also adopt rules under this subsection (j) necessary to administer the Illinois Public Aid Code and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (j) shall be deemed to be necessary for the public interest, safety, and welfare.

(k) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2006 budget, emergency rules to implement any provision of Public Act 94-48 or any other budget initiative for fiscal year 2006 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (k). The Department of Healthcare and Family Services may also adopt rules under this subsection (k) necessary to administer the Illinois Public Aid Code, the Senior Citizens and Persons with Disabilities Property Tax Relief Act, the Senior Citizens and Disabled Persons Prescription Drug Discount

Program Act (now the Illinois Prescription Drug Discount Program Act), and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (k) shall be deemed to be necessary for the public interest, safety, and welfare.

(l) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2007 budget, the Department of Healthcare and Family Services may adopt emergency rules during fiscal year 2007, including rules effective July 1, 2007, in accordance with this subsection to the extent necessary to administer the Department's responsibilities with respect to amendments to the State plans and Illinois waivers approved by the federal Centers for Medicare and Medicaid Services necessitated by the requirements of Title XIX and Title XXI of the federal Social Security Act. The adoption of emergency rules authorized by this subsection (l) shall be deemed to be necessary for the public interest, safety, and welfare.

(m) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2008 budget, the Department of Healthcare and Family Services may adopt emergency rules during fiscal year 2008, including rules effective July 1, 2008, in accordance with this subsection to the extent necessary to administer the Department's responsibilities with respect to amendments to the State plans and Illinois waivers approved by the federal Centers for Medicare and Medicaid Services necessitated by the requirements of Title XIX and Title XXI of the federal Social Security Act. The adoption of emergency rules authorized by this subsection (m) shall be deemed to be necessary for the public interest, safety, and welfare.

(n) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2010 budget, emergency rules to implement any provision of Public Act 96-45 or any other budget initiative authorized by the 96th General Assembly for fiscal year 2010 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative. The adoption of emergency rules authorized by this subsection (n) shall be deemed to be necessary for the public interest, safety, and welfare. The rulemaking authority granted in this subsection (n) shall apply only to rules promulgated during Fiscal Year 2010.

(o) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2011 budget, emergency rules to implement any provision of Public Act 96-958 or any other budget initiative authorized by the 96th General Assembly for fiscal year 2011 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative. The adoption of emergency rules authorized by this subsection (o) is deemed to be necessary for the public interest, safety, and welfare. The rulemaking authority granted in this subsection (o) applies only to rules promulgated on or after July 1, 2010 (the effective date of Public Act 96-958) through June 30, 2011.

(p) In order to provide for the expeditious and timely implementation of the provisions of Public Act 97-689, emergency rules to implement any provision of Public Act 97-689 may be adopted in accordance with this subsection (p) by the agency charged with administering that provision or initiative. The 150-day limitation of the effective period of emergency rules does not apply to rules adopted under this subsection (p), and the effective period may continue through June 30, 2013. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (p). The adoption of emergency rules authorized by this subsection (p) is deemed to be necessary for the public interest, safety, and welfare.

(q) In order to provide for the expeditious and timely implementation of the provisions of Articles 7, 8, 9, 11, and 12 of Public Act 98-104, emergency rules to implement any provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104 may be adopted in accordance with this subsection (q) by the agency charged with administering that provision or initiative. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (q). The adoption of emergency rules authorized by this subsection (q) is deemed to be necessary for the public interest, safety, and welfare.

(r) In order to provide for the expeditious and timely implementation of the provisions of Public Act 98-651, emergency rules to implement Public Act 98-651 may be adopted in accordance with this subsection (r) by the Department of Healthcare and Family Services. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (r). The adoption of emergency rules authorized by this subsection (r) is deemed to be necessary for the public interest, safety, and welfare.

(s) In order to provide for the expeditious and timely implementation of the provisions of Sections 5-5b.1 and 5A-2 of the Illinois Public Aid Code, emergency rules to implement any provision of Section 5-5b.1 or Section 5A-2 of the Illinois Public Aid Code may be adopted in accordance with this subsection (s) by the Department of Healthcare and Family Services. The rulemaking authority granted in this subsection (s) shall apply only to those rules adopted prior to July 1, 2015. Notwithstanding any other provision of this Section, any emergency rule adopted under this subsection (s) shall only apply to

payments made for State fiscal year 2015. The adoption of emergency rules authorized by this subsection (s) is deemed to be necessary for the public interest, safety, and welfare.

(t) In order to provide for the expeditious and timely implementation of the provisions of Article II of Public Act 99-6, emergency rules to implement the changes made by Article II of Public Act 99-6 to the Emergency Telephone System Act may be adopted in accordance with this subsection (t) by the Department of State Police. The rulemaking authority granted in this subsection (t) shall apply only to those rules adopted prior to July 1, 2016. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (t). The adoption of emergency rules authorized by this subsection (t) is deemed to be necessary for the public interest, safety, and welfare.

(u) In order to provide for the expeditious and timely implementation of the provisions of the Burn Victims Relief Act, emergency rules to implement any provision of the Act may be adopted in accordance with this subsection (u) by the Department of Insurance. The rulemaking authority granted in this subsection (u) shall apply only to those rules adopted prior to December 31, 2015. The adoption of emergency rules authorized by this subsection (u) is deemed to be necessary for the public interest, safety, and welfare.

(v) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-516, emergency rules to implement Public Act 99-516 may be adopted in accordance with this subsection (v) by the Department of Healthcare and Family Services. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (v). The adoption of emergency rules authorized by this subsection (v) is deemed to be necessary for the public interest, safety, and welfare.

(w) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-796, emergency rules to implement the changes made by Public Act 99-796 may be adopted in accordance with this subsection (w) by the Adjutant General. The adoption of emergency rules authorized by this subsection (w) is deemed to be necessary for the public interest, safety, and welfare.

(x) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-906, emergency rules to implement subsection (i) of Section 16-115D, subsection (g) of Section 16-128A, and subsection (a) of Section 16-128B of the Public Utilities Act may be adopted in accordance with this subsection (x) by the Illinois Commerce Commission. The rulemaking authority granted in this subsection (x) shall apply only to those rules adopted within 180 days after June 1, 2017 (the effective date of Public Act 99-906). The adoption of emergency rules authorized by this subsection (x) is deemed to be necessary for the public interest, safety, and welfare.

(y) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-23, emergency rules to implement the changes made by Public Act 100-23 to Section 4.02 of the Illinois Act on the Aging, Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code, Section 55-30 of the Alcoholism and Other Drug Abuse and Dependency Act, and Sections 74 and 75 of the Mental Health and Developmental Disabilities Administrative Act may be adopted in accordance with this subsection (y) by the respective Department. The adoption of emergency rules authorized by this subsection (y) is deemed to be necessary for the public interest, safety, and welfare.

(z) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-554, emergency rules to implement the changes made by Public Act 100-554 to Section 4.7 of the Lobbyist Registration Act may be adopted in accordance with this subsection (z) by the Secretary of State. The adoption of emergency rules authorized by this subsection (z) is deemed to be necessary for the public interest, safety, and welfare.

(aa) In order to provide for the expeditious and timely initial implementation of the changes made to Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code under the provisions of Public Act 100-581, the Department of Healthcare and Family Services may adopt emergency rules in accordance with this subsection (aa). The 24-month limitation on the adoption of emergency rules does not apply to rules to initially implement the changes made to Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code adopted under this subsection (aa). The adoption of emergency rules authorized by this subsection (aa) is deemed to be necessary for the public interest, safety, and welfare.

(bb) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-587, emergency rules to implement the changes made by Public Act 100-587 to Section 4.02 of the Illinois Act on the Aging, Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code, subsection (b) of Section 55-30 of the Alcoholism and Other Drug Abuse and Dependency Act, Section 5-104 of the Specialized Mental Health Rehabilitation Act of 2013, and Section 75 and subsection (b) of Section 74 of the Mental Health and Developmental Disabilities Administrative Act may be adopted in accordance with this subsection (bb) by the respective Department. The adoption of emergency rules authorized by this subsection (bb) is deemed to be necessary for the public interest, safety, and welfare.

(cc) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-587, emergency rules may be adopted in accordance with this subsection (cc) to implement the changes made by Public Act 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois Pension Code by the Board created under Article 14 of the Code; Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by the Board created under Article 15 of the Code; and Sections 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board created under Article 16 of the Code. The adoption of emergency rules authorized by this subsection (cc) is deemed to be necessary for the public interest, safety, and welfare.

(dd) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-864, emergency rules to implement the changes made by Public Act 100-864 to Section 3.35 of the Newborn Metabolic Screening Act may be adopted in accordance with this subsection (dd) by the Secretary of State. The adoption of emergency rules authorized by this subsection (dd) is deemed to be necessary for the public interest, safety, and welfare.

(ee) In order to provide for the expeditious and timely implementation of the provisions of this amendatory Act of the 100th General Assembly, emergency rules implementing the Illinois Underground Natural Gas Storage Safety Act may be adopted in accordance with this subsection by the Department of Natural Resources. The adoption of emergency rules authorized by this subsection is deemed to be necessary for the public interest, safety, and welfare.

(ff) In order to provide for the expeditious and timely implementation of the provisions of this amendatory Act of the 101st General Assembly, emergency rules may be adopted by the Department of Labor in accordance with this subsection (ff) to implement the changes made by this amendatory Act of the 101st General Assembly to the Minimum Wage Law. The adoption of emergency rules authorized by this subsection (ff) is deemed to be necessary for the public interest, safety, and welfare.

(Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17; 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff. 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18; 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19.)

Section 10. The Illinois Income Tax Act is amended by changing Section 704A as follows:
(35 ILCS 5/704A)

Sec. 704A. Employer's return and payment of tax withheld.

(a) In general, every employer who deducts and withholds or is required to deduct and withhold tax under this Act on or after January 1, 2008 shall make those payments and returns as provided in this Section.

(b) Returns. Every employer shall, in the form and manner required by the Department, make returns with respect to taxes withheld or required to be withheld under this Article 7 for each quarter beginning on or after January 1, 2008, on or before the last day of the first month following the close of that quarter.

(c) Payments. With respect to amounts withheld or required to be withheld on or after January 1, 2008:

(1) Semi-weekly payments. For each calendar year, each employer who withheld or was required to withhold more than \$12,000 during the one-year period ending on June 30 of the immediately preceding calendar year, payment must be made:

(A) on or before each Friday of the calendar year, for taxes withheld or required to be withheld on the immediately preceding Saturday, Sunday, Monday, or Tuesday;

(B) on or before each Wednesday of the calendar year, for taxes withheld or required to be withheld on the immediately preceding Wednesday, Thursday, or Friday.

Beginning with calendar year 2011, payments made under this paragraph (1) of subsection (c) must be made by electronic funds transfer.

(2) Semi-weekly payments. Any employer who withholds or is required to withhold more than \$12,000 in any quarter of a calendar year is required to make payments on the dates set forth under item (1) of this subsection (c) for each remaining quarter of that calendar year and for the subsequent calendar year.

(3) Monthly payments. Each employer, other than an employer described in items (1) or (2) of this subsection, shall pay to the Department, on or before the 15th day of each month the taxes withheld or required to be withheld during the immediately preceding month.

(4) Payments with returns. Each employer shall pay to the Department, on or before the due date for each return required to be filed under this Section, any tax withheld or required to be withheld during the period for which the return is due and not previously paid to the Department.

(d) Regulatory authority. The Department may, by rule:

(1) Permit employers, in lieu of the requirements of subsections (b) and (c), to file

annual returns due on or before January 31 of the year for taxes withheld or required to be withheld during the previous calendar year and, if the aggregate amounts required to be withheld by the employer under this Article 7 (other than amounts required to be withheld under Section 709.5) do not exceed \$1,000 for the previous calendar year, to pay the taxes required to be shown on each such return no later than the due date for such return.

(2) Provide that any payment required to be made under subsection (c)(1) or (c)(2) is deemed to be timely to the extent paid by electronic funds transfer on or before the due date for deposit of federal income taxes withheld from, or federal employment taxes due with respect to, the wages from which the Illinois taxes were withheld.

(3) Designate one or more depositories to which payment of taxes required to be withheld under this Article 7 must be paid by some or all employers.

(4) Increase the threshold dollar amounts at which employers are required to make semi-weekly payments under subsection (c)(1) or (c)(2).

(e) Annual return and payment. Every employer who deducts and withholds or is required to deduct and withhold tax from a person engaged in domestic service employment, as that term is defined in Section 3510 of the Internal Revenue Code, may comply with the requirements of this Section with respect to such employees by filing an annual return and paying the taxes required to be deducted and withheld on or before the 15th day of the fourth month following the close of the employer's taxable year. The Department may allow the employer's return to be submitted with the employer's individual income tax return or to be submitted with a return due from the employer under Section 1400.2 of the Unemployment Insurance Act.

(f) Magnetic media and electronic filing. With respect to taxes withheld in calendar years prior to 2017, any W-2 Form that, under the Internal Revenue Code and regulations promulgated thereunder, is required to be submitted to the Internal Revenue Service on magnetic media or electronically must also be submitted to the Department on magnetic media or electronically for Illinois purposes, if required by the Department.

With respect to taxes withheld in 2017 and subsequent calendar years, the Department may, by rule, require that any return (including any amended return) under this Section and any W-2 Form that is required to be submitted to the Department must be submitted on magnetic media or electronically.

The due date for submitting W-2 Forms shall be as prescribed by the Department by rule.

(g) For amounts deducted or withheld after December 31, 2009, a taxpayer who makes an election under subsection (f) of Section 5-15 of the Economic Development for a Growing Economy Tax Credit Act for a taxable year shall be allowed a credit against payments due under this Section for amounts withheld during the first calendar year beginning after the end of that taxable year equal to the amount of the credit for the incremental income tax attributable to full-time employees of the taxpayer awarded to the taxpayer by the Department of Commerce and Economic Opportunity under the Economic Development for a Growing Economy Tax Credit Act for the taxable year and credits not previously claimed and allowed to be carried forward under Section 211(4) of this Act as provided in subsection (f) of Section 5-15 of the Economic Development for a Growing Economy Tax Credit Act. The credit or credits may not reduce the taxpayer's obligation for any payment due under this Section to less than zero. If the amount of the credit or credits exceeds the total payments due under this Section with respect to amounts withheld during the calendar year, the excess may be carried forward and applied against the taxpayer's liability under this Section in the succeeding calendar years as allowed to be carried forward under paragraph (4) of Section 211 of this Act. The credit or credits shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one taxable year that are available to offset a liability, the earlier credit shall be applied first. Each employer who deducts and withholds or is required to deduct and withhold tax under this Act and who retains income tax withholdings under subsection (f) of Section 5-15 of the Economic Development for a Growing Economy Tax Credit Act must make a return with respect to such taxes and retained amounts in the form and manner that the Department, by rule, requires and pay to the Department or to a depository designated by the Department those withheld taxes not retained by the taxpayer. For purposes of this subsection (g), the term taxpayer shall include taxpayer and members of the taxpayer's unitary business group as defined under paragraph (27) of subsection (a) of Section 1501 of this Act. This Section is exempt from the provisions of Section 250 of this Act. No credit awarded under the Economic Development for a Growing Economy Tax Credit Act for agreements entered into on or after January 1, 2015 may be credited against payments due under this Section.

(h) An employer may claim a credit against payments due under this Section for amounts withheld during the first calendar year ending after the date on which a tax credit certificate was issued under Section 35 of the Small Business Job Creation Tax Credit Act. The credit shall be equal to the amount shown on the certificate, but may not reduce the taxpayer's obligation for any payment due under this Section to less than zero. If the amount of the credit exceeds the total payments due under this Section with respect to amounts withheld during the calendar year, the excess may be carried forward and applied against the

taxpayer's liability under this Section in the 5 succeeding calendar years. The credit shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one calendar year that are available to offset a liability, the earlier credit shall be applied first. This Section is exempt from the provisions of Section 250 of this Act.

(i) Each employer with 50 or fewer full-time equivalent employees during the reporting period may claim a credit against the payments due under this Section for each qualified employee in an amount equal to the maximum credit allowable. The credit may be taken against payments due for reporting periods that begin on or after January 1, 2020, and end on or before December 31, 2027. An employer may not claim a credit for an employee who has worked fewer than 90 consecutive days immediately preceding the reporting period; however, such credits may accrue during that 90-day period and be claimed against payments under this Section for future reporting periods after the employee has worked for the employer at least 90 consecutive days. In no event may the credit exceed the employer's liability for the reporting period. Each employer who deducts and withholds or is required to deduct and withhold tax under this Act and who retains income tax withholdings under this subsection must make a return with respect to such taxes and retained amounts in the form and manner that the Department, by rule, requires and pay to the Department or to a depository designated by the Department those withheld taxes not retained by the employer.

For each reporting period, the employer may not claim a credit or credits for more employees than the number of employees making less than the minimum or reduced wage for the current calendar year during the last reporting period of the preceding calendar year. Notwithstanding any other provision of this subsection, an employer shall not be eligible for credits for a reporting period unless the average wage paid by the employer per employee for all employees making less than \$55,000 during the reporting period is greater than the average wage paid by the employer per employee for all employees making less than \$55,000 during the same reporting period of the prior calendar year.

For purposes of this subsection (i):

"Compensation paid in Illinois" has the meaning ascribed to that term under Section 304(a)(2)(B) of this Act.

"Employer" and "employee" have the meaning ascribed to those terms in the Minimum Wage Law, except that "employee" also includes employees who work for an employer with fewer than 4 employees. Employers that operate more than one establishment pursuant to a franchise agreement or that constitute members of a unitary business group shall aggregate their employees for purposes of determining eligibility for the credit.

"Full-time equivalent employees" means the ratio of the number of paid hours during the reporting period and the number of working hours in that period.

"Maximum credit" means the percentage listed below of the difference between the amount of compensation paid in Illinois to employees who are paid not more than the required minimum wage reduced by the amount of compensation paid in Illinois to employees who were paid less than the current required minimum wage during the reporting period prior to each increase in the required minimum wage on January 1. If an employer pays an employee more than the required minimum wage and that employee previously earned less than the required minimum wage, the employer may include the portion that does not exceed the required minimum wage as compensation paid in Illinois to employees who are paid not more than the required minimum wage.

(1) 25% for reporting periods beginning on or after January 1, 2020 and ending on or before December 31, 2020;

(2) 21% for reporting periods beginning on or after January 1, 2021 and ending on or before December 31, 2021;

(3) 17% for reporting periods beginning on or after January 1, 2022 and ending on or before December 31, 2022;

(4) 13% for reporting periods beginning on or after January 1, 2023 and ending on or before December 31, 2023;

(5) 9% for reporting periods beginning on or after January 1, 2024 and ending on or before December 31, 2024;

(6) 5% for reporting periods beginning on or after January 1, 2025 and ending on or before December 31, 2025.

The amount computed under this subsection may continue to be claimed for reporting periods beginning on or after January 1, 2026 and:

(A) ending on or before December 31, 2026 for employers with more than 5 employees; or

(B) ending on or before December 31, 2027 for employers with no more than 5 employees.

"Qualified employee" means an employee who is paid not more than the required minimum wage and has an average wage paid per hour by the employer during the reporting period equal to or greater than his or her average wage paid per hour by the employer during each reporting period for the immediately preceding 12 months. A new qualified employee is deemed to have earned the required minimum wage in the preceding reporting period.

"Reporting period" means the quarter for which a return is required to be filed under subsection (b) of this Section.

(Source: P.A. 100-303, eff. 8-24-17; 100-511, eff. 9-18-17; 100-863, eff. 8-14-18.)

Section 15. The Minimum Wage Law is amended by changing Sections 4, 7, 10, 11, and 12 as follows: (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 ~~from on and after July 1, 2010 through December 31, 2019~~ 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, and from January 1, 2020 through June 30, 2020, 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 \$9.25 per hour, and from July 1, 2020 through December 31, 2020 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 \$10 per hour, and from January 1, 2021 through December 31, 2021 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 \$11 per hour, and from January 1, 2022 through December 31, 2022 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 \$12 per hour, and from January 1, 2023 through December 31, 2023 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 \$13 per hour, and from January 1, 2024 through December 31, 2024, 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 \$14 per hour; and on and after January 1, 2025, 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 \$15 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 ~~on or before December 31, 2019~~ 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). Beginning on January 1, 2020, every employer shall pay to each of his or her employees who is under 18 years of age that has worked more than 650 hours for the employer during any calendar year a wage not less than the wage required for employees who are 18 years of age or

older under paragraph (1) of subsection (a) of Section 4 of this Act. Every employer shall pay to each of his or her employees who is under 18 years of age that has not worked more than 650 hours for the employer during any calendar year: (1) \$8 per hour from January 1, 2020 through December 31, 2020; (2) \$8.50 per hour from January 1, 2021 through December 31, 2021; (3) \$9.25 per hour from January 1, 2022 through December 31, 2022; (4) \$10.50 per hour from January 1, 2023 through December 31, 2023; (5) \$12 per hour from January 1, 2024 through December 31, 2024; and (6) \$13 per hour on and after January 1, 2025.

(b) No employer shall discriminate between employees on the basis of sex or mental or physical disability, 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 disability, 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 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 to the terms of payment before the commencement of such employment.

(Source: P.A. 99-143, eff. 7-27-15.)

(820 ILCS 105/7) (from Ch. 48, par. 1007)

Sec. 7. The Director or his authorized representatives have the authority to:

(a) Investigate and gather data regarding the wages, hours and other conditions and practices of employment in any industry subject to this Act, and may enter and inspect such places and such records (and make such transcriptions thereof) at reasonable times during regular business hours, not including lunch time at a restaurant, question such employees, and investigate such facts, conditions, practices or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this Act, or which may aid in the enforcement of this Act.

(b) Require from any employer full and correct statements and reports in writing, including sworn statements, at such times as the Director may deem necessary, of the wages, hours, names, addresses, and other information pertaining to his employees as he may deem necessary for the enforcement of this Act.

(c) Require by subpoena the attendance and testimony of witnesses and the production of all books, records, and other evidence relative to a matter under investigation or hearing. The subpoena shall be signed and issued by the Director or his or her authorized representative. If a person fails to comply with any subpoena lawfully issued under this Section or a witness refuses to produce evidence or testify to any matter regarding which he or she may be lawfully interrogated, the court may, upon application of the Director or his or her authorized representative, compel obedience by proceedings for contempt.

(d) Make random audits of employers in any industry subject to this Act to determine compliance with this Act.

(Source: P.A. 94-1025, eff. 7-14-06.)

(820 ILCS 105/10) (from Ch. 48, par. 1010)

Sec. 10. (a) The Director shall make and revise administrative regulations, including definitions of terms, as he deems appropriate to carry out the purposes of this Act, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage established by the Act. Regulations governing

employment of learners may be issued only after notice and opportunity for public hearing, as provided in subsection (c) of this Section.

(b) In order to prevent curtailment of opportunities for employment, avoid undue hardship, and safeguard the minimum wage rate under this Act, the Director may also issue regulations providing for the employment of workers with disabilities at wages lower than the wage rate applicable under this Act, under permits and for such periods of time as specified therein; and providing for the employment of learners at wages lower than the wage rate applicable under this Act. However, such regulation shall not permit lower wages for persons with disabilities on any basis that is unrelated to such person's ability resulting from his disability, and such regulation may be issued only after notice and opportunity for public hearing as provided in subsection (c) of this Section.

(c) Prior to the adoption, amendment or repeal of any rule or regulation by the Director under this Act, except regulations which concern only the internal management of the Department of Labor and do not affect any public right provided by this Act, the Director shall give proper notice to persons in any industry or occupation that may be affected by the proposed rule or regulation, and hold a public hearing on his proposed action at which any such affected person, or his duly authorized representative, may attend and testify or present other evidence for or against such proposed rule or regulation. Rules and regulations adopted under this Section shall be filed with the Secretary of State in compliance with "An Act concerning administrative rules", as now or hereafter amended. Such adopted and filed rules and regulations shall become effective 10 days after copies thereof have been mailed by the Department to persons in industries affected thereby at their last known address.

(d) The commencement of proceedings by any person aggrieved by an administrative regulation issued under this Act does not, unless specifically ordered by the Court, operate as a stay of that administrative regulation against other persons. The Court shall not grant any stay of an administrative regulation unless the person complaining of such regulation files in the Court an undertaking with a surety or sureties satisfactory to the Court for the payment to the employees affected by the regulation, in the event such regulation is affirmed, of the amount by which the compensation such employees are entitled to receive under the regulation exceeds the compensation they actually receive while such stay is in effect.

(e) The Department may adopt emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act to implement the changes made by this amendatory Act of the 101st General Assembly.

(Source: P.A. 99-143, eff. 7-27-15.)

(820 ILCS 105/11) (from Ch. 48, par. 1011)

Sec. 11. (a) Any employer or his agent, or the officer or agent of any private employer who:

(1) hinders or delays the Director or his authorized representative in the performance of his duties in the enforcement of this Act; or

(2) refuses to admit the Director or his authorized representative to any place of employment; or

(3) fails to keep the records required under this Act or to furnish such records required or any information to be furnished under this Act to the Director or his authorized representative upon request; or

(4) fails to make and preserve any records as required hereunder; or

(5) falsifies any such record; or

(6) refuses to make such records available to the Director or his authorized representative; or

(7) refuses to furnish a sworn statement of such records or any other information required for the proper enforcement of this Act; or

(8) fails to post a summary of this Act or a copy of any applicable regulation as required by Section 9 of this Act;

shall be guilty of a Class B misdemeanor; and each day of such failure to keep the records required under this Act or to furnish such records or information to the Director or his authorized representative or to fail to post information as required herein constitutes a separate offense. Any such employer who fails to keep payroll records as required by this Act shall be liable to the Department for a penalty of \$100 per impacted employee, payable to the Department's Wage Theft Enforcement Fund.

(b) Any employer or his agent, or the officer or agent of any private employer, who pays or agrees to pay to any employee wages at a rate less than the rate applicable under this Act or of any regulation issued under this Act is guilty of a Class B misdemeanor, and each week on any day of which such employee is paid less than the wage rate applicable under this Act constitutes a separate offense.

(c) Any employer or his agent, or the officer or agent of any private employer, who discharges or in any other manner discriminates against any employee because that employee has made a complaint to his

employer, or to the Director or his authorized representative, that he has not been paid wages in accordance with the provisions of this Act, or because that employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to this Act, or because that employee has testified or is about to testify in an investigation or proceeding under this Act, is guilty of a Class B misdemeanor.

(d) It is the duty of the Department of Labor to inquire diligently for any violations of this Act, and to institute the action for penalties herein provided, and to enforce generally the provisions of this Act. (Source: P.A. 86-799.)

(820 ILCS 105/12) (from Ch. 48, par. 1012)

Sec. 12. (a) If any employee is paid by his employer less than the wage to which he is entitled under the provisions of this Act, the employee may recover in a civil action treble the amount of any such underpayments together with costs and such reasonable attorney's fees as may be allowed by the Court, and damages of ~~5%~~ 2% of the amount of any such underpayments for each month following the date of payment during which such underpayments remain unpaid. Any agreement between the employee and the employer to work for less than such wage is no defense to such action. At the request of the employee or on motion of the Director of Labor, the Department of Labor may make an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs incurred in collecting such claim. Every such action shall be brought within 3 years from the date of the underpayment. Such employer shall be liable to the Department of Labor for up to 20% of the total employer's underpayment where the employer's conduct is proven by a preponderance of the evidence to be willful, repeated, or with reckless disregard of this Act or any rule adopted under this Act. Such employer shall be liable to the Department for an additional penalty of \$1,500, payable to the Department's Wage Theft Enforcement Fund. Such employer shall be additionally liable to the employee for damages in the amount of ~~5%~~ 2% of the amount of any such underpayments for each month following the date of payment during which such underpayments remain unpaid. These penalties and damages may be recovered in a civil action brought by the Director of Labor in any circuit court. In any such action, the Director of Labor shall be represented by the Attorney General.

If an employee collects damages of ~~5%~~ 2% of the amount of underpayments as a result of an action brought by the Director of Labor, the employee may not also collect those damages in a private action brought by the employee for the same violation. If an employee collects damages of ~~5%~~ 2% of the amount of underpayments in a private action brought by the employee, the employee may not also collect those damages as a result of an action brought by the Director of Labor for the same violation.

(b) If an employee has not collected damages under subsection (a) for the same violation, the Director is authorized to supervise the payment of the unpaid minimum wages and the unpaid overtime compensation owing to any employee or employees under Sections 4 and 4a of this Act and may bring any legal action necessary to recover the amount of the unpaid minimum wages and unpaid overtime compensation and an equal additional amount as damages, and the employer shall be required to pay the costs incurred in collecting such claim. Such employer shall be additionally liable to the Department of Labor for up to 20% of the total employer's underpayment where the employer's conduct is proven by a preponderance of the evidence to be willful, repeated, or with reckless disregard of this Act or any rule adopted under this Act. Such employer shall be liable to the Department of Labor for an additional penalty of \$1,500, payable to the Department's Wage Theft Enforcement Fund. The action shall be brought within 5 years from the date of the failure to pay the wages or compensation. Any sums thus recovered by the Director on behalf of an employee pursuant to this subsection shall be paid to the employee or employees affected. Any sums which, more than one year after being thus recovered, the Director is unable to pay to an employee shall be deposited into the General Revenue Fund.

(Source: P.A. 94-1025, eff. 7-14-06.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 1** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

[February 7, 2019]

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 39; NAYS 18.

The following voted in the affirmative:

Aquino	Ellman	Jones, E.	Muñoz
Belt	Fine	Koehler	Murphy
Bennett	Gillespie	Landek	Peters
Bertino-Tarrant	Glowiak	Lightford	Sandoval
Bush	Harmon	Link	Sims
Castro	Harris	Manar	Stadelman
Collins	Hastings	Martinez	Steans
Crowe	Holmes	McGuire	Van Pelt
Cullerton, T.	Hunter	Morrison	Villivalam
Cunningham	Hutchinson	Mulroe	

The following voted in the negative:

Anderson	Fowler	Rezin	Syverson
Barickman	McClure	Righter	Tracy
Brady	McConchie	Rose	Weaver
Curran	Oberweis	Schimpf	
DeWitte	Plummer	Stewart	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

MESSAGE FROM THE HOUSE

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 26

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Thursday, February 07, 2019, the House of Representatives stands adjourned until Wednesday, February 13, 2019, and when it adjourns on that day, it stands adjourned until Thursday, February 14, 2019, and when it adjourns on that day, it stands adjourned until Friday, February 15, 2019, and when it adjourns on that day, it stands adjourned until Tuesday, February 19, 2019, or until the call of the Speaker; and the Senate stands adjourned until Tuesday, February 19, 2019, or until the call of the President.

Adopted by the House, February 5, 2019.

JOHN W. HOLLMAN, Clerk of the House

By unanimous consent, on motion of Senator Hunter, the foregoing message reporting House Joint Resolution No. 26 was taken up for immediate consideration.

Senator Hunter moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

[February 7, 2019]

And the Senate concurred with the House in the adoption of the resolution.
Ordered that the Secretary inform the House of Representatives thereof.

ANNOUNCEMENT

The Chair announced that the deadline for filing Senate Bills is Friday, February 15, 2019, at 3:00 o'clock p.m.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 71

Offered by Senator Anderson and all Senators:
Mourns the death of James Narcissus "Jim" De Wulf of Moline.

SENATE RESOLUTION NO. 72

Offered by Senator Brady and all Senators:
Mourns the death of Barbara Jean Franklin Hiltabrand Allsup of Bloomington.

SENATE RESOLUTION NO. 73

Offered by Senator Cunningham and all Senators:
Mourns the death of Lesley White of Chicago.

SENATE RESOLUTION NO. 76

Offered by Senator Ellman and all Senators:
Mourns the death of Steven G. "Steve" "Mazz" Mazzarella of Naperville.

SENATE RESOLUTION NO. 77

Offered by Senator Hunter and all Senators:
Mourns the death of Bobby "Bolo" Lay of Chicago.

SENATE RESOLUTION NO. 80

Offered by Senator Syverson and all Senators:
Mourns the death of Janell Ann Marshall of Springfield.

SENATE RESOLUTION NO. 81

Offered by Senator Syverson and all Senators:
Mourns the death of Loren Joseph Feldner.

SENATE RESOLUTION NO. 82

Offered by Senator Stadelman and all Senators:
Mourns the death of Martha Pulido Logemann of Rockford.

SENATE RESOLUTION NO. 86

Offered by Senator Morrison and all Senators:
Mourns the death of Barbara Elaine Russell Brown of Highland Park.

SENATE RESOLUTION NO. 87

Offered by Senator Morrison and all Senators:
Mourns the death of Margaret Stuart Hart of Lake Forest.

SENATE RESOLUTION NO. 90

Offered by Senator Bennett and all Senators:
Mourns the death of Nicholas A. "Nick" Elizondo of Belleville.

SENATE RESOLUTION NO. 91

Offered by Senator Brady and all Senators:
Mourns the death of Harry Miller Stern of Bloomington.

[February 7, 2019]

SENATE RESOLUTION NO. 92

Offered by Senator Brady and all Senators:
Mourns the death of Dr. Thomas E. "Tom" Theobald OD of Jacksonville, Florida, formerly of
Bloomington.

SENATE RESOLUTION NO. 93

Offered by Senator Brady and all Senators:
Mourns the death of John Cunningham of Normal.

SENATE RESOLUTION NO. 94

Offered by Senator Bennett and all Senators:
Mourns the death of James P. "Jim" Warfield of Urbana.

SENATE RESOLUTION NO. 95

Offered by Senator Barickman and all Senators:
Mourns the death of Charles Carroll "Charlie" Crabtree of Normal.

SENATE RESOLUTION NO. 96

Offered by Senator Barickman and all Senators:
Mourns the death of Robert D. "Bob" Horner of Streator.

SENATE RESOLUTION NO. 97

Offered by Senator Bennett and all Senators:
Mourns the death of Jose Del Carmen Velazquez.

The Chair moved the adoption of the Resolutions Consent Calendar.
The motion prevailed, and the resolutions were adopted.

INTRODUCTION OF BILLS

SENATE BILL NO. 1329. Introduced by Senator Bennett, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1330. Introduced by Senator Castro, a bill for AN ACT concerning elections.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1331. Introduced by Senator Castro, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1332. Introduced by Senator Castro, a bill for AN ACT concerning State government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1333. Introduced by Senator Rose, a bill for AN ACT concerning public aid.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1334. Introduced by Senator Rose, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1335. Introduced by Senator Rose, a bill for AN ACT concerning finance.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1336. Introduced by Senator Rose, a bill for AN ACT concerning wildlife.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1337. Introduced by Senator Rose, a bill for AN ACT concerning finance.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1338. Introduced by Senator Rose, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1339. Introduced by Senator Tracy, a bill for AN ACT concerning government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1340. Introduced by Senator Tracy, a bill for AN ACT concerning education.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1341. Introduced by Senator Landek, a bill for AN ACT concerning revenue.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1342. Introduced by Senator Sandoval, a bill for AN ACT concerning education.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1343. Introduced by Senator Sandoval, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 1344. Introduced by Senator Sandoval, a bill for AN ACT concerning the Secretary of State.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 100

Offered by Senator Harris and all Senators:

Mourns the death of Karen Williams-Grier.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT

[February 7, 2019]

STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

February 7, 2019

Tim Anderson
Secretary of the Senate
401 Capitol Building
Springfield, IL

Mr. Secretary,

On this day, Feb. 7, 2019, my intention was to vote “yes” on Senate Bill 1. I would request that the record reflect my intention.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Illinois Senate President
6th District Senator

cc: Senate Minority Leader William Brady

At the hour of 12:50 o'clock p.m., pursuant to **House Joint Resolution No. 26**, the Chair announced that the Senate stands adjourned until Tuesday, February 19, 2019, at 12:00 o'clock noon, or until the call of the President.

[February 7, 2019]