



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

50TH LEGISLATIVE DAY

WEDNESDAY, MAY 21, 2003

12:10 O'CLOCK P.M.

SENATE
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50th Legislative Day

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The Senate met pursuant to adjournment.
 Senator Louis S. Viverito, Burbank, Illinois, presiding.
 Prayer by Senator Woolard.
 Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, May 20, 2003, was being read when on motion of Senator Haine further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to House Bill 841
 Senate Floor Amendment No. 1 to House Bill 1023
 Senate Floor Amendment No. 1 to House Bill 1043
 Senate Floor Amendment No. 3 to House Bill 1482
 Senate Floor Amendment No. 1 to House Bill 2902
 Senate Floor Amendment No. 2 to House Bill 3402

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 154
 Motion to Concur in House Amendment 1 to Senate Bill 257
 Motion to Concur in House Amendment 1 to Senate Bill 689
 Motion to Concur in House Amendment 1 to Senate Bill 690
 Motion to Concur in House Amendment 1 to Senate Bill 903
 Motion to Concur in House Amendment 1 to Senate Bill 922
 Motion to Concur in House Amendment 1 to Senate Bill 946
 Motion to Concur in House Amendment 1 to Senate Bill 1053

REPORT FROM STANDING COMMITTEE

Senator Welch, Chairperson of the Committee on Appropriations II to which was referred **House Bills numbered 3743, 3745, 3754, 3759, 3771, 3774, 3776, 3785, 3792 and 3796** reported the same back with the recommendation that the bills do pass.

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 162

Offered by Senator Link and all Senators:
 Mourns the death of Adeline R. Moran of North Chicago.

SENATE RESOLUTION 163

Offered by Senator Demuzio, E. Jones and all Senators:
 Mourns the death of Robert Reynolds Bliss of Hillsboro.

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

Senator Demuzio offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 164

WHEREAS, The Senate of the State of Illinois takes great pride in recognizing the accomplishments and contributions of Illinois officials and citizens; and

WHEREAS, In honor of the lasting legacy and many sacrifices and contributions the late Senator John L. Knuppel of Petersburg made to the citizens of the State of Illinois and the 48th District, especially in the field of agriculture, the Senate would like to recognize him with the rare honor of naming a public building after this former senator; and

WHEREAS, Senator John L. Knuppel was the chairman for the Senate Committee on Agriculture, Conservation and Energy for ten years and vice-chairman for two years; after experiencing the deplorable conditions at the Agricultural Administrative Building first-hand, he led the fight for a new building on the Illinois State Fairgrounds; his dream became a reality when the Agriculture Committee members toured the building with him, agreed that a new building was long overdue, and Senator Knuppel's sponsored legislation became a reality; and

WHEREAS, Senator Knuppel valiantly served his country as member of the United States Marine Corps Fighting Bulldogs in World War II where he fought in the Pacific Theatre; he fought hard for his country and he carried that fight to the Illinois State Senate where he continued to fight for not only his district, but for all of the people of the State of Illinois; in one session alone, he sponsored or co-sponsored 186 bills and an impressive 95 percent of them were signed into law; and

WHEREAS, Senator Knuppel sponsored, co-sponsored, or directly contributed to establishing the Horse Racing Act of 1975; the soybean check-off; updating workman's compensation and unemployment statutes; the initiative to allow reduction in the size of the Illinois legislature; enlarged homestead exemptions; the reduction of the 40 percent sales tax on food and drugs; Circuit Breaker relief; the \$10 million Agriculture Building; the \$10 million fish hatchery in Mason County; the new Pekin Bridge; the new Span McCluggage Bridge in Peoria; minimum teacher's salaries; improved pensions for aged teachers; \$15 million annually for township bridge repairs; pay raises for States Attorneys in 102 counties; and many other legislative actions; and

WHEREAS, Senator Knuppel worked as a lawyer and senior partner in six Knuppel, Grosboll, Becker, and Tice Law offices located throughout his legislative district; in addition to being a State senator, veteran, and lawyer, he was also a farmer and teacher; and

WHEREAS, Serving the people of Illinois was a priority for Senator Knuppel, which led him to keep an extensive schedule by being involved in countless committees, commissions, and advisory boards including working eight years as Principal Assistant Attorney General and serving as a 1970 Constitutional Convention Delegate; he was vice-chairman of the Senate Transportation Committee and chairman of the Illinois Energy Resources Commission and the Illinois State's Attorney Study Commission; he was a member of the following Senate Committees: Elections, Executive, Judiciary II, and Revenue; he was a member of the following commissions: the Illinois Clean Air Commission, the Illinois Elections Laws Commission, the Illinois Aggregate Mining Problems Commission, the Cattle Disease Research Advisory Commission, the Creve Coeur Tricentennial Commission, the McKinley Dirksen Memorial Commission, the Illinois Medical Malpractice Commission; and he served as a member of the Livestock Commissioners Advisory Board, the Illinois Rural Development Council, and the Swine Disease Advisory; and

WHEREAS, Senator Knuppel made being available to his constituents and colleagues a priority and said that he was "always at the other end of his telephone"; he was known as an advocate for agriculture and believed in the State of Illinois; and

WHEREAS, Senator Knuppel made vital contributions of service and merit to the State of Illinois and to the State's citizens and deserves to have his achievements noted and remembered by current and future generations as his memory is now honored by the members of the Senate; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we rename the Illinois State Department of Agriculture Building located on the State Fairgrounds in Springfield in honor of State Senator John L. Knuppel; and in implementing this honor, we designate that State building as the John L. Knuppel Department of Agriculture Building; and be it further

RESOLVED, That a suitable copy of this preamble and resolution be presented to the family of Senator John L. Knuppel, the Governor, the Director of Agriculture, and the Director of Central Management Services.

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MESSAGES FROM THE HOUSE

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

SENATE BILL NO. 76

A bill for AN ACT in relation to health and nutrition.
Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 1 to SENATE BILL NO. 76

Passed the House, as amended, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 76

AMENDMENT NO. 1. Amend Senate Bill 76 on page 2, by replacing line 18 with the following:
""Secretary" means the Secretary of Human Services."; and
by replacing line 32 on page 2 and lines 1 through 3 on page 3 with the following:
"Department in cooperation with the Department on Aging and the State"; and
on page 3, lines 11 and 28, by replacing "Director" with "Secretary" each time it appears; and
on page 3, by replacing lines 16 and 17 with the following:
"agencies, including but not limited to the Department of Human Services, the Department on Aging,";
and
on page 4, by replacing lines 14 and 15 with the following:
"eligibility requirements."; and
on page 4, line 18, by replacing "Director" with "Secretary"; and
on page 5, line 3, by replacing "Director" with "Secretary"; and
on page 5, after line 11, by inserting the following:
"Section 40. Performance contingent on funding. The performance of activities required by this Act is contingent on the appropriation of funds for the purpose of nutrition outreach and public education.".

Under the rules, the foregoing **Senate Bill No. 76**, with House Amendment No. 1 was referred to the Secretary's Desk.

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

SENATE BILL NO. 154

A bill for AN ACT concerning county taxes.
Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 1 to SENATE BILL NO. 154

Passed the House, as amended, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 154

AMENDMENT NO. 1. Amend Senate Bill 154 on page 1, by replacing line 22 with the following:
"transportation purposes for expenditures for public highways or as authorized under the Illinois Highway Code, the county board must publish notice"; and
on page 1, by replacing line 27 with the following:
"imposing the tax. If the tax is imposed for transportation purposes for expenditures for passenger rail

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transportation, the county board must publish notice of the existence of its long-range passenger rail transportation plan and must make the plan publicly available prior to approval of the ordinance or resolution imposing the tax. The county clerk shall certify the"; and

on page 2, by replacing lines 23 and 24 with the following:

"purposes means construction, maintenance, operation, and improvement of public highways, any other purpose for which a county may expend funds under the Illinois Highway Code, and passenger rail transportation."; and

on page 8, by replacing lines 32 through 34 with the following:

"maintenance, operation, and improvement of public highways, any other purpose for which a county may expend funds under the Illinois Highway Code, and passenger rail transportation.".

Under the rules, the foregoing **Senate Bill No. 154**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 199

A bill for AN ACT in relation to health.

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

House Amendment No. 1 to SENATE BILL NO. 199

Passed the House, as amended, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 199

AMENDMENT NO. 1. Amend Senate Bill 199 on page 2, line 2, after "disability", by inserting "dementia or Alzheimer's disease absent psychosis".

Under the rules, the foregoing **Senate Bill No. 199**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 257

A bill for AN ACT in relation to deer hunting.

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

House Amendment No. 1 to SENATE BILL NO. 257

Passed the House, as amended, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 257

AMENDMENT NO. 1. Amend Senate Bill 257 on page 1, line 9, by changing "~~as provided by administrative rule,~~" to "as provided by administrative rule,".

Under the rules, the foregoing **Senate Bill No. 257**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

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Mr. Rossi, Clerk:

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

SENATE BILL NO. 267

A bill for AN ACT concerning counties.

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

House Amendment No. 1 to SENATE BILL NO. 267

Passed the House, as amended, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 267

AMENDMENT NO. 1. Amend Senate Bill 267 on page 1, by replacing lines 29 and 30 with the following:

"Section 10 of the Steroid Control Act. In setting such fee, the county board may impose, with the concurrence of the"; and

on page 2, by replacing lines 1 through 4 with the following:

"located by administrative order entered by the Chief Judge, differential rates for the various types or categories of criminal and civil cases, but the maximum rate shall not exceed \$25 ~~\$45~~. All proceeds from this fee must be used".

Under the rules, the foregoing **Senate Bill No. 267**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 354

A bill for AN ACT concerning professional regulation.

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

House Amendment No. 1 to SENATE BILL NO. 354

House Amendment No. 2 to SENATE BILL NO. 354

Passed the House, as amended, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 354

AMENDMENT NO. 1. Amend Senate Bill 354 on page 4, line 32, before the period, by inserting ", including but not limited to medical students and residents, nor are medical students and residents required to be registered under this Act".

AMENDMENT NO. 2 TO SENATE BILL 354

AMENDMENT NO. 2. Amend Senate Bill 354 on page 20, line 14, by replacing "January" with "July".

Under the rules, the foregoing **Senate Bill No. 354**, with House Amendments numbered 1 and 2 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

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SENATE BILL NO. 371

A bill for AN ACT in relation to public health.

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

House Amendment No. 1 to SENATE BILL NO. 371

House Amendment No. 2 to SENATE BILL NO. 371

Passed the House, as amended, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 371

AMENDMENT NO. 1. Amend Senate Bill 371 on page 2, after line 11, by inserting the following:

""Mercury-added novelty product" means a mercury-added product intended for personal or household enjoyment, including, but not limited to, toys, figurines, adornments, games, cards, ornaments, yard statues and figurines, candles, jewelry, holiday decorations, and footwear and other items of apparel."; and

on page 3, after line 11, by inserting the following:

"Section 25. Sale, distribution, or promotional gifts of mercury-added novelty products prohibited. On and after July 1, 2004, no mercury-added novelty products may be offered for sale or distributed for promotional purposes in Illinois if the offerer or distributor knows or has reason to know that the product contains mercury, unless the mercury is solely within a button-cell battery."; and on page 3, line 12, by changing "25" to "30".

AMENDMENT NO. 2 TO SENATE BILL 371

AMENDMENT NO. 2. Amend Senate Bill 371, AS AMENDED, as follows:

in Section 10, by replacing the definition of "mercury fever thermometer" with the following:

""Mercury fever thermometer" means any device containing liquid mercury wherein the liquid mercury is used to measure the internal body temperature of a person."; and

in Section 25, by inserting "or a fluorescent light bulb" after "battery".

Under the rules, the foregoing **Senate Bill No. 371**, with House Amendments numbered 1 and 2 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 385

A bill for AN ACT concerning professional regulation.

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

House Amendment No. 1 to SENATE BILL NO. 385

House Amendment No. 2 to SENATE BILL NO. 385

Passed the House, as amended, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 385

AMENDMENT NO. 1. Amend Senate Bill 385 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Sections 4.14 and 4.24 as follows:
(5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)

Sec. 4.14. Acts repealed. (a) The following Acts are repealed December 31, 2003:

The Private Detective, Private Alarm, and Private Security Act of 1993.

~~The Illinois Occupational Therapy Practice Act.~~

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(b) The following Acts are repealed January 1, 2004:

The Illinois Certified Shorthand Reporters Act of 1984.

The Veterinary Medicine and Surgery Practice Act of 1994.

(Source: P.A. 92-457, eff 8-21-01.)

(5 ILCS 80/4.24)

Sec. 4.24. Acts repealed on January 1, 2014. The following Acts are repealed on January 1, 2014:

The Electrologist Licensing Act.

The Illinois Occupational Therapy Practice Act.

The Illinois Public Accounting Act. (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

Section 10. The Illinois Occupational Therapy Practice Act is amended by changing Sections 2, 3, 3.1, 5, 7, 8, 9, 11, and 15 as follows:

(225 ILCS 75/2) (from Ch. 111, par. 3702) (Section scheduled to be repealed on December 31, 2003)

Sec. 2. Definitions. In this Act:

(1) "Department" means the Department of Professional Regulation.

(2) "Director" means the Director of Professional Regulation.

(3) "Board" means the Illinois Occupational Therapy Licensure Board appointed by the Director.

(4) "~~Registered~~ Occupational therapist" means a person initially registered and licensed to practice occupational therapy as defined in this Act, and whose license is in good standing.

(5) "~~Certified~~ Occupational therapy assistant" means a person initially registered and licensed to assist in the practice of occupational therapy under the supervision of a licensed registered occupational therapist, and to implement the occupational therapy treatment program as established by the licensed registered occupational therapist. Such program may include training in activities of daily living, the use of therapeutic activity including task oriented activity to enhance functional performance, and guidance in the selection and use of adaptive equipment.

(6) "Occupational therapy" means the therapeutic use of purposeful and meaningful occupations or goal-directed activities to evaluate and provide interventions for individuals and populations who have a disease or disorder, an impairment, an activity limitation, or a participation restriction that interferes with their ability to function independently in their daily life roles and to promote health and wellness. Occupational therapy intervention may include any of the following:

(a) remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological, or neurological processes;

(b) adaptation of task, process, or the environment or the teaching of compensatory techniques in order to enhance performance;

(c) disability prevention methods and techniques that facilitate the development or safe application of performance skills; and

(d) health promotion strategies and practices that enhance performance abilities.

The licensed registered occupational therapist or licensed certified occupational therapy assistant may assume a variety of roles in his or her career including, but not limited to, practitioner, supervisor of professional students and volunteers, researcher, scholar, consultant, administrator, faculty, clinical instructor, and educator of consumers, peers, and family.

(7) "Occupational therapy services" means services that may be provided to individuals and populations including, without limitation, the following:

(a) evaluating, developing, improving, sustaining, or restoring skills in activities of daily living, work, or productive activities, including instrumental living and play and leisure activities;

(b) evaluating, developing, remediating improving, or restoring sensorymotor sensory motor, cognitive, or psychosocial components of performance;

(c) designing, fabricating, applying, or training in the use of assistive technology or temporary, orthoses and training in the use of orthoses and prostheses;

(d) adapting environments and processes, including the application of ergonomic principles, to enhance performance and safety in daily life roles;

(e) for the occupational therapist or occupational therapy assistant therapists possessing advanced training, skill, and competency as demonstrated through examinations that shall be determined by the Department, applying physical agent modalities as an adjunct to or in preparation for engagement in occupations;

(f) evaluating and providing intervention in collaboration with the client, family, caregiver, or others;

(g) educating the client, family, caregiver, or others in carrying out appropriate nonskilled interventions; and

(h) consulting with groups, programs, organizations, or communities to provide population-based services.

(8) "An aide in occupational therapy" means an individual who provides supportive services to occupational ~~therapists or occupational therapy assistants~~ ~~therapy practitioners~~ but who is not certified by a nationally recognized occupational therapy certifying or licensing body. (Source: P.A. 92-297, eff. 1-1-02; 92-366, eff. 1-1-02; 92-651, eff. 7-11-02.)

(225 ILCS 75/3) (from Ch. 111, par. 3703) (Section scheduled to be repealed on December 31, 2003)

Sec. 3. After the effective date of this Act, no person shall practice occupational therapy or hold himself out as an occupational therapist or an occupational therapy assistant, or as being able to practice occupational therapy or to render services designated as occupational therapy in this State, unless he is licensed in accordance with the provisions of this Act.

Nothing in this Act shall be construed as preventing or restricting the practice, services, or activities of:

(1) Any person licensed in this State by any other law from engaging in the profession or occupation for which he is licensed; or

(2) Any person employed as an occupational therapist or occupational therapy assistant by the Government of the United States, if such person provides occupational therapy solely under the direction or control of the organization by which he or she is employed; or

(3) Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program if such activities and services constitute a part of a supervised course of study, and if such person is designated by a title which clearly indicates his or her status as a student or trainee; or

(4) Any person fulfilling the supervised work experience requirements of Sections 8 and 9 of this Act, if such activities and services constitute a part of the experience necessary to meet the requirement of those Sections; or

(5) Any person performing occupational therapy services in the State, if such a person is not a resident of this State and is not licensed under this Act, and if such services are performed for no more than 60 days a calendar year in association with an occupational therapist licensed under this Act and if such person meets the qualifications for license under this Act and:

(i) such person is licensed under the law of another state which has licensure requirements at least as restrictive as the requirements of this Act, or

(ii) such person meets the requirements for certification as an Occupational Therapist Registered (O.T.R.) or a Certified Occupational Therapy Assistant (C.O.T.A.) established by the National Board for Certification of Occupational Therapy or another nationally recognized credentialing body approved by the Board ~~American Occupational Therapy Association~~; or

(6) The practice of occupational therapy by one who has applied in writing to the Department for a license, in form and substance satisfactory to the Department, and has complied with all the provisions of either Section 8 or 9 except the passing of the examination to be eligible to receive such license. In no event shall this exemption extend to any person for longer than 6 months, except as follows:

(i) if the date on which a person can take the next available examination authorized by the Department extends beyond 6 months from the date the person completes the occupational therapy program as required under Section 8 or 9, the Department shall extend the exemption until the results of that examination become available to the Department; or

(ii) if the Department is unable to complete its evaluation and processing of a person's application for a license within 6 months after the date on which the application is submitted to the Department in proper form, the Department shall extend the exemption until the Department has completed its evaluation and processing of the application.

In the event such applicant fails the examination, the applicant shall cease work immediately until such time as the applicant is licensed to practice occupational therapy in this State.

(7) The practice of occupational therapy by one who has applied to the Department, in form and substance satisfactory to the Department, and who is licensed to practice occupational therapy under the laws of another state, territory of the United States or country and who is qualified to receive a license under the provisions of either Section 8 or 9 of this Act. In no event shall this exemption extend to any person for longer than 6 months.

(8) The practice of occupational therapy by one who has applied to the Department, in form and substance satisfactory to the Department, and who is qualified to receive a license under the provisions of either Section 8 or 9 of this Act. In no event shall this exemption extend to any person for longer than 6 months. (Source: P.A. 90-427, eff. 8-15-97.)

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(225 ILCS 75/3.1) (Section scheduled to be repealed on December 31, 2003)

Sec. 3.1. Referrals. A ~~licensed registered~~ occupational therapist or ~~licensed certified~~ occupational therapy assistant may consult with, educate, evaluate, and monitor services for clients concerning non-medical occupational therapy needs. Implementation of direct occupational therapy to individuals for their specific health care conditions shall be based upon a referral from a licensed physician, dentist, podiatrist, or optometrist.

An occupational therapist shall refer to a licensed physician, dentist, optometrist, or podiatrist any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the occupational therapist. (Source: P.A. 92-297, eff. 1-1-02.)

(225 ILCS 75/5) (from Ch. 111, par. 3705) (Section scheduled to be repealed on December 31, 2003)

Sec. 5. The Director shall appoint an Illinois Occupational Therapy Licensure Board as follows: 7 persons who shall be appointed by and shall serve in an advisory capacity to the Director. ~~One~~ 4 member must be a physician licensed to practice medicine in all of its branches; 3 members must be ~~licensed registered~~ occupational therapists in good standing, and actively engaged in the practice of occupational therapy in this State; 2 members must be ~~licensed certified~~ occupational therapy assistants in good standing and actively engaged in the practice of occupational therapy in this State; and 1 member must be a public member who is not licensed under this Act, or a similar Act of another jurisdiction, and is not a provider of health care service.

Members shall serve 4 year terms and until their successors are appointed and qualified. No member shall be appointed under this or any prior Act to the Board for service which would constitute more than 2 full terms. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this Act.

The membership of the Board should reasonably reflect representation from the geographic areas in this State.

The Director may terminate the appointment of any member for cause which in the opinion of the Director reasonably justifies such termination.

The Director shall consider the recommendations of the Board on questions involving standards of professional conduct, discipline and qualifications of candidates and license holders under this Act. (Source: P.A. 88-424.)

(225 ILCS 75/7) (from Ch. 111, par. 3707) (Section scheduled to be repealed on December 31, 2003)

Sec. 7. The Department shall authorize examinations at least annually and at such time and place as it may designate. The examination shall be of a character to give a fair test of the qualifications of the applicant to practice occupational therapy.

Applications for examination as occupational therapists and occupational therapy assistants shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

If an applicant neglects, fails or refuses to take the examination within 90 days after the date the Confirmation of Examination and Eligibility to Examine Notice is issued ~~next available examination offered~~ or fails to pass an examination for certification under this Act, the application shall be denied. If an applicant fails to pass an examination for registration under this Act within 3 years after filing his application, the application shall be denied. The applicant may thereafter make a new application accompanied by the required fee, however, the applicant shall meet all requirements in effect at the time of subsequent application before obtaining licensure.

The Department may employ consultants for the purposes of preparing and conducting examinations. (Source: P.A. 88-424.)

(225 ILCS 75/8) (from Ch. 111, par. 3708) (Section scheduled to be repealed on December 31, 2003)

Sec. 8. A person shall be qualified for licensure as an occupational therapist if that person:

- (1) has applied in writing in form and substance to the Department;
- (2) ~~(blank) is a citizen of the United States or a lawfully admitted alien, in status, registered with the United States Department of Justice, Division of Immigration and Naturalization;~~
- (3) has completed an occupational therapy program of at least 4 years in length, leading to a baccalaureate degree, or its equivalent, approved by the Department; and
- (4) has successfully completed the examination authorized by the Department within the past 5 years.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 75/9) (from Ch. 111, par. 3709) (Section scheduled to be repealed on December 31, 2003)

Sec. 9. A person shall be qualified for licensure as an occupational therapy assistant if that person:

- (1) has applied in writing in form and substance to the Department;
- (2) ~~(blank) is a citizen of the United States or a lawfully admitted alien, in status, registered with the United States Department of Justice, Division of Immigration and Naturalization;~~
- (3) has completed an occupational therapy program of at least 2 years in length leading to an associate degree, or its equivalent, approved by the Department; and
- (4) has successfully completed the examination authorized by the Department within the past 5 years.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 75/11) (from Ch. 111, par. 3711) (Section scheduled to be repealed on December 31, 2003)

Sec. 11. The expiration date and renewal period for each certificate issued under this Act shall be set by rule.

Any occupational therapist or occupational therapy assistant who has permitted his license to expire or who has had his license on inactive status may have his license restored by making application to the Department and filing proof acceptable to the Department of his fitness to have his license restored. The Department may consider a certificate expired less than 5 years as prima facie evidence that the applicant is fit. If the applicant's license has expired or been placed on inactive status, proof of fitness may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

If the occupational therapist or occupational therapy assistant has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, his fitness to resume active status and may require the occupational therapist or occupational therapy ~~therapist~~ assistant to successfully complete a practice examination.

However, any occupational therapist or occupational therapy assistant whose ~~license certificate~~ expired while he was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his certificate renewed or restored without paying any lapsed renewal fees if within 2 years after termination of such service, training or education except under conditions other than honorable, he furnished the Department with satisfactory evidence to the effect that he has been so engaged and that his service, training or education has been so terminated. (Source: P.A. 84-793.)

(225 ILCS 75/15) (from Ch. 111, par. 3715) (Section scheduled to be repealed on December 31, 2003)

Sec. 15. Any person who is issued a license as an occupational therapist registered under the terms of this Act may use the words "occupational therapist" or "licensed occupational therapist ~~registered~~", or ~~he~~ may use the letters "O.T." ~~or "O.T.R."~~, in connection with his or her name or place of business to denote his or her licensure under this Act.

Any person who is issued a license as a ~~certified~~ occupational therapy assistant under the terms of this Act may use the words, "occupational therapy assistant" or "licensed certified ~~certified~~ occupational therapy assistant", or he or she may use the letters, "O.T.A." ~~or "C.O.T.A."~~, in connection with his or her name, or place of business to denote his or her licensure under this Act hereunder. (Source: P.A. 83-696.)

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

AMENDMENT NO. 2 TO SENATE BILL 385

AMENDMENT NO. 2. Amend Senate Bill 385, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 2, line 6, by replacing "and 15" with "11.1, 15, and 19"; and

on page 12, immediately below line 3, by inserting the following:

"(225 ILCS 75/11.1) (Section scheduled to be repealed on December 31, 2003)

Sec. 11.1. Continuing education requirement. All renewal applicants shall provide proof of having met the continuing competency requirements set forth in the rules of the Department. ~~At a minimum, the rules shall require a renewal applicant to provide proof of completing at least 12 units of continuing competency activities during the 2 year licensing cycle for which he or she is currently licensed.~~ The Department shall provide by rule for an orderly process for the reinstatement of licenses that have not

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been renewed for failure to meet the continuing competency requirements. The continuing competency requirements may be waived in cases of extreme hardship as defined by rule.

The Department shall establish by rule a means for verifying the completion of the continuing competency required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continuing competency certificates with the Department, or by any other means established by the Department. (Source: P.A. 92-297, eff. 1-1-02.)

"; and

on page 12, immediately below line 20, by inserting the following:

"(225 ILCS 75/19) (from Ch. 111, par. 3719) (Section scheduled to be repealed on December 31, 2003)

Sec. 19. (a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed \$2,500 for each violation, with regard to any license for any one or combination of the following:

- (1) Material misstatement in furnishing information to the Department;
- (2) Wilfully violating this Act, or of the rules promulgated thereunder;
- (3) Conviction of any crime under the laws of the United States or any state or territory thereof which is a felony or which is a misdemeanor, an essential element of which is dishonesty, or of any crime which is directly related to the practice of occupational therapy;
- (4) Making any misrepresentation for the purpose of obtaining certification, or violating any provision of this Act or the rules promulgated thereunder pertaining to advertising;
- (5) Having demonstrated unworthiness, or incompetency to act as an occupational therapist or occupational therapy assistant in such manner as to safeguard the interest of the public;
- (6) Wilfully aiding or assisting another person, firm, partnership or corporation in violating any provision of this Act or rules;
- (7) Failing, within 60 days, to provide information in response to a written request made by the Department;
- (8) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;
- (9) Habitual intoxication or addiction to the use of drugs;
- (10) Discipline by another state, the District of Columbia, a territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein;
- (11) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for professional services not actually or personally rendered;
- (12) A finding by the Department that the license holder, after having his license disciplined, has violated the terms of the discipline;
- (13) Wilfully making or filing false records or reports in the practice of occupational therapy, including but not limited to false records filed with the State agencies or departments;
- (14) Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgment, skill or safety;
- (15) Solicitation of professional services other than by permitted advertising;
- (16) Wilfully exceeding the scope of practice customarily undertaken by persons licensed under this Act, which conduct results in, or may result in, harm to the public;
- (17) Holding one's self out to practice occupational therapy under any name other than his own or impersonation of any other occupational therapy licensee;
- (18) Gross negligence;
- (19) Malpractice;
- (20) Obtaining a fee in money or gift in kind of any other items of value or in the form of financial profit or benefit as personal compensation, or as compensation, or charge, profit or gain for an employer or for any other person or persons, on the fraudulent misrepresentation that a manifestly incurable condition of sickness, disease or injury to any person can be cured;
- (21) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;
- (22) Failure to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied;
- (23) Violating the Health Care Worker Self-Referral Act; and

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(24) Having treated patients other than by the practice of occupational therapy as defined in this Act, or having treated patients as a licensed occupational therapist independent of a referral from a physician, dentist, podiatrist, or optometrist, or having failed to notify the physician, dentist, podiatrist, or optometrist who established a diagnosis that the patient is receiving occupational therapy pursuant to that diagnosis.

(b) The determination by a circuit court that a license holder is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as now or hereafter amended, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, an order by the court so finding and discharging the patient, and the recommendation of the Board to the Director that the license holder be allowed to resume his practice.

(c) The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Department of Revenue.

(d) In enforcing this Section, the Board, upon a showing of a possible violation, may compel a licensee or applicant to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The Board or the Department may order (i) the examining physician to present testimony concerning the mental or physical examination of a licensee or applicant or (ii) the examining clinical psychologist to present testimony concerning the mental examination of a licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between a licensee or applicant and the examining physician or clinical psychologist. An individual to be examined may have, at his or her own expense, another physician or clinical psychologist of his or her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination, when directed, is grounds for suspension of his or her license. The license must remain suspended until the person submits to the examination or the Board finds, after notice and hearing, that the refusal to submit to the examination was with reasonable cause.

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board must require the individual to submit to care, counseling, or treatment by a physician or clinical psychologist approved by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. In lieu of care, counseling, or treatment, the Board may recommend that the Department file a complaint to immediately suspend or revoke the license of the individual or otherwise discipline the licensee.

Any individual whose license was granted, continued, reinstated, or renewed subject to conditions, terms, or restrictions, as provided for in this Section, or any individual who was disciplined or placed on supervision pursuant to this Section must be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board. (Source: P.A. 91-357, eff. 7-29-99)."

Under the rules, the foregoing **Senate Bill No. 385**, with House Amendments numbered 1 and 2 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 386

A bill for AN ACT concerning professional regulation.

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

House Amendment No. 1 to SENATE BILL NO. 386

House Amendment No. 3 to SENATE BILL NO. 386

Passed the House, as amended, May 20, 2003.

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AMENDMENT NO. 1 TO SENATE BILL 386

AMENDMENT NO. 1. Amend Senate Bill 386 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Sections 4.14 and 4.24 as follows:

(5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)

Sec. 4.14. Acts repealed. (a) The following Acts are repealed December 31, 2003:

The Private Detective, Private Alarm, and Private Security Act of 1993.

The Illinois Occupational Therapy Practice Act.

(b) The following Acts are repealed January 1, 2004:

The Illinois Certified Shorthand Reporters Act of 1984.

~~The Veterinary Medicine and Surgery Practice Act of 1994.~~

(Source: P.A. 92-457, eff 8-21-01.)

(5 ILCS 80/4.24)

Sec. 4.24. Acts repealed on January 1, 2014. The following Acts are repealed on January 1, 2014:

The Electrologist Licensing Act.

The Illinois Public Accounting Act.

~~The Veterinary Medicine and Surgery Practice Act of 2004.~~ (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

Section 10. The Environmental Health Practitioner Licensing Act is amended by changing Section 16 as follows:

(225 ILCS 37/16) (Section scheduled to be repealed on January 1, 2007)

Sec. 16. Exemptions. This Act does not prohibit or restrict any of the following:

(1) A person performing the functions and duties of an environmental health practitioner under the general supervision of a licensed environmental health practitioner or licensed professional engineer if that person (i) is not responsible for the administration or supervision of one or more employees engaged in an environmental health program, (ii) establishes a method of verbal communication with the licensed environmental health practitioner or licensed professional engineer to whom they can refer and report questions, problems, and emergency situations encountered in environmental health practice, and (iii) has his or her written reports reviewed monthly by a licensed environmental health practitioner or licensed professional engineer.

(2) A person licensed in this State under any other Act from engaging in the practice for which he or she is licensed.

(3) A person working in laboratories licensed by, registered with, or operated by the State of Illinois.

(4) A person employed by a State-licensed health care facility who engages in the practice of environmental health or whose job responsibilities include ensuring that the environment in the health care facility is healthy and safe for employees, patients, and visitors.

(5) A person employed with the Illinois Department of Agriculture who engages in meat and poultry inspections or environmental inspections under the authority of the Department of Agriculture.

(6) A person holding a degree of Doctor of Veterinary Medicine and Surgery and licensed under the Veterinary Medicine and Surgery Practice Act of 2004. (Source: P.A. 92-837, eff. 8-22-02.)

Section 15. The Veterinary Medicine and Surgery Practice Act of 1994 is amended by changing Sections 2, 3, 4, 5, 8, 8.1, 11, 12, 15, 24.1, and 25 and adding Section 25.19 as follows:

(225 ILCS 115/2) (from Ch. 111, par. 7002) (Section scheduled to be repealed on January 1, 2004)

Sec. 2. This Act may be cited as the Veterinary Medicine and Surgery Practice Act of ~~2004~~ 1994. (Source: P.A. 88-424.)

(225 ILCS 115/3) (from Ch. 111, par. 7003) (Section scheduled to be repealed on January 1, 2004)

Sec. 3. Definitions; ~~unlicensed practice prohibited.~~ (a) The following terms have the meanings indicated, unless the context requires otherwise:

"Accredited college of veterinary medicine" means a veterinary college, school, or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and that is accredited by the Council on Education of the American Veterinary Medical Association.

"Animal" means any animal, vertebrate or invertebrate, other than a human.

"Board" means the Veterinary Licensing and Disciplinary Board.

"Certified veterinary technician" means a person who has graduated from a veterinary technology program accredited by the Committee on Veterinary Technician Education and Activities of the

American Veterinary Medical Association who has filed an application with the Department, paid the fee, passed the examination as prescribed by rule, and works under a supervising veterinarian.

"Client" means an entity, person, group, or corporation that has entered into an agreement with a veterinarian for the purposes of obtaining veterinary medical services.

"Complementary, alternative, and integrative therapies" means preventative, diagnostic, and therapeutic practices that, at the time they are performed, may differ from current scientific knowledge or for which the theoretical basis and techniques may diverge from veterinary medicine routinely taught in approved veterinary medical programs. This includes but is not limited to veterinary acupuncture, acutherapy, acupressure, veterinary homeopathy, veterinary manual or manipulative therapy (i.e. therapies based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy), veterinary nutraceutical therapy, veterinary phytotherapy, or other therapies as defined by rule.

"Consultation" means when a veterinarian receives advice in person, telephonically, electronically, or by any other method of communication from a veterinarian licensed in this or any other state or other person whose expertise, in the opinion of the veterinarian, would benefit a patient. Under any circumstance, the responsibility for the welfare of the patient remains with the veterinarian receiving consultation.

"Department" means the Department of Professional Regulation.

"Direct supervision" means the supervising veterinarian is on the premises where the animal is being treated.

"Director" means the Director of Professional Regulation.

"Impaired veterinarian" means a veterinarian who is unable to practice veterinary medicine with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, or abuse of drugs or alcohol of sufficient degree to diminish a person's ability to deliver competent patient care.

"Indirect supervision" means the supervising veterinarian need not be on the premises, but has given either written or oral instructions for the treatment of the animal and is available by telephone or other form of communication.

"Patient" means an animal that is examined or treated by a veterinarian.

"Person" means an individual, firm, partnership (general, limited, or limited liability), association, joint venture, cooperative, corporation, limited liability company, or any other group or combination acting in concert, whether or not acting as a principal, partner, member, trustee, fiduciary, receiver, or any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

"Practice of veterinary medicine" means the performance of one or more of the following:

(1) Directly or indirectly consulting, diagnosing, prognosing, correcting, supervising, or recommending treatment of an animal for the prevention, cure, or relief of a wound, fracture, bodily injury, defect, disease, or physical or mental condition by any method or mode.

(2) Prescribing, dispensing, or administering a drug, medicine, biologic appliance, application, or treatment of whatever nature.

(3) Performing upon an animal a surgical or dental operation or a complementary, alternative, or integrative veterinary medical procedure.

(4) Performing upon an animal any manual procedure for the diagnoses or treatment of pregnancy, sterility, or infertility.

(5) Determining the health and fitness of an animal.

(6) Representing oneself, directly or indirectly, as engaging in the practice of veterinary medicine.

(7) Using any word, letters, or title under such circumstances as to induce the belief that the person using them is qualified to engage in the practice of veterinary medicine or any of its branches. Such use shall be prima facie evidence of the intention to represent oneself as engaging in the practice of veterinary medicine.

"Supervising veterinarian" means a veterinarian who assumes responsibility for the professional care given to an animal by a person working under his or her direction. The supervising veterinarian must have examined the animal at such time as acceptable veterinary medical practices requires consistent with the particular delegated animal health care task.

"Veterinarian-client-patient relationship" means:

(1) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of an animal and the need for medical treatment and the client, owner, or other caretaker has agreed to follow the instructions of the veterinarian;

(2) There is sufficient knowledge of an animal by the veterinarian to initiate at least a general or

preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and

(3) The practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy.

"Veterinary technology" means the performance of services within the field of veterinary medicine by a person who, for compensation or personal profit, is employed by a licensed veterinarian to perform duties that require an understanding of veterinary medicine necessary to carry out the orders of the veterinarian. Those services, however, shall not include diagnosing, prognosing, writing prescriptions, or surgery.

(A) "Department" means the Department of Professional Regulation.

(B) "Board" means the Veterinary Licensing and Disciplinary Board.

(C) "Director" means the Director of the Department of Professional Regulation.

(D) "Veterinarian" means a person holding the degree of Doctor of Veterinary Medicine and Surgery and licensed under this Act.

(E) The practice of veterinary medicine and surgery occurs when a person:

(1) Directly or indirectly diagnoses, prognoses, treats, administers to, prescribes for, operates on, manipulates or applies any apparatus or appliance for any disease, pain, deformity, defect, injury, wound or physical or mental condition of any animal or bird or for the prevention of, or to test for the presence of any disease of any animal or bird. The practice of veterinary medicine and surgery includes veterinarian dentistry.

(2) Represents himself or herself as engaged in the practice of veterinary medicine and surgery as defined in paragraph (1) of this subsection, or uses any words, letters or titles in such connection and under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine and surgery in any of its branches, or that such person is a Doctor of Veterinary Medicine.

(F) "Animal" means any bird, fish, reptile, or mammal other than man.

(G) "Veterinarian client-patient relationship" means:

(1) The veterinarian has assumed the responsibility for making medical judgments regarding the health of an animal and the need for medical treatment and the client, owner, or other caretaker has agreed to follow the instructions of the veterinarian.

(2) There is sufficient knowledge of an animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept.

(3) The practicing veterinarian is readily available for follow up in case of adverse reactions or failure of the regimen of therapy.

(b) Subject to the exemptions in Section 4 of this Act, no person shall practice veterinary medicine and surgery in any of its branches without a valid license to do so. (Source: P.A. 90-655, eff. 7-30-98.)

(25 ILCS 115/4) (from Ch. 111, par. 7004) (Section scheduled to be repealed on January 1, 2004)

Sec. 4. Exemptions. Nothing in this Act shall apply to any of the following:

(1) Veterinarians employed by the federal or State government ~~Federal Government~~ while actually engaged in their official duties.

(2) Licensed veterinarians from other states who are invited to Illinois for consultation or lecturing.

(3) Veterinarians employed by colleges or universities or by state agencies, while engaged in the performance of their official duties, or faculty engaged in animal husbandry or animal management programs of colleges or universities.

(4) A veterinarian employed by an accredited college of veterinary medicine providing assistance requested by a veterinarian licensed in Illinois, acting with informed consent from the client and acting under the direct or indirect supervision and control of the licensed veterinarian. Providing assistance involves hands-on active participation in the treatment and care of the patient. The licensed veterinarian shall maintain responsibility for the veterinarian-client-patient relationship.

(5)(4) Veterinary students in an accredited ~~approved~~ college, university, department of a university, or other institution of veterinary medicine and surgery engaged in while in the performance of duties assigned by their instructors.

~~(6)~~(5) Any person engaged in bona fide scientific research which requires the use of animals.

(7) An owner of livestock and any of the owner's employees or the owner and employees of a service and care provider of livestock caring for and treating livestock belonging to the owner or under a provider's care, including but not limited to, the performance of husbandry and livestock management practices such as dehorning, castration, emasculation, or docking of cattle, horses, sheep, goats, and swine, artificial insemination, and drawing of semen. Nor shall this Act be construed to prohibit any person from administering in a humane manner medicinal or surgical treatment to any livestock in the care of such person. However, any such services shall comply with the Humane Care for Animals Act.

(8) An owner of a companion animal caring for and treating an animal belonging to such owner. Such services shall comply with the Humane Care for Animals Act.

(9) A member in good standing of another licensed or regulated profession within any state or a member of an organization or group approved by the Department by rule providing assistance requested by a veterinarian licensed in this State acting with informed consent from the client and acting under the direct or indirect supervision and control of the licensed veterinarian. Providing assistance involves hands-on active participation in the treatment and care of the patient, as defined by rule. The licensed veterinarian shall maintain responsibility for the veterinarian-client-patient relationship.

(10) A graduate of a non-accredited college of veterinary medicine who is in the process of obtaining a certificate of educational equivalence and is performing duties or actions assigned by instructors in an approved college of veterinary medicine.

(11) A certified euthanasia technician who is authorized to perform euthanasia in the course and scope of his or her employment.

(12) A person who, without expectation of compensation, provides emergency veterinary care in an emergency or disaster situation so long as he or she does not represent himself or herself as a veterinarian or use a title or degree pertaining to the practice of veterinary medicine and surgery.

(13) An employee of a licensed veterinarian performing duties other than diagnosis, prognosis, prescription, or surgery under the direction and supervision of the veterinarian, who shall be responsible for the performance of the employee.

(14) An approved humane investigator regulated under the Humane Care for Animals Act or employee of a shelter licensed under the Animal Welfare Act, working under the indirect supervision of a licensed veterinarian.

(15) Private treaty sale of animals unless otherwise provided by law. ~~(6) The dehorning, castration, emasculation or docking of cattle, horses, sheep, goats and swine in the course or exchange of work for which no monetary compensation is paid or to artificial insemination and the drawing of semen. Nor shall this Act be construed to prohibit any person from administering, in a humane manner, medicinal or surgical treatment to any animal belonging to such person, unless title has been transferred for the purpose of circumventing this Act. However, any such services shall comply with the Humane Care for Animals Act.~~

~~(7) Members of other licensed professions or any other individuals when called for consultation and assistance by a veterinarian licensed in the State of Illinois and who act under the supervision, direction, and control of the veterinarian, as further defined by rule of the Department.~~

~~(8) Certified euthanasia technicians.~~

(Source: P.A. 92-449, eff. 1-1-02.)

(225 ILCS 115/5) (from Ch. 111, par. 7005) (Section scheduled to be repealed on January 1, 2004)

Sec. 5. No person shall practice veterinary medicine and surgery in any of its branches without a valid license to do so. Any person not licensed under this Act who performs any of the functions described as the practice of veterinary medicine or surgery as defined in this Act, who announces to the public in any way an intention to practice veterinary medicine and surgery, who uses the title Doctor of Veterinary Medicine or the initials D.V.M. or V.M.D., or who opens an office, hospital, or clinic for such purposes is considered to have violated this Act and may be subject to all the penalties provided for such violations.

It shall be unlawful for any person who is not licensed in this State to provide veterinary medical services from any state to a client or patient in this State through telephonic, electronic, or other means, except where a bonafide veterinarian-client-patient relationship exists.

Nothing in this Act shall be construed to prevent members of other professions from performing functions for which they are duly licensed. Other professionals may not, however, hold themselves out or refer to themselves by any title or descriptions stating or implying that they are engaged in the

practice of veterinary medicine or that they are licensed to engage in the practice of veterinary medicine.
(Source: P.A. 83-1016.)

(225 ILCS 115/8) (from Ch. 111, par. 7008) (Section scheduled to be repealed on January 1, 2004)

Sec. 8. Qualifications. A person is qualified to receive a license if he or she: (1) is of good moral character; (2) has graduated from an accredited college or school of veterinary medicine ~~has received at least 2 years of preveterinary collegiate training;~~ (3) ~~has graduated from a veterinary school that requires for graduation a 4 year, or equivalent, course in veterinary medicine and surgery approved by the Department;~~ and (3)(4) has passed the examination authorized by the Department to determine fitness to hold a license.

Applicants for licensure from non-accredited veterinary schools are required to successfully complete a program of educational equivalency as established by rule. At a minimum, this program shall include all of the following:

(1) A certified transcript indicating graduation from such college.

(2) Successful completion of a communication ability examination designed to assess communication skills, including a command of the English language.

(3) Successful completion of an examination or assessment mechanism designed to evaluate educational equivalence, including both preclinical and clinical competencies.

(4) Any other reasonable assessment mechanism designed to ensure an applicant possesses the educational background necessary to protect the public health and safety.

Successful completion of the criteria set forth in this Section shall establish education equivalence as one of the criteria for licensure set forth in this Act. Applicants under this Section must also meet all other statutory criteria for licensure prior to the issuance of any such license, including graduation from veterinary school.

A graduate of a non-approved veterinary school who was issued a work permit by the Department before the effective date of this amendatory Act of the 93rd General Assembly may continue to work under the direct supervision of a licensed veterinarian until the expiration of his or her permit.

With respect to graduates of unapproved veterinary programs, the Department shall determine if such programs meet standards equivalent to those set forth in clauses (2), (3), and (4) of Section 9 of this Act.

Graduates of non approved veterinary schools are required to pass a proficiency examination specified by the Department or to provide one year of evaluated clinical experience as an employee of a licensed veterinarian. Prior to hiring such person, the licensed veterinarian shall notify the Board, in writing, and shall employ such persons only upon the written approval of the Board. Such approval shall be for one year only and is not renewable. Such clinical employees shall treat animals only under the direct supervision of the licensed veterinarian.

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to obtaining a license. The Department may also request the applicant to submit and may consider as evidence of moral character, endorsements from 2 individuals licensed under this Act. (Source: P.A. 89-387, eff. 8-20-95; 90-52, eff. 7-3-97.)

(225 ILCS 115/8.1) (from Ch. 111, par. 7008.1) (Section scheduled to be repealed on January 1, 2004)

Sec. 8.1. Certified veterinary technician. ~~"Certified veterinary technician" means a person who has graduated from a veterinary technology program accredited by the American Veterinary Medical Association who has filed an application with the Department, paid the fee, and passed the examination as prescribed by rule. Veterinary technology is defined as the performance of services within the field of veterinary medicine by a person who for compensation or personal profit, is employed by a licensed veterinarian to perform duties that require an understanding of veterinary medicine as required in carrying out the orders of the veterinarian. However, those services shall not include diagnosing, prognosing, writing prescriptions, or surgery. A person who is a certified as a veterinary technician who performs veterinary technology contrary to this Act is guilty of a Class A misdemeanor and shall be subject to the revocation of his or her certificate. However, these penalties and restrictions shall not apply to a student while performing activities required as a part of his or her training.~~

The Department and the Board are authorized to hold hearings, reprimand, suspend, revoke, or refuse to issue or renew a certificate and to perform any other acts that may be necessary to regulate certified veterinary technicians in a manner consistent with the provisions of the Act applicable to veterinarians.

The title "Certified veterinary technician" and the initials "CVT" may only be used by persons certified by the Department. A person who uses these titles without the certification as provided in this Section is guilty of a Class A misdemeanor.

Certified veterinary technicians shall be required to complete continuing education as prescribed by rule to renew their certification. (Source: P.A. 88-91; 88-424; 88-670, eff. 12-2-94.)

(225 ILCS 115/11) (from Ch. 111, par. 7011) (Section scheduled to be repealed on January 1, 2004)

Sec. 11. Temporary permits. A person holding the degree of Doctor of Veterinary Medicine, or its equivalent, from an accredited college of veterinary medicine approved veterinary program, and who has applied in writing to the Department for a license to practice veterinary medicine and surgery in any of its branches, and who has fulfilled the requirements of Section 8 of this Act, with the exception of receipt of notification of his or her examination results, may receive, at the discretion of the Department, a temporary permit to practice under the direct supervision of a specified veterinarian who is licensed in this State, until: (1) the applicant has been notified of the results of the examination authorized by the Department; or (2) the applicant has withdrawn his or her application.

A temporary permit may be issued by the Department to a person who is a veterinarian licensed under the laws of another state, a territory of the United States, or a foreign country, upon application in writing to the Department for a license under this Act if he or she is qualified to receive a license and until: (1) the expiration of 6 months after the filing of the written application, (2) the withdrawal of the application or (3) the denial of the application by the Department.

A temporary permit issued under this Section shall not be extended or renewed. The holder of a temporary permit shall perform only those acts that may be prescribed by and incidental to his or her employment and that act shall be performed under the direction of a supervising specified licensed veterinarian who is licensed in this State. The holder of the temporary permit ~~He~~ shall not be entitled to otherwise engage in the practice of veterinary medicine until fully licensed in this State.

Upon the revocation of a temporary permit, the Department shall immediately notify, by certified mail, the supervising specified veterinarian employing the holder of a temporary permit and the holder of the permit. A temporary permit shall be revoked by the Department upon proof that the holder of the permit has engaged in the practice of veterinary medicine in this State outside his or her employment under a licensed veterinarian. (Source: P.A. 90-655, eff. 7-30-98.)

(225 ILCS 115/12) (from Ch. 111, par. 7012) (Section scheduled to be repealed on January 1, 2004)

Sec. 12. Inactive status. Any veterinarian or certified veterinary technician who notifies the Department in writing on the prescribed form may place his or her license or certification on an inactive status and shall, subject to rule, be exempt from payment of the renewal fee and compliance with the continuing education requirements until he or she notifies the Department in writing of his or her intention to resume active status.

Any veterinarian or certified veterinary technician requesting restoration from inactive status shall be required to complete the continuing education requirements for a single license or certificate renewal period, pursuant to rule, and pay the current renewal fee to restore his or her license or certification as provided in this Act.

Any veterinarian whose license is in inactive status shall not practice veterinary medicine and surgery in this State.

A graduate of a non-approved veterinary school who was issued a work permit by the Department before the effective date of this amendatory Act of the 93rd General Assembly may continue to work under the direct supervision of a licensed veterinarian until the expiration of his or her permit. (Source: P.A. 88-424.)

(225 ILCS 115/15) (from Ch. 111, par. 7015) (Section scheduled to be repealed on January 1, 2004)

Sec. 15. Expiration and renewal of license. The expiration date and renewal period for each license or certificate shall be set by rule. A veterinarian or certified veterinary technician whose license or certificate has expired may reinstate his or her license or certificate at any time within 5 years after the expiration thereof, by making a renewal application and by paying the required fee and submitting proof of the required continuing education. However, any veterinarian or certified veterinary technician whose license or certificate expired while he or she was (1) on active duty with the Armed Forces of the United States or called into service or training by the State militia or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license or certificate renewed, reinstated, or restored without paying any lapsed renewal fees if within 2 years after termination of the service, training, or education the veterinarian furnishes the Department with satisfactory evidence of service, training, or education and it has been terminated under honorable conditions.

Any veterinarian or certified veterinary technician whose license or certificate has expired for more

than 5 years may have it restored by making application to the Department and filing acceptable proof of fitness to have the license or certificate restored. The proof may include sworn evidence certifying active practice in another jurisdiction. The veterinarian or certified veterinary technician shall also pay the required restoration fee and submit proof of the required continuing education. If the veterinarian or certified veterinary technician has not practiced for 5 years or more, the Board shall determine by an evaluation program established by rule, whether the individual is fit to resume active status and may require the veterinarian to complete a period of evaluated clinical experience and may require successful completion of a clinical examination. (Source: P.A. 92-84, eff. 7-1-02.)

(225 ILCS 115/24.1) (Section scheduled to be repealed on January 1, 2004)

Sec. 24.1. Impaired veterinarians. ~~"Impaired veterinarian" means a veterinarian who is unable to practice veterinary medicine with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, or abuse of drugs or alcohol of sufficient degree to diminish a person's ability to deliver competent patient care.~~ The Department shall establish by rule a program of care, counseling, or treatment for ~~the impaired veterinarians~~ veterinarian.

"Program of care, counseling, or treatment" means a written schedule of organized treatment, care, counseling, activities, or education satisfactory to the Board, designed for the purpose of restoring an impaired person to a condition whereby the impaired person can practice veterinary medicine with reasonable skill and safety of a sufficient degree to deliver competent patient care. (Source: P.A. 88-424.)

(225 ILCS 115/25) (from Ch. 111, par. 7025) (Section scheduled to be repealed on January 1, 2004)

Sec. 25. Disciplinary actions. 1. The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem appropriate, including fines not to exceed \$1,000 for each violation, with regard to any license or certificate for any one or combination of the following:

- A. Material misstatement in furnishing information to the Department.
- B. Violations of this Act, or of the rules promulgated under this Act.
- C. Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or that is a misdemeanor, an essential element of which is dishonesty, or of any crime that is directly related to the practice of the profession.
- D. Making any misrepresentation for the purpose of obtaining licensure or certification, or violating any provision of this Act or the rules promulgated under this Act pertaining to advertising.
- E. Professional incompetence.
- F. Gross malpractice.
- G. Aiding or assisting another person in violating any provision of this Act or rules.
- H. Failing, within 60 days, to provide information in response to a written request made by the Department.
- I. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public.
- J. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.
- K. Discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.
- L. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for professional services not actually or personally rendered.
- M. A finding by the Board that the licensee or certificate holder, after having his license or certificate placed on probationary status, has violated the terms of probation.
- N. Willfully making or filing false records or reports in his practice, including but not limited to false records filed with State agencies or departments.
- O. Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgement, skill or safety.
- P. Solicitation of professional services other than permitted advertising.
- Q. Having professional connection with or lending one's name, directly or indirectly, to any illegal practitioner of veterinary medicine and surgery and the various branches thereof.
- R. Conviction of or cash compromise of a charge or violation of the Harrison Act or the Illinois Controlled Substances Act, regulating narcotics.

S. Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests.

T. Failing to report, as required by law, or making false report of any contagious or infectious diseases.

U. Fraudulent use or misuse of any health certificate, shipping certificate, brand inspection certificate, or other blank forms used in practice that might lead to the dissemination of disease or the transportation of diseased animals dead or alive; or dilatory methods, willful neglect, or misrepresentation in the inspection of milk, meat, poultry, and the by-products thereof.

V. Conviction on a charge of cruelty to animals.

W. Failure to keep one's premises and all equipment therein in a clean and sanitary condition.

X. Failure to provide satisfactory proof of having participated in approved continuing education programs.

Y. Failure to (i) file a return, (ii) pay the tax, penalty, or interest shown in a filed return, or (iii) pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the requirements of that tax Act are satisfied.

Z. Conviction by any court of competent jurisdiction, either within or outside this State, of any violation of any law governing the practice of veterinary medicine, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

AA. Promotion of the sale of drugs, devices, appliances, or goods provided for a patient in any manner to exploit the client for financial gain of the veterinarian.

BB. Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

CC. Practicing under a false or, except as provided by law, an assumed name.

DD. Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

EE. Cheating on or attempting to subvert the licensing examination administered under this Act.

FF. Using, prescribing, or selling a prescription drug or the extra-label use of a prescription drug by any means in the absence of a valid veterinarian-client-patient relationship.

GG. Failing to report a case of suspected aggravated cruelty, torture, or animal fighting pursuant to Section 3.07 or 4.01 of the Humane Care for Animals Act or Section 26-5 of the Criminal Code of 1961.

2. The determination by a circuit court that a licensee or certificate holder is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Board to the Director that the licensee or certificate holder be allowed to resume his practice.

3. All proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license or certificate on any of the foregoing grounds, must be commenced within 3 years after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described in this Section. Except for proceedings brought for violations of items (CC), (DD), or (EE), no action shall be commenced more than 5 years after the date of the incident or act alleged to have violated this Section. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, the claim, cause of action, or civil action being grounded on the allegation that a person licensed or certified under this Act was negligent in providing care, the Department shall have an additional period of one year from the date of the settlement or final judgment in which to investigate and begin formal disciplinary proceedings under Section 25.2 of this Act, except as otherwise provided by law. The time during which the holder of the license or certificate was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

4. The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Department of Revenue.

5. In enforcing this Section, the Board, upon a showing of a possible violation, may compel a licensee or applicant to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The Board or the Department may order (i) the examining

physician to present testimony concerning the mental or physical examination of a licensee or applicant or (ii) the examining clinical psychologist to present testimony concerning the mental examination of a licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between a licensee or applicant and the examining physician or clinical psychologist. An individual to be examined may have, at his or her own expense, another physician or clinical psychologist of his or her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination, when directed, is grounds for suspension of his or her license. The license must remain suspended until the person submits to the examination or the Board finds, after notice and hearing, that the refusal to submit to the examination was with reasonable cause.

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board must require the individual to submit to care, counseling, or treatment by a physician or clinical psychologist approved by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. In lieu of care, counseling, or treatment, the Board may recommend that the Department file a complaint to immediately suspend or revoke the license of the individual or otherwise discipline the licensee.

Any individual whose license was granted, continued, reinstated, or renewed subject to conditions, terms, or restrictions, as provided for in this Section, or any individual who was disciplined or placed on supervision pursuant to this Section must be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board. (Source: P.A. 88-424.)

(225 ILCS 115/25.19 new) (Section scheduled to be repealed on January 1, 2004)

Sec. 25.19. Mandatory reporting. Nothing in this Act exempts a licensee from the mandatory reporting requirements regarding suspected acts of aggravated cruelty, torture, and animal fighting imposed under Sections 3.07 and 4.01 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(225 ILCS 115/9 rep.)

Section 18. The Veterinary Medicine and Surgery Practice Act of 1994 is amended by repealing Section 9.

Section 20. The Animal Welfare Act is amended by changing Section 2 as follows:

(225 ILCS 605/2) (from Ch. 8, par. 302)

Sec. 2. Definitions. As used in this Act unless the context otherwise requires:

"Department" means the Illinois Department of Agriculture.

"Director" means the Director of the Illinois Department of Agriculture.

"Pet shop operator" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this State. However, a person who sells only such animals that he has produced and raised shall not be considered a pet shop operator under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ shall not be considered a pet shop operator under this Act.

"Dog dealer" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs in this State. However, a person who sells only dogs that he has produced and raised shall not be considered a dog dealer under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ shall not be considered a dog dealer under this Act.

"Secretary of Agriculture" or "Secretary" means the Secretary of Agriculture of the United States Department of Agriculture.

"Person" means any person, firm, corporation, partnership, association or other legal entity, any public or private institution, the State of Illinois, or any municipal corporation or political subdivision of the State.

"Kennel operator" means any person who operates an establishment, other than an animal control facility, veterinary hospital, or animal shelter, where dogs or dogs and cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charge dogs or dogs and cats which he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a kennel operator.

"Cattery operator" means any person who operates an establishment, other than an animal control facility or animal shelter, where cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charges

cats which he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a cattery operator.

"Animal control facility" means any facility operated by or under contract for the State, county, or any municipal corporation or political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats, and other animals. "Animal control facility" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ which operates for the above mentioned purpose in addition to its customary purposes.

"Animal shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ which operates for the above mentioned purpose in addition to its customary purposes.

"Foster home" means an entity that accepts the responsibility for stewardship of animals that are the obligation of an animal shelter, not to exceed 4 animals at any given time. Permits to operate as a "foster home" shall be issued through the animal shelter.

"Guard dog service" means an entity that, for a fee, furnishes or leases guard or sentry dogs for the protection of life or property. A person is not a guard dog service solely because he or she owns a dog and uses it to guard his or her home, business, or farmland.

"Guard dog" means a type of dog used primarily for the purpose of defending, patrolling, or protecting property or life at a commercial establishment other than a farm. "Guard dog" does not include stock dogs used primarily for handling and controlling livestock or farm animals, nor does it include personally owned pets that also provide security.

"Sentry dog" means a dog trained to work without supervision in a fenced facility other than a farm, and to deter or detain unauthorized persons found within the facility. (Source: P.A. 89-178, eff. 7-19-95; 90-385, eff. 8-15-97; 90-403, eff. 8-15-97.)

Section 25. The Elder Abuse and Neglect Act is amended by changing Section 2 as follows:

(320 ILCS 20/2) (from Ch. 23, par. 6602)

Sec. 2. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse or neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

(a-5) "Abuser" means a person who abuses, neglects, or financially exploits an eligible adult.

(a-7) "Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living.

(b) "Department" means the Department on Aging of the State of Illinois.

(c) "Director" means the Director of the Department.

(d) "Domestic living situation" means a residence where the eligible adult lives alone or with his or her family or a caregiver, or others, or a board and care home or other community-based unlicensed facility, but is not:

(1) A licensed facility as defined in Section 1-113 of the Nursing Home Care Act;

(2) A "life care facility" as defined in the Life Care Facilities Act;

(3) A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

(4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

(5) A "community living facility" as defined in the Community Living Facilities Licensing Act;

(6) A "community residential alternative" as defined in the Community Residential Alternatives Licensing Act; and

(7) A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

(e) "Eligible adult" means a person 60 years of age or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual.

(f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.

(f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

(1) a professional or professional's delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietetic and Nutrition Services Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nursing and Advanced Practice Nursing Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act of 1987, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of ~~2004~~ ~~1994~~, and the Illinois Public Accounting Act;

(2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

(3) an administrator, employee, or person providing services in or through an unlicensed community based facility;

(4) a Christian Science Practitioner;

(5) field personnel of the Department of Public Aid, Department of Public Health, and Department of Human Services, and any county or municipal health department;

(6) personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman;

(7) any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults; or

(8) a person who performs the duties of a coroner or medical examiner.

(g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or medical care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

(h) "Provider agency" means any public or nonprofit agency in a planning and service area appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation.

(i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area so designated by the Department, provided that the designated Area Agency on Aging shall be designated the regional administrative agency if it so requests. The Department shall assume the functions of the regional administrative agency for any planning and service area where another agency is not so designated.

(j) "Substantiated case" means a reported case of alleged or suspected abuse, neglect, or financial exploitation in which a provider agency, after assessment, determines that there is reason to believe abuse, neglect, or financial exploitation has occurred. (Source: P.A. 91-259, eff. 1-1-00; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; 92-16, eff. 6-28-01.)

Section 30. The Illinois Food, Drug and Cosmetic Act is amended by changing Section 3.21 as follows:

(410 ILCS 620/3.21) (from Ch. 56 1/2, par. 503.21)

Sec. 3.21. Except as authorized by this Act, the Controlled Substances Act, the Pharmacy Practice Act of 1987, the Dental Practice Act, the Medical Practice Act of 1987, the Veterinary Medicine and Surgery Practice Act of ~~2004~~ ~~1994~~, or the Podiatric Medical Practice Act of 1987, to sell or dispense a prescription drug without a prescription. (Source: P.A. 88-424.)

Section 35. The Humane Care for Animals Act is amended by changing Section 2.01h as follows:

[May 21, 2003]

(510 ILCS 70/2.01h)

Sec. 2.01h. Animal shelter. "Animal shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of ~~2004~~ 1994 which operates for the above mentioned purpose in addition to its customary purposes. (Source: P.A. 92-454, eff. 1-1-02.)

Section 40. The Humane Euthanasia in Animal Shelters Act is amended by changing Section 5 as follows:

(510 ILCS 72/5)

Sec. 5. Definitions. The following terms have the meanings indicated, unless the context requires otherwise:

"Animal" means any bird, fish, reptile, or mammal other than man.

"DEA" means the United States Department of Justice Drug Enforcement Administration.

"Department" means the Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Euthanasia agency" means an entity certified by the Department for the purpose of animal euthanasia that holds an animal control facility or animal shelter license under the Animal Welfare Act.

"Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) as set forth in the Illinois Controlled Substances Act that are used by a euthanasia agency for the purpose of animal euthanasia.

"Euthanasia technician" or "technician" means a person employed by a euthanasia agency or working under the direct supervision of a veterinarian and who is certified by the Department to administer euthanasia drugs to euthanize animals.

"Veterinarian" means a person holding the degree of Doctor of Veterinary Medicine who is licensed under the Veterinary Medicine and Surgery Practice Act of ~~2004~~ 1994. (Source: P.A. 92-449, eff. 1-1-02.)

Section 45. The Good Samaritan Act is amended by changing Section 60 as follows:

(745 ILCS 49/60)

Sec. 60. Veterinarians; exemption from civil liability for emergency care to humans. Any person licensed under the Veterinary Medicine and Surgery Practice Act of ~~2004~~ 1994 or any person licensed as a veterinarian in any other state or territory of the United States who in good faith provides emergency care to a human victim of an accident, at the scene of an accident or in a catastrophe shall not be liable for civil damages as a result of his or her acts or omissions, except for willful or wanton misconduct on the part of the person in providing the care. (Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)

Section 99. Effective date. This Act takes effect on December 31, 2003."

AMENDMENT NO. 3 TO SENATE BILL 386

AMENDMENT NO. 3. Amend Senate Bill 386, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 10, by replacing lines 12 through 15 with the following:

"(8) An owner of an animal, or an agent of the owner acting with the owner's approval, in caring for, training, or treating an animal belonging to the owner, so long as that individual or agent does not represent himself or herself as a veterinarian or use any title associated with the practice of veterinary medicine or surgery or diagnose, prescribe drugs, or perform surgery. The agent shall provide the owner with a written statement summarizing the nature of the services provided and obtain a signed acknowledgment from the owner that they accepted the services provided. The services shall comply with the Humane Care for Animals Act. The provisions of this item (8) do not apply to a person who is exempt under item (7)."; and

on page 11, immediately below line 17, by inserting the following:

"(15) An individual providing equine dentistry services requested by a veterinarian licensed to practice in this State, an owner, or an owner's agent. For the purposes of this item (15), "equine dentistry services" means floating teeth without the use of drugs or extraction."; and

on page 11, line 18, by replacing "(15)" with "(16)".

Under the rules, the foregoing **Senate Bill No. 386**, with House Amendments numbered 1 and 3 was referred to the Secretary's Desk.

A message from the House by

[May 21, 2003]

Mr. Rossi, Clerk:

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

SENATE BILL NO. 460

A bill for AN ACT concerning health care.

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

House Amendment No. 1 to SENATE BILL NO. 460

Passed the House, as amended, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 460

AMENDMENT NO. 1. Amend Senate Bill 460 on page 3, in line 20, by changing "clear information about" to "a description of".

Under the rules, the foregoing **Senate Bill No. 460**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 524

A bill for AN ACT concerning fire protection.

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

House Amendment No. 1 to SENATE BILL NO. 524

Passed the House, as amended, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 524

AMENDMENT NO. 1. Amend Senate Bill 524 on page 1, by replacing line 5 as follows: "by changing Sections 6 and 16.06 as follows:"; and on page 3, immediately below line 18, by inserting the following:

"(70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)

Sec. 16.06. Eligibility for positions in fire department; disqualifications.

(a) All applicants for a position in the fire department of the fire protection district shall be under 35 years of age and shall be subjected to examination, which shall be public, competitive, and free to all applicants, subject to reasonable limitations as to health, habits, and moral character; provided that the foregoing age limitation shall not apply in the case of any person having previous employment status as a fireman in a regularly constituted fire department of any fire protection district, and further provided that each fireman or fire chief who is a member in good standing in a regularly constituted fire department of any municipality which shall be or shall have subsequently been included within the boundaries of any fire protection district now or hereafter organized shall be given a preference for original appointment in the same class, grade or employment over all other applicants. The examinations shall be practical in their character and shall relate to those matters which will fairly test the persons examined as to their relative capacity to discharge the duties of the positions to which they seek appointment. The examinations shall include tests of physical qualifications and health. No applicant, however, shall be examined concerning his political or religious opinions or affiliations. The examinations shall be conducted by the board of fire commissioners.

(b) No person shall be appointed to the fire department unless he or she is a person of good character and not a person who has been convicted of a felony in Illinois or convicted in another jurisdiction for conduct that would be a felony under Illinois law, or convicted of a crime involving moral turpitude. No

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person, however, shall be disqualified from appointment to the fire department because of his or her record of misdemeanor convictions, except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6), and (8) of Section 24-1 of the Criminal Code of 1961. (Source: P.A. 89-52, eff. 6-30-95; 90-481, eff. 8-17-97.)".

Under the rules, the foregoing **Senate Bill No. 524**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 639

A bill for AN ACT concerning mental health.

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

House Amendment No. 1 to SENATE BILL NO. 639

House Amendment No. 2 to SENATE BILL NO. 639

Passed the House, as amended, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 639

AMENDMENT NO. 1. Amend Senate Bill 639 on page 1, by replacing lines 13 and 14 with the following:

"facility, or may make arrangements either directly or through agreements with other another public or private entities ~~entity including a licensed ambulance service~~ to appropriately"; and

on page 1, line 20, after "arrangements", by inserting "either directly or through agreements"; and

on page 1, by replacing lines 21 and 22 with the following:

"other public or private entities ~~another public or private entity including a licensed ambulance service~~ to appropriately transport the respondent to the mental"; and

on page 3, by replacing line 5 with the following:

"arrangements either directly or through agreements with another public or private entity including"; and

on page 3, line 6, after "service to", by inserting "appropriately"; and

one page 4, by replacing lines 27 and 28 with the following:

"~~shall be notified and~~ shall make arrangements either directly or through agreements with other public or private entities to appropriately transport the defendant to the"; and

on page 6, by replacing line 24 with the following:

"arrangements either directly or through agreements with other public or private entities to appropriately transport".

AMENDMENT NO. 2 TO SENATE BILL 639

AMENDMENT NO. 2. Amend Senate Bill 639 on page 2, immediately below line 16, by inserting the following:

"(e) The Department may not make arrangements with an existing hospital or grant-in-aid or fee-for-service community provider for transportation services under this Section unless the hospital or provider has voluntarily submitted a proposal for its transportation services. This proposal shall include the provision of trained personnel and the use of an appropriate vehicle for the safe transport of the respondents."; and

on page 4, immediately below line 3, by inserting the following:

"(d) The Department may not make arrangements with an existing hospital or grant-in-aid or fee-for-service community provider for transportation services under this Section unless the hospital or provider has voluntarily submitted a proposal for its transportation services. This proposal shall include the provision of trained personnel and the use of an appropriate vehicle for the safe transport of the recipients."; and

on page 6, immediately below line 2, by inserting the following:

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"(f) The Department may not make arrangements with an existing hospital or grant-in-aid or fee-for-service community provider for transportation services under this Section unless the hospital or provider has voluntarily submitted a proposal for its transportation services. This proposal shall include the provision of trained personnel and the use of an appropriate vehicle for the safe transport of the defendants."; and

on page 6, immediately below line 25, by inserting the following:

"The Department may not make arrangements with an existing hospital or grant-in-aid or fee-for-service community provider for transportation services under this Section unless the hospital or provider has voluntarily submitted a proposal for its transportation services. This proposal shall include the provision of trained personnel and the use of an appropriate vehicle for the safe transport of the defendants.".

Under the rules, the foregoing **Senate Bill No. 639**, with House Amendments numbered 1 and 2 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 903

A bill for AN ACT concerning education.

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

House Amendment No. 1 to SENATE BILL NO. 903

Passed the House, as amended, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 903

AMENDMENT NO. 1. Amend Senate Bill 903 on page 1, lines 25 and 26, by deleting "or from district maintenance funds"; and on page 2, lines 16 and 17, by deleting "or from district maintenance funds".

Under the rules, the foregoing **Senate Bill No. 903**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 1047

A bill for AN ACT concerning higher education.

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

House Amendment No. 1 to SENATE BILL NO. 1047

Passed the House, as amended, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1047

AMENDMENT NO. 1. Amend Senate Bill 1047 on page 2, line 17, after "Fund", by inserting "(unless the Trust Fund moneys are used for child support)"; and on page 5, line 16, after "Fund", by inserting "(unless the Trust Fund moneys are used for child support)".

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Under the rules, the foregoing **Senate Bill No. 1047**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 3

A bill for AN ACT concerning discount prescription drugs for senior citizens.

SENATE BILL NO. 50

A bill for AN ACT concerning vehicles.

SENATE BILL NO. 58

A bill for AN ACT in relation to vehicles.

SENATE BILL NO. 70

A bill for AN ACT relating to education.

Passed the House, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 201

A bill for AN ACT concerning education.

SENATE BILL NO. 216

A bill for AN ACT in relation to civil procedure.

SENATE BILL NO. 242

A bill for AN ACT in relation to criminal law.

SENATE BILL NO. 255

A bill for AN ACT in relation to the regulation of professions.

SENATE BILL NO. 293

A bill for AN ACT in relation to aging.

Passed the House, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 318

A bill for AN ACT concerning insurance.

SENATE BILL NO. 381

A bill for AN ACT concerning education.

SENATE BILL NO. 392

A bill for AN ACT in relation to taxes.

SENATE BILL NO. 407

A bill for AN ACT in relation to criminal law.

SENATE BILL NO. 467

A bill for AN ACT concerning insurance coverage.

SENATE BILL NO. 505

A bill for AN ACT concerning taxes.

SENATE BILL NO. 630

A bill for AN ACT concerning professional regulation.

SENATE BILL NO. 633

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A bill for AN ACT in relation to aging.

Passed the House, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 642

A bill for AN ACT in relation to criminal law.

SENATE BILL NO. 891

A bill for AN ACT regarding education.

Passed the House, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Welch, **House Bill No. 3743** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 3745** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 3754** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 3759** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 3771** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 3774** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 3776** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 3785** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 3792** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 3796** was taken up, read by title a second time and ordered to a third reading.

CONSIDERATION OF HOUSE BILLS ON CONSIDERATION POSTPONED

On motion of Senator Martinez, **House Bill No. 625** having been read by title a third time on May 16, 2003, and pending roll call further consideration postponed, was taken up again on third reading.

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

Yeas 31; Nays 25.

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The following voted in the affirmative:

| | | | |
|-----------|-----------|------------|---------------|
| Clayborne | Halvorson | Martinez | Silverstein |
| Collins | Harmon | Meeks | Trotter |
| Crotty | Hendon | Munoz | Viverito |
| Cullerton | Hunter | Obama | Walsh |
| del Valle | Jacobs | Ronen | Welch |
| DeLeo | Lightford | Sandoval | Woolard |
| Demuzio | Link | Schoenberg | Mr. President |
| Haine | Maloney | Shadid | |

The following voted in the negative:

| | | | |
|-----------|-------------|--------------|----------|
| Althoff | Jones, W. | Risinger | Syverson |
| Bomke | Lauzen | Roskam | Watson |
| Brady | Luechtefeld | Rutherford | Winkel |
| Burzynski | Peterson | Sieben | Wojcik |
| Cronin | Petka | Soden | |
| Geo-Karis | Radogno | Sullivan, D. | |
| Jones, J. | Righter | Sullivan, J. | |

This roll call verified.

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 in the Senate Amendment adopted thereto.

On motion of Senator Harmon, **House Bill No. 2330** having been read by title a third time on May 13, 2003, and pending roll call further consideration postponed, was taken up again on third reading.

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

Yeas 33; Nays 22.

The following voted in the affirmative:

| | | | |
|-----------|-----------|--------------|---------------|
| Clayborne | Halvorson | Meeks | Trotter |
| Collins | Harmon | Munoz | Viverito |
| Crotty | Hendon | Obama | Walsh |
| Cullerton | Hunter | Ronen | Welch |
| del Valle | Jacobs | Sandoval | Woolard |
| DeLeo | Lightford | Schoenberg | Mr. President |
| Demuzio | Link | Shadid | |
| Garrett | Maloney | Silverstein | |
| Haine | Martinez | Sullivan, J. | |

The following voted in the negative:

| | | | |
|-----------|-------------|------------|--------------|
| Althoff | Jones, W. | Righter | Sullivan, D. |
| Bomke | Lauzen | Risinger | Watson |
| Brady | Luechtefeld | Roskam | Winkel |
| Burzynski | Peterson | Rutherford | Wojcik |
| Cronin | Petka | Sieben | |
| Jones, J. | Radogno | Soden | |

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).

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Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sandoval, **House Bill No. 3396** having been read by title a third time on May 13, 2003, and pending roll call further consideration postponed, was taken up again on third reading.

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

Yeas 31; Nays 26; Present 1.

The following voted in the affirmative:

| | | | |
|-----------|-----------|----------------|---------------|
| Clayborne | Halvorson | Martinez | Silverstein |
| Collins | Harmon | Meeks | Trotter |
| Crotty | Hendon | Munoz | Viverito |
| Cullerton | Hunter | Obama | Walsh |
| del Valle | Jacobs | Rauschenberger | Welch |
| DeLeo | Lightford | Ronen | Woolard |
| Demuzio | Link | Sandoval | Mr. President |
| Haine | Maloney | Shadid | |

The following voted in the negative:

| | | | |
|-----------|-------------|--------------|--------------|
| Althoff | Geo-Karis | Radogno | Sullivan, J. |
| Bomke | Jones, J. | Righter | Syverson |
| Brady | Jones, W. | Risinger | Watson |
| Burzynski | Lauzen | Roskam | Winkel |
| Cronin | Luechtefeld | Sieben | Wojcik |
| Dillard | Peterson | Soden | |
| Garrett | Petka | Sullivan, D. | |

The following voted present:

Schoenberg

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 in the Senate Amendment adopted thereto.

On motion of Senator Sandoval, **Senate Bill No. 3530** having been read by title a third time on May 20, 2003, and pending roll call further consideration postponed, was taken up again on third reading.

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

Yeas 24; Nays 34; Present 1.

The following voted in the affirmative:

| | | | |
|-----------|-----------|-------------|---------------|
| Collins | Hendon | Munoz | Viverito |
| Crotty | Hunter | Obama | Walsh |
| Cullerton | Jacobs | Ronen | Mr. President |
| del Valle | Lightford | Sandoval | |
| DeLeo | Maloney | Shadid | |
| Demuzio | Martinez | Silverstein | |
| Harmon | Meeks | Trotter | |

The following voted in the negative:

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| | | | |
|-----------|-------------|----------------|--------------|
| Althoff | Haine | Rauschenberger | Sullivan, J. |
| Bomke | Jones, J. | Righter | Syverson |
| Brady | Jones, W. | Risinger | Watson |
| Burzynski | Lauzen | Roskam | Welch |
| Clayborne | Link | Rutherford | Winkel |
| Cronin | Luechtefeld | Schoenberg | Wojcik |
| Dillard | Peterson | Sieben | Woolard |
| Garrett | Petka | Soden | |
| Geo-Karis | Radogno | Sullivan, D. | |

The following voted present:

Halvorson

This bill, having failed to receive the vote of a constitutional majority of the members elected, was declared lost.

COMMITTEE MEETING ANNOUNCEMENT

Senator Silverstein, Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212 Capitol Building immediately upon adjournment.

At the hour of 1:05 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, May 22, 2003, at 12:00 o'clock noon.