



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIFTH GENERAL ASSEMBLY

33RD LEGISLATIVE DAY

TUESDAY, MAY 1, 2007

12:05 O'CLOCK P.M.

SENATE
Daily Journal Index
33rd Legislative Day

Action	Page(s)
Legislative Measure(s) Filed	4
Presentation of Senate Resolutions No'd. 159-161	5
Report from Rules Committee.....	13
Report Received.....	4

Bill Number	Legislative Action	Page(s)
SB 0113	Recalled - Amendment(s)	11
SB 0113	Third Reading	11
SB 0115	Third Reading	12
SB 0121	Recalled - Amendment(s)	13
SB 0121	Third Reading	19
SB 0124	Third Reading	19
SB 0128	Recalled - Amendment(s)	20
SB 0128	Third Reading	28
SB 0135	Third Reading	28
SB 0148	Third Reading	29
SB 0155	Recalled - Amendment(s)	30
SB 0155	Third Reading	30
SB 0158	Third Reading	31
HB 0147	First Reading	8
HB 0448	First Reading	8
HB 0586	First Reading	9
HB 0699	First Reading	9
HB 0742	First Reading	9
HB 0754	First Reading	9
HB 0825	First Reading	9
HB 0876	First Reading	9
HB 0928	First Reading	9
HB 0951	First Reading	9
HB 0982	First Reading	9
HB 1116	First Reading	9
HB 1259	First Reading	9
HB 1279	First Reading	9
HB 1284	First Reading	9
HB 1347	First Reading	9
HB 1359	First Reading	9
HB 1406	First Reading	9
HB 1434	First Reading	9
HB 1557	First Reading	9
HB 1638	First Reading	9
HB 1656	First Reading	9
HB 1662	First Reading	10
HB 1685	First Reading	10
HB 1752	First Reading	10
HB 1753	First Reading	10
HB 1775	First Reading	10
HB 1798	First Reading	10
HB 1847	First Reading	10
HB 1872	First Reading	10
HB 1876	First Reading	10

[May 1, 2007]

HB 1888	First Reading.....	10
HB 1917	First Reading.....	10
HB 1958	First Reading.....	10
HB 1960	First Reading.....	10
HB 1963	First Reading.....	10
HB 2036	First Reading.....	10
HB 2179	First Reading.....	10
HB 2304	First Reading.....	10
HB 2307	First Reading.....	10
HB 2808	First Reading.....	10
HB 3091	First Reading.....	11
HB 3131	First Reading.....	11
HB 3463	First Reading.....	11
HB 3490	First Reading.....	11
HB 3621	First Reading.....	11
HB 3649	First Reading.....	11
HB 3678	First Reading.....	11
HB 3728	First Reading.....	11

The Senate met pursuant to adjournment.
 Senator Rickey R. Hendon, Chicago, Illinois, presiding.
 Prayer by Reverend Debra Avery, Hope Presbyterian Church, Springfield, Illinois.
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Thursday, April 26, 2007, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Fact on Funds, a guide to Appropriated and Non-Appropriated Funds of the Illinois Treasury submitted by the Commission on Government Forecasting and Accountability.

Energy Efficiency Trust Fund Program Report for January 2006 through December 2006, submitted by Department of Commerce and Economic Opportunity.

Energy Conservation Technical Assistance Update 2006 Report, submitted by Department of Commerce and Economic Opportunity.

Renewable Energy Resources Program Report for January through December 2006, submitted by Department of Commerce and Economic Opportunity.

Veterans Care Report, September 1, 2006 through February 27, 2007, submitted by the Department of Healthcare and Family Services.

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

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 2 to Senate Bill 314
 Senate Floor Amendment No. 1 to Senate Bill 487
 Senate Floor Amendment No. 1 to Senate Bill 1007
 Senate Floor Amendment No. 3 to Senate Bill 1184

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

Senate Committee Amendment No. 1 to House Bill 236
 Senate Committee Amendment No. 1 to House Bill 328
 Senate Committee Amendment No. 1 to House Bill 508
 Senate Committee Amendment No. 1 to House Bill 574
 Senate Committee Amendment No. 1 to House Bill 616
 Senate Committee Amendment No. 1 to House Bill 625
 Senate Committee Amendment No. 2 to House Bill 722
 Senate Committee Amendment No. 1 to House Bill 743
 Senate Committee Amendment No. 1 to House Bill 841
 Senate Committee Amendment No. 1 to House Bill 1074
 Senate Committee Amendment No. 1 to House Bill 1611
 Senate Committee Amendment No. 1 to House Bill 1921

[May 1, 2007]

Senate Committee Amendment No. 1 to House Bill 1947

The following Floor amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to House Bill 328

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 159

Offered by Senator Clayborne and all Senators:
Mourns the death of Marshall Cash.

SENATE RESOLUTION 160

Offered by Senator Collins and all Senators:
Mourns the death of Cornelius "Neal" Welborn of Chicago.

SENATE RESOLUTION 161

Offered by Senator Holmes and all Senators:
Mourns the death of Thomas Peter Caffee of Aurora.

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

MESSAGES FROM THE HOUSE

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 147

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 448

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 876

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 1141

A bill for AN ACT concerning education.

HOUSE BILL NO. 1453

A bill for AN ACT concerning insurance.

HOUSE BILL NO. 1638

A bill for AN ACT concerning the environment.

HOUSE BILL NO. 1723

A bill for AN ACT concerning public employee benefits.

HOUSE BILL NO. 3764

A bill for AN ACT concerning government.

Passed the House, April 27, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 147, 448, 876, 1141, 1453, 1638, 1723 and 3764** were taken up, ordered printed and placed on first reading.

[May 1, 2007]

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 232
A bill for AN ACT concerning education.
HOUSE BILL NO. 1662
A bill for AN ACT concerning children.
HOUSE BILL NO. 2044
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 2179
A bill for AN ACT concerning veterans.
HOUSE BILL NO. 3091
A bill for AN ACT concerning local government.
HOUSE BILL NO. 3165
A bill for AN ACT concerning employment.
Passed the House, April 26, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 232, 1662, 2044, 2179, 3091 and 3165** were taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 472
A bill for AN ACT concerning local government.
HOUSE BILL NO. 656
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 699
A bill for AN ACT concerning local government.
HOUSE BILL NO. 1319
A bill for AN ACT concerning insurance.
HOUSE BILL NO. 1406
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 1875
A bill for AN ACT concerning transportation.
Passed the House, April 26, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 472, 656, 699, 1319, 1406 and 1875** were taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1231
A bill for AN ACT concerning public employee benefits.
HOUSE BILL NO. 1878
A bill for AN ACT in relation to homeless persons.

[May 1, 2007]

HOUSE BILL NO. 2036
 A bill for AN ACT concerning local government.
 HOUSE BILL NO. 2307
 A bill for AN ACT concerning local government.
 HOUSE BILL NO. 3218
 A bill for AN ACT concerning business.
 HOUSE BILL NO. 3666
 A bill for AN ACT concerning renewable fuels.
 Passed the House, April 26, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1231, 1878, 2036, 2307, 3218 and 3666** were taken up, ordered printed and placed on first reading.

A message from the House by
 Mr. Mahoney, Clerk:
 Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1346
 A bill for AN ACT concerning courts.
 HOUSE BILL NO. 1434
 A bill for AN ACT concerning education.
 HOUSE BILL NO. 1958
 A bill for AN ACT concerning business.
 HOUSE BILL NO. 3434
 A bill for AN ACT concerning State government.
 HOUSE BILL NO. 3728
 A bill for AN ACT concerning regulation.
 Passed the House, April 26, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1346, 1434, 1958, 3434 and 3728** were taken up, ordered printed and placed on first reading.

A message from the House by
 Mr. Mahoney, Clerk:
 Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 754
 A bill for AN ACT concerning telecommunications.
 Passed the House, April 27, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 754** was taken up, ordered printed and placed on first reading.

A message from the House by
 Mr. Mahoney, Clerk:
 Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 825

[May 1, 2007]

A bill for AN ACT concerning regulation.
HOUSE BILL NO. 928
A bill for AN ACT concerning employment.
HOUSE BILL NO. 1263
A bill for AN ACT concerning revenue.
HOUSE BILL NO. 1347
A bill for AN ACT concerning education.
HOUSE BILL NO. 1557
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 1798
A bill for AN ACT concerning civil law.
Passed the House, April 27, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 825, 928, 1263, 1347, 1557 and 1798** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1847
A bill for AN ACT concerning education.
HOUSE BILL NO. 2808
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 3131
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 3649
A bill for AN ACT concerning gaming.
Passed the House, April 27, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1847, 2808, 3131 and 3649** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 49
Concurred in by the House, April 27, 2007.

MARK MAHONEY, Clerk of the House

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 147, sponsored by Senator Koehler, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 448, sponsored by Senator Silverstein, was taken up, read by title a first time and referred to the Committee on Rules.

[May 1, 2007]

House Bill No. 586, sponsored by Senator Frerichs, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 699, sponsored by Senator Koehler, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 742, sponsored by Senator Frerichs, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 754, sponsored by Senator Forby, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 825, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 876, sponsored by Senator Noland, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 928, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 951, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 982, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1116, sponsored by Senator Frerichs, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1259, sponsored by Senator Delgado, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1279, sponsored by Senator Sandoval, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1284, sponsored by Senator Ronen, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1347, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1359, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1406, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1434, sponsored by Senator Sieben, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1557, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1638, sponsored by Senator Frerichs, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1656, sponsored by Senator Watson, was taken up, read by title a first time and referred to the Committee on Rules.

[May 1, 2007]

House Bill No. 1662, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1685, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1752, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1753, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1775, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1798, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1847, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1872, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1876, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1888, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1917, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1958, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1960, sponsored by Senator Bomke, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1963, sponsored by Senator Watson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2036, sponsored by Senator Righter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2179, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2304, sponsored by Senator DeLeo, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2307, sponsored by Senator Meeks, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2808, sponsored by Senator Delgado, was taken up, read by title a first time and referred to the Committee on Rules.

[May 1, 2007]

House Bill No. 3091, sponsored by Senator Hultgren, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3131, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3463, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3490, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3621, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3649, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3678, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3728, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

EXCUSED FROM ATTENDANCE

On motion of Senator Righter, Senator Lauzen was excused from attendance due to illness.

SENATE BILL RECALLED

On motion of Senator Syverson, **Senate Bill No. 113** was recalled from the order of third reading to the order of second reading.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 113

AMENDMENT NO. 3. Amend Senate Bill 113 as follows:

on page 3, by replacing lines 8 through 19 with the following:

"adoption and filing.

Notwithstanding any provision in this Section to the contrary, if an ordinance or resolution under this Section imposes or discontinues a tax or changes the tax rate as of July 1, 2007, then that ordinance or resolution must be adopted and a certified copy of that ordinance or resolution must be filed with the Department on or before May 1, 2007, whereupon the Department shall proceed to administer and enforce this Section as of July 1, 2007.

A".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senate Floor Amendment No. 4 was held in the Committee on Rules.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Syverson, **Senate Bill No. 113**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

[May 1, 2007]

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

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Forby	Link	Rutherford
Bomke	Frerichs	Luechtefeld	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Sieben
Burzynski	Halvorson	Millner	Silverstein
Clayborne	Harmon	Munoz	Sullivan
Collins	Hendon	Murphy	Syverson
Cronin	Holmes	Noland	Trotter
Crotty	Hultgren	Pankau	Viverito
Cullerton	Hunter	Peterson	Watson
Dahl	Jacobs	Radogno	Wilhelmi
DeLeo	Jones, J.	Raoul	Mr. President
Delgado	Koehler	Righter	
Demuzio	Kotowski	Risinger	
Dillard	Lightford	Ronen	

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

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

On motion of Senator Collins, **Senate Bill No. 115**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Bomke	Frerichs	Link	Ronen
Bond	Garrett	Luechtefeld	Rutherford
Brady	Haine	Maloney	Sandoval
Burzynski	Halvorson	Martinez	Schoenberg
Clayborne	Harmon	Millner	Sieben
Collins	Hendon	Munoz	Silverstein
Cronin	Holmes	Murphy	Sullivan
Crotty	Hultgren	Noland	Syverson
Cullerton	Hunter	Pankau	Trotter
Dahl	Jacobs	Peterson	Viverito
Delgado	Jones, J.	Radogno	Watson
Demuzio	Koehler	Raoul	Wilhelmi
Dillard	Kotowski	Righter	Mr. President
Forby	Lightford	Risinger	

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

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

[May 1, 2007]

At the hour of 12:20 o'clock p.m., Senator Link presiding.

REPORT FROM RULES COMMITTEE

Senator Halvorson, Chairperson of the Committee on Rules, during its May 1, 2007 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Human Services: **Senate Committee Amendment No. 1 to House Bill 616; Senate Committee Amendment No. 1 to House Bill 625.**

Judiciary Criminal Law: **Senate Committee Amendment No. 1 to House Bill 236; Senate Committee Amendment No. 1 to House Bill 508; Senate Committee Amendment No. 1 to House Bill 977.**

Public Health: **Senate Floor Amendment No. 1 to Senate Bill 1007; Senate Committee Amendment No. 1 to House Bill 1611.**

COMMITTEE MEETING ANNOUNCEMENT

Senator Garrett, Chairperson of the Committee on Public Health, announced that the Public Health Committee will meet today in Room 400, at 1:30 o'clock p.m.

SENATE BILL RECALLED

On motion of Senator Raoul, **Senate Bill No. 121** was recalled from the order of third reading to the order of second reading.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 121

AMENDMENT NO. 1. Amend Senate Bill 121 by replacing everything after the enacting clause with the following:

"Section 5. The Sex Offender Registration Act is amended by changing Sections 2 and 3 and by adding Section 3-5 as follows:

(730 ILCS 150/2) (from Ch. 38, par. 222)

Sec. 2. Definitions.

(A) As used in this Article, "sex offender" means any person who is:

(1) charged pursuant to Illinois law, or any substantially similar federal, Uniform

Code of Military Justice, sister state, or foreign country law, with a sex offense set forth in subsection (B) of this Section or the attempt to commit an included sex offense, and:

(a) is convicted of such offense or an attempt to commit such offense; or

(b) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(c) is found not guilty by reason of insanity pursuant to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(d) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(e) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(f) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the

[May 1, 2007]

alleged violation or attempted commission of such offense; or

(2) certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(3) subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) adjudicated a juvenile delinquent as the result of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, or found guilty under Article V of the Juvenile Court Act of 1987 of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Article.

For purposes of this Section, "convicted" shall have the same meaning as "adjudicated". ~~For the purposes of this Article, a person who is defined as a sex offender as a result of being adjudicated a juvenile delinquent under paragraph (5) of this subsection (A) upon attaining 17 years of age shall be considered as having committed the sex offense on or after the sex offender's 17th birthday. Registration of juveniles upon attaining 17 years of age shall not extend the original registration of 10 years from the date of conviction.~~

(B) As used in this Article, "sex offense" means:

(1) A violation of any of the following Sections of the Criminal Code of 1961:

- 11-20.1 (child pornography),
- 11-6 (indecent solicitation of a child),
- 11-9.1 (sexual exploitation of a child),
- 11-9.2 (custodial sexual misconduct),
- 11-9.5 (sexual misconduct with a person with a disability),
- 11-15.1 (soliciting for a juvenile prostitute),
- 11-18.1 (patronizing a juvenile prostitute),
- 11-17.1 (keeping a place of juvenile prostitution),
- 11-19.1 (juvenile pimping),
- 11-19.2 (exploitation of a child),
- 12-13 (criminal sexual assault),
- 12-14 (aggravated criminal sexual assault),
- 12-14.1 (predatory criminal sexual assault of a child),
- 12-15 (criminal sexual abuse),
- 12-16 (aggravated criminal sexual abuse),
- 12-33 (ritualized abuse of a child).

An attempt to commit any of these offenses.

(1.5) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age, the defendant is not a parent of the victim, the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act, and the offense was committed on or after January 1, 1996:

- 10-1 (kidnapping),
- 10-2 (aggravated kidnapping),
- 10-3 (unlawful restraint),
- 10-3.1 (aggravated unlawful restraint).

(1.6) First degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act.

(1.7) (Blank).

(1.8) A violation or attempted violation of Section 11-11 (sexual relations within

families) of the Criminal Code of 1961, and the offense was committed on or after June 1, 1997.

(1.9) Child abduction under paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act.

(1.10) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after July 1, 1999:

10-4 (forcible detention, if the victim is under 18 years of age), provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act,

11-6.5 (indecent solicitation of an adult),

11-15 (soliciting for a prostitute, if the victim is under 18 years of age),

11-16 (pandering, if the victim is under 18 years of age),

11-18 (patronizing a prostitute, if the victim is under 18 years of age),

11-19 (pimping, if the victim is under 18 years of age).

(1.11) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after August 22, 2002:

11-9 (public indecency for a third or subsequent conviction).

(1.12) A violation or attempted violation of Section 5.1 of the Wrongs to Children Act (permitting sexual abuse) when the offense was committed on or after August 22, 2002.

(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B) of this Section.

(C) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsections (B), (C), and (E) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person or a sexually violent person under any federal law, Uniform Code of Military Justice, or the law of another state or foreign country that is substantially equivalent to the Sexually Dangerous Persons Act or the Sexually Violent Persons Commitment Act shall constitute an adjudication for the purposes of this Article.

(C-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, against a person under 18 years of age, shall be required to register for natural life. A conviction for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (C-5) of this Section shall constitute a conviction for the purpose of this Article. This subsection (C-5) applies to a person who committed the offense before June 1, 1996 only if the person is incarcerated in an Illinois Department of Corrections facility on August 20, 2004 (the effective date of Public Act 93-977).

(D) As used in this Article, "law enforcement agency having jurisdiction" means the Chief of Police in each of the municipalities in which the sex offender expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(D-1) As used in this Article, "supervising officer" means the assigned Illinois Department of Corrections parole agent or county probation officer.

(E) As used in this Article, "sexual predator" means any person who, after July 1, 1999, is:

(1) Convicted for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (E) of this Section shall constitute a conviction for the purpose of this Article. Convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961, if the conviction occurred after July 1, 1999:

11-17.1 (keeping a place of juvenile prostitution),

11-19.1 (juvenile pimping),

11-19.2 (exploitation of a child),

11-20.1 (child pornography),

12-13 (criminal sexual assault),

12-14 (aggravated criminal sexual assault),
 12-14.1 (predatory criminal sexual assault of a child),
 12-16 (aggravated criminal sexual abuse),
 12-33 (ritualized abuse of a child); or

(2) (blank); or

(3) certified as a sexually dangerous person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) convicted of a second or subsequent offense which requires registration pursuant to this Act. The conviction for the second or subsequent offense must have occurred after July 1, 1999. For purposes of this paragraph (5), "convicted" shall include a conviction under any substantially similar Illinois, federal, Uniform Code of Military Justice, sister state, or foreign country law.

(F) As used in this Article, "out-of-state student" means any sex offender, as defined in this Section, or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher learning.

(G) As used in this Article, "out-of-state employee" means any sex offender, as defined in this Section, or sexual predator who works in Illinois, regardless of whether the individual receives payment for services performed, for a period of time of 10 or more days or for an aggregate period of time of 30 or more days during any calendar year. Persons who operate motor vehicles in the State accrue one day of employment time for any portion of a day spent in Illinois.

(H) As used in this Article, "school" means any public or private educational institution, including, but not limited to, any elementary or secondary school, trade or professional institution, or institution of higher education.

(I) As used in this Article, "fixed residence" means any and all places that a sex offender resides for an aggregate period of time of 5 or more days in a calendar year.

(Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06; 94-1053, eff. 7-24-06; revised 8-3-06.)

(730 ILCS 150/3) (from Ch. 38, par. 223)

Sec. 3. Duty to register.

(a) A sex offender, as defined in Section 2 of this Act, or sexual predator shall, within the time period prescribed in subsections (b) and (c), register in person and provide accurate information as required by the Department of State Police. Such information shall include a current photograph, current address, current place of employment, the employer's telephone number, school attended, extensions of the time period for registering as provided in this Article and, if an extension was granted, the reason why the extension was granted and the date the sex offender was notified of the extension. The information shall also include the county of conviction, license plate numbers for every vehicle registered in the name of the sex offender, the age of the sex offender at the time of the commission of the offense, the age of the victim at the time of the commission of the offense, and any distinguishing marks located on the body of the sex offender. ~~A person who has been adjudicated a juvenile delinquent for an act which, if committed by an adult, would be a sex offense shall register as an adult sex offender within 10 days after attaining 17 years of age.~~ The sex offender or sexual predator shall register:

(1) with the chief of police in the municipality in which he or she resides or is temporarily domiciled for a period of time of 5 or more days, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in the county in which he or she resides or is temporarily domiciled for a period of time of 5 or more days in an unincorporated area or, if incorporated, no police chief exists.

If the sex offender or sexual predator is employed at or attends an institution of higher education, he or she shall register:

(i) with the chief of police in the municipality in which he or she is employed at or attends an institution of higher education, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(ii) with the sheriff in the county in which he or she is employed or attends an institution of higher education located in an unincorporated area, or if incorporated, no police chief exists.

For purposes of this Article, the place of residence or temporary domicile is defined as any and all places where the sex offender resides for an aggregate period of time of 5 or more days during any calendar year. Any person required to register under this Article who lacks a fixed address or temporary domicile must notify, in person, the agency of jurisdiction of his or her last known address within 5 days after ceasing to have a fixed residence.

Any person who lacks a fixed residence must report weekly, in person, with the sheriff's office of the county in which he or she is located in an unincorporated area, or with the chief of police in the municipality in which he or she is located. The agency of jurisdiction will document each weekly registration to include all the locations where the person has stayed during the past 7 days.

The sex offender or sexual predator shall provide accurate information as required by the Department of State Police. That information shall include the sex offender's or sexual predator's current place of employment.

(a-5) An out-of-state student or out-of-state employee shall, within 5 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence. The out-of-state student or out-of-state employee shall register:

(1) with the chief of police in the municipality in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in the county in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists.

The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(b) Any sex offender, as defined in Section 2 of this Act, or sexual predator, regardless of any initial, prior, or other registration, shall, within 5 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).

(c) The registration for any person required to register under this Article shall be as follows:

(1) Any person registered under the Habitual Child Sex Offender Registration Act or the Child Sex Offender Registration Act prior to January 1, 1996, shall be deemed initially registered as of January 1, 1996; however, this shall not be construed to extend the duration of registration set forth in Section 7.

(2) Except as provided in subsection (c)(4), any person convicted or adjudicated prior to January 1, 1996, whose liability for registration under Section 7 has not expired, shall register in person prior to January 31, 1996.

(2.5) Except as provided in subsection (c)(4), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then register within 5 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender attempted to avoid registration, the offender will no longer be required to register under this Act.

(3) Except as provided in subsection (c)(4), any person convicted on or after January 1, 1996, shall register in person within 5 days after the entry of the sentencing order based upon his or her conviction.

(4) Any person unable to comply with the registration requirements of this Article because he or she is confined, institutionalized, or imprisoned in Illinois on or after January 1, 1996, shall register in person within 5 days of discharge, parole or release.

(5) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address.

(6) The person shall pay a \$20 initial registration fee and a \$10 annual renewal fee.

The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee. Ten dollars for the initial registration fee and \$5 of the annual renewal fee shall be used by the registering agency for official purposes. Ten dollars of the initial registration fee and \$5 of

the annual fee shall be deposited into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and shall be used to fund practices endorsed or required by the Sex Offender Management Board Act including but not limited to sex offenders evaluation, treatment, or monitoring programs that are or may be developed, as well as for administrative costs, including staff, incurred by the Board.

(d) Within 5 days after obtaining or changing employment and, if employed on January 1, 2000, within 5 days after that date, a person required to register under this Section must report, in person to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

(Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

(730 ILCS 150/3-5 new)

Sec. 3-5. Application of Act to adjudicated juvenile delinquents.

(a) In all cases involving an adjudicated juvenile delinquent who meets the definition of sex offender as set forth in paragraph (5) of subsection (A) of Section 2 of this Act, the court shall order the minor to register as a sex offender.

(b) Once an adjudicated juvenile delinquent is ordered to register as a sex offender, the adjudicated juvenile delinquent shall be subject to the registration requirements set forth in Sections 3, 6, 6-5, 8, 8-5, and 10 for the term of his or her registration.

(c) For a minor adjudicated delinquent for an offense which, if charged as an adult, would be a felony, no less than 5 years after registration ordered pursuant to subsection (a) of this Section, the minor may petition for the termination of the term of registration. For a minor adjudicated delinquent for an offense which, if charged as an adult, would be a misdemeanor, no less than 2 years after registration ordered pursuant to subsection (a) of this Section, the minor may petition for termination of the term of registration.

(d) The court may upon a hearing on the petition for termination of registration, terminate registration if the court finds that the registrant poses no risk to the community by a preponderance of the evidence based upon the factors set forth in subsection (e).

(e) To determine whether a registrant poses a risk to the community as required by subsection (d), the court shall consider the following factors:

(1) a risk assessment performed by an evaluator approved by the Sex Offender Management Board;

(2) the sex offender history of the adjudicated juvenile delinquent;

(3) evidence of the adjudicated juvenile delinquent's rehabilitation;

(4) the age of the adjudicated juvenile delinquent at the time of the offense;

(5) information related to the adjudicated juvenile delinquent's mental, physical, educational, and social history;

(6) victim impact statements; and

(7) any other factors deemed relevant by the court.

(f) At the hearing set forth in subsections (c) and (d), a registrant shall be represented by counsel and may present a risk assessment conducted by an evaluator who is a licensed psychiatrist, psychologist, or other mental health professional, and who has demonstrated clinical experience in juvenile sex offender treatment.

(g) After a registrant completes the term of his or her registration, his or her name, address, and all other identifying information shall be removed from all State and local registries.

(h) This Section applies retroactively to cases in which adjudicated juvenile delinquents who registered or were required to register before the effective date of this amendatory Act of the 95th General Assembly. On or after the effective date of this amendatory Act of the 95th General Assembly, a person adjudicated delinquent before the effective date of this amendatory Act of the 95th General Assembly may request a hearing regarding status of registration by filing a Petition Requesting Registration Status with the clerk of the court. Upon receipt of the Petition Requesting Registration Status, the clerk of the court shall provide notice to the parties and set the Petition for hearing pursuant to subsections (c) through (e) of this Section.

(i) This Section does not apply to minors prosecuted under the criminal laws as adults.

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

The motion prevailed.

[May 1, 2007]

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Raoul, **Senate Bill No. 121**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 43; Nays 10.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rutherford
Bond	Garrett	Maloney	Schoenberg
Burzynski	Haine	Martinez	Sieben
Clayborne	Halvorson	Meeks	Silverstein
Collins	Harmon	Millner	Sullivan
Cronin	Hendon	Noland	Syverson
Crotty	Hultgren	Peterson	Trotter
Cullerton	Hunter	Radogno	Viverito
Delgado	Koehler	Raoul	Wilhelmi
Demuzio	Kotowski	Risinger	Mr. President
Dillard	Lightford	Ronen	

The following voted in the negative:

Bomke	Forby	Jones, J.	Watson
Brady	Holmes	Pankau	
Dahl	Jacobs	Righter	

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

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

On motion of Senator Raoul, **Senate Bill No. 124**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Ronen
Bond	Garrett	Luechtefeld	Rutherford
Brady	Haine	Maloney	Schoenberg
Burzynski	Halvorson	Martinez	Sieben
Clayborne	Harmon	Meeks	Silverstein
Collins	Hendon	Millner	Sullivan
Cronin	Holmes	Murphy	Syverson
Crotty	Hultgren	Noland	Trotter
Cullerton	Hunter	Pankau	Viverito

Dahl	Jacobs	Peterson	Watson
Delgado	Jones, J.	Radogno	Wilhelmi
Demuzio	Koehler	Raoul	Mr. President
Dillard	Kotowski	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator E. Jones, **Senate Bill No. 128** was recalled from the order of third reading to the order of second reading.

Senator E. Jones offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 128

AMENDMENT NO. 2. Amend Senate Bill 128 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.18 and by adding Section 4.28 as follows:

(5 ILCS 80/4.18)

Sec. 4.18. Acts repealed January 1, 2008 and December 31, 2008.

(a) The following Acts are repealed on January 1, 2008:

The Acupuncture Practice Act.

~~The Clinical Social Work and Social Work Practice Act.~~

The Home Medical Equipment and Services Provider License Act.

The Nursing and Advanced Practice Nursing Act.

The Illinois Speech-Language Pathology and Audiology Practice Act.

The Marriage and Family Therapy Licensing Act.

The Nursing Home Administrators Licensing and Disciplinary Act.

The Pharmacy Practice Act of 1987.

The Physician Assistant Practice Act of 1987.

The Podiatric Medical Practice Act of 1987.

The Structural Pest Control Act.

(b) The following Acts are repealed on December 31, 2008:

The Medical Practice Act of 1987.

The Environmental Health Practitioner Licensing Act.

(Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06; 94-1085, eff. 1-19-07; revised 1-22-07.)

(5 ILCS 80/4.28 new)

Sec. 4.28. Act repealed on January 1, 2018. The following Act is repealed on January 1, 2018:

The Clinical Social Work and Social Work Practice Act.

Section 10. The Clinical Social Work and Social Work Practice Act is amended by changing Sections 3, 5, 6, 9, 10.5, 11, 12.5, 14, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, and 32 and by adding Section 7.3 as follows:

(225 ILCS 20/3) (from Ch. 111, par. 6353)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Definitions: The following words and phrases shall have the meanings ascribed to them in this Section unless the context clearly indicates otherwise:

1. "Department" means the Department of Financial and Professional Regulation.

2. "~~Secretary Director~~" means the Secretary Director of Financial and ~~the Department of~~ Professional Regulation.

3. "Board" means the Social Work Examining and Disciplinary Board.

4. "Licensed Clinical Social Worker" means a person who holds a license authorizing the independent practice of clinical social work in Illinois under the auspices of an employer or in private practice or under the auspices of public human service agencies or private, nonprofit agencies providing

[May 1, 2007]

publicly-sponsored human services.

5. "Clinical social work practice" means the providing of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders in individuals, families and groups based on knowledge and theory of professionally accepted theoretical structures, including, but not limited to, psychosocial development, behavior, psychopathology, unconscious motivation, interpersonal relationships, and environmental stress.

6. "Treatment procedures" means among other things, individual, marital, family and group psychotherapy.

7. "Independent practice of clinical social work" means the application of clinical social work knowledge and skills by a licensed clinical social worker who regulates and is responsible for her or his own practice or treatment procedures.

8. "License" means that which is required to practice clinical social work or social work under this Act, the qualifications for which include specific education, acceptable experience and examination requirements.

9. "Licensed social worker" means a person who holds a license authorizing the practice of social work, which includes social services to individuals, groups or communities in any one or more of the fields of social casework, social group work, community organization for social welfare, social work research, social welfare administration or social work education. Social casework and social group work may also include clinical social work, as long as it is not conducted in an independent practice, as defined in this Section.

10. "Address of record" means the address recorded by the Department in the applicant's or licensee's application file or license file, as maintained by the Department's licensure maintenance unit.

(Source: P.A. 85-1440.)

(225 ILCS 20/5) (from Ch. 111, par. 6355)

(Section scheduled to be repealed on January 1, 2008)

Sec. 5. Powers and duties of the Department.

1. The Department shall exercise the powers and duties as set forth in this Act.

2. The ~~Secretary~~ ~~Director~~ shall promulgate rules consistent with the provisions of this Act for the administration and enforcement thereof, and shall prescribe forms which shall be issued in connection therewith.

3. In addition, the Department shall:

(a) Establish rules for determining approved undergraduate and graduate social work degree programs and prepare and maintain a list of colleges and universities offering such approved programs whose graduates, if they otherwise meet the requirements of this Act, are eligible to apply for a license.

(b) Promulgate rules, as may be necessary, for the administration of this Act and to carry out the purposes thereof and to adopt the methods of examination of candidates and to provide for the issuance of licenses authorizing the independent practice of clinical social work or the practice of social work.

(c) Authorize examinations to ascertain the qualifications and fitness of candidates for a license to engage in the independent practice of clinical social work and in the practice of social work, and to determine the qualifications of applicants from other jurisdictions to practice in Illinois.

(d) Maintain rosters of the names and addresses of all licensees, and all persons whose licenses have been suspended, revoked or denied renewal for cause within the previous calendar year. These rosters shall be available upon written request and payment of the required fee.

(Source: P.A. 85-1131.)

(225 ILCS 20/6) (from Ch. 111, par. 6356)

(Section scheduled to be repealed on January 1, 2008)

Sec. 6. Social Work Examining and Disciplinary Board.

(1) The ~~Secretary~~ ~~Director~~ shall appoint a Social Work Examining and Disciplinary Board consisting of 9 persons who shall serve in an advisory capacity to the ~~Secretary~~ ~~Director~~. The Board shall be composed of 6 ~~5~~ licensed clinical social workers, one of whom shall be employed in a public human service agency, one of whom shall be a certified school social worker, one of whom shall be employed in the private not-for-profit sector and one of whom shall serve as the chairperson, two licensed social workers, and one member ~~2 members~~ of the public who ~~is~~ ~~are~~ not regulated under this Act or a similar Act and who clearly ~~represents~~ ~~represent~~ consumer interests.

(2) Members shall serve for a term of 4 years and until their successors are appointed and qualified. No member shall be reappointed if such reappointment would cause that person's service on the Board to be longer than 8 successive years. Appointments to fill vacancies for the unexpired portion of a vacated term shall be made in the same manner as original appointments.

(3) The membership of the Board should represent racial and cultural diversity and reasonably reflect

representation from different geographic areas of Illinois.

(4) The ~~Secretary Director~~ may terminate the appointment of any member for cause.

(5) The ~~Secretary Director~~ shall consider the recommendation of the Board on all matters and questions relating to this Act.

(6) The Board is charged with the duties and responsibilities of recommending to the ~~Secretary Director~~ the adoption of all policies, procedures and rules which may be required or deemed advisable in order to perform the duties and functions conferred on the Board, the ~~Secretary Director~~ and the Department to carry out the provisions of this Act.

(7) The Board ~~may shall~~ make recommendations on all matters relating to continuing education including the number of hours necessary for license renewal, waivers for those unable to meet such requirements and acceptable course content. Such recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking license renewal.

(8) The Board shall annually elect one of its members as chairperson and one as vice chairperson.

(9) Members of the Board shall be reimbursed for all authorized legitimate and necessary expenses incurred in attending the meetings of the Board.

(10) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

(11) Members of the Board shall have no liability in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Board.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/7.3 new)

Sec. 7.3. Change of address. An applicant or licensee must inform the Department of any change of address, and such changes must be made either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 20/9) (from Ch. 111, par. 6359)

(Section scheduled to be repealed on January 1, 2008)

Sec. 9. Qualification for clinical social worker license License. A person shall be qualified to be licensed as a clinical social worker and the Department shall issue a license authorizing the independent practice of clinical social work to an applicant who:

(1) has applied in writing on the prescribed form;

(2) is of good moral character. In determining good moral character, the Department may take into consideration whether the applicant was engaged in conduct or actions that would constitute grounds for discipline under this Act;

(3) (A) demonstrates to the satisfaction of the Department that subsequent to securing a master's degree in social work from an approved program the applicant has successfully completed at least 3,000 hours of satisfactory, supervised clinical professional experience; or

(B) demonstrates to the satisfaction of the Department that such applicant has received

a doctor's degree in social work from an approved program and has completed at least 2,000 hours of satisfactory, supervised clinical professional experience subsequent to the degree;

(4) has passed the examination for the practice of clinical social work as authorized by the Department; and

(5) has paid the required fees.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/10.5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a clinical social worker or social worker without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed ~~\$10,000~~ \$5,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/11) (from Ch. 111, par. 6361)

(Section scheduled to be repealed on January 1, 2008)

[May 1, 2007]

Sec. 11. Licenses; renewal; restoration; person in military service; inactive status.

(a) ~~The expiration date and renewal period for each license. A license shall be issued for a 2-year period; however the expiration date for licenses issued under this Act shall be set by rule. The licensee may renew a license during the 60-day 30-day period preceding its expiration date by paying the required fee and by demonstrating compliance with any continuing education requirements. The Department shall adopt rules establishing minimum requirements of continuing education and means for verification of the completion of the continuing education requirements. The Department may, by rule, specify circumstances under which the continuing education requirements may be waived. Proof of having met the minimum requirements of continuing education, as determined by rule, shall be required for all license renewals. Pursuant to rule, the continuing education requirements may, upon petition to the Board, be waived in whole or in part for licensed social workers or licensed clinical social workers who can demonstrate their service in the Coast Guard or Armed Forces during the period in question, an extreme hardship, or that the license was obtained by examination or endorsement within the preceding renewal period. The Department shall establish, by rule, a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished by audits of records maintained by licensees, by requiring the filing of continuing education records with the Department or an organization selected by the Department to maintain these records, or by other means established by the Department.~~

(b) Any person who has permitted a license to expire or who has a license on inactive status may have it restored by ~~submitting~~ ~~making~~ an application to the Department and filing proof of fitness ~~as defined by rule~~, to have the license restored, including, if appropriate, evidence ~~;~~ which is satisfactory to the Department; certifying the active practice of clinical social work or social work in another jurisdiction and by paying the required fee.

~~(b-5) If the person has not maintained an active practice in another jurisdiction which is satisfactory to the Department, the Department shall determine ~~;~~ by an evaluation program recommended by the Board and established by rule, the person's fitness to resume active status and the Department may require the person to pass an examination. The Department, with the recommendation of the Board, may also require the person to complete a specific period of evaluated clinical social work or social work experience and may require successful completion of an examination.~~

~~(b-7) Notwithstanding any other provision of this Act. However, any person whose license expired while on active duty with the armed forces of the United States, while called into service or training with the State Militia or in training or education under the supervision of the United States government prior to induction into the military service may have his or her license restored without paying any renewal fees if, within 2 years after the honorable termination of that service, training or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and that the service, training or education has been so terminated.~~

~~(c) A license to practice shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment. Any person who notifies the Department, in writing on forms prescribed by the Department, may place his license on inactive status and shall be excused from the payment of renewal fees until the person notifies the Department in writing of his intention to resume active practice.~~

~~Any person requesting that his license be changed from inactive to active status shall be required to pay the current renewal fee and shall also demonstrate compliance with the continuing education requirements.~~

~~(d)(Blank). Any licensed clinical social worker or licensed social worker whose license is on inactive status shall not engage in the independent practice of clinical social work or in the practice of social work in the State of Illinois. If an individual engages in the independent practice of clinical social work or in the practice of social work while on inactive status, that individual is considered to be practicing without a license and is subject to the disciplinary provisions of this Act.~~

~~(e) (Blank).~~

~~(f) (Blank).~~

~~(g) The Department shall indicate on each license the academic degree of the licensee.~~

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/12.5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 12.5. Endorsement. The Department may issue a license as a clinical social worker or as a social worker, without the required examination, to an applicant licensed under the laws of another jurisdiction if the requirements for licensure in that jurisdiction are, on the date of licensure, substantially equivalent to the requirements of this Act or to any person who, at the time of his or her licensure, possessed

individual qualifications that were substantially equivalent to the requirements then in force in this State. An applicant under this Section shall pay the required fees.

~~Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.~~

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/14) (from Ch. 111, par. 6364)

(Section scheduled to be repealed on January 1, 2008)

Sec. 14. Checks or order to Department dishonored because of insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The ~~Secretary Director~~ may waive the fines due under this Section in individual cases where the ~~Secretary Director~~ finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 20/19) (from Ch. 111, par. 6369)

(Section scheduled to be repealed on January 1, 2008)

Sec. 19. Grounds for disciplinary action.

(1) The Department may refuse to issue, refuse to renew, suspend, or revoke any license, or may place on probation, censure, reprimand, or take other disciplinary or non-disciplinary action deemed appropriate by the Department, including the imposition of fines not to exceed ~~\$10,000~~ ~~\$1,000~~ for each violation, with regard to any license issued under the provisions of this Act for any one or a combination of the following reasons:

- (a) material misstatements of fact in furnishing information to the Department or to any other State agency or in furnishing information to any insurance company with respect to a claim on behalf of a licensee or a patient;
- (b) violations or negligent or intentional disregard of this Act, or any of the rules promulgated hereunder;
- (c) conviction of or entry of a plea of guilty or nolo contendere to any crime ~~that is a felony~~ under the laws of the United States or any state or territory thereof or that is a felony or misdemeanor, of which an essential element is dishonesty, or of any crime ~~that~~ which is directly related to the practice of the clinical social work or social work professions;
- (d) making any misrepresentation for the purpose of obtaining licenses, or violating any provision of this Act or any of the rules promulgated hereunder;
- (e) professional incompetence;
- (f) malpractice;
- (g) aiding or assisting another person in violating any provision or this Act or any rules;
- (h) failing to provide information within ~~30~~ ~~60~~ days 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 as defined by the rules of the Department, or violating the rules of professional conduct adopted by the Board and published by the Department;
- (j) habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a clinical social worker's or social worker's inability to practice with reasonable judgment, skill, or safety;
- (k) discipline by another jurisdiction, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;
- (l) directly or indirectly giving to or receiving from any person, firm, corporation,

[May 1, 2007]

partnership or association any fee, commission, rebate or other form of compensation for any professional service not actually rendered;

(m) a finding by the Board that the licensee, after having the license placed on probationary status, has violated the terms of probation;

(n) abandonment, without cause, of a client;

(o) wilfully filing false reports relating to a licensee's practice, including but not limited to false records filed with Federal or State agencies or departments;

(p) wilfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act;

(q) being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be or failed to take reasonable steps to prevent a child from being an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act;

(r) physical illness, or mental illness, or any other impairment or disability, including, but not limited to, deterioration through the aging process,

or loss of motor abilities and skills that ~~which~~ results in the inability to practice the profession with reasonable judgment, skill or safety;

(s) solicitation of professional services by using false or misleading advertising; or

(t) violation of the Health Care Worker Self-Referral Act.

(2) (Blank).

(3) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, will result in an automatic suspension of his license. Such suspension will end upon a finding by a court that the licensee 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 ~~Secretary~~ ~~Director~~ that the licensee be allowed to resume professional practice.

(4) The Department may refuse to issue or renew or may suspend the license of a person who (i) fails to file a return, pay the tax, penalty, or interest shown in a filed return, or pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied or (ii) has failed to pay any court-ordered child support as determined by a court order or by referral from the Department of Healthcare and Family Services.

(5) In enforcing this Section, the Board upon a showing of a possible violation may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the ~~Secretary~~ ~~Director~~ for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

In instances in which the ~~Secretary~~ ~~Director~~ immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Board within 30 ~~45~~ days after the suspension and completed without appreciable delay. The Board shall have the authority to review the subject person's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

A person licensed under this Act and affected under this Section shall be afforded an opportunity to

demonstrate to the Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/20) (from Ch. 111, par. 6370)

(Section scheduled to be repealed on January 1, 2008)

Sec. 20. Violations - Injunction - Cease and desist order. 1. If any person violates the provisions of this Act, the ~~Secretary~~ ~~Director~~ may, in the name of the People of the State of Illinois, through the Attorney General, petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order without notice or bond, and may preliminarily and permanently enjoin such violation. If it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to all other remedies and penalties provided by this Act.

2. If any person shall hold herself or himself out as a licensed clinical social worker or licensed social worker and is not licensed under this Act, then any licensed clinical social worker, licensed social worker, interested party or any person injured thereby may petition for relief as provided in subsection (1) of this Section.

3. Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against such person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

(Source: P.A. 85-1131.)

(225 ILCS 20/21) (from Ch. 111, par. 6371)

(Section scheduled to be repealed on January 1, 2008)

Sec. 21. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person holding or claiming to hold a license. The Department shall, before refusing to issue or renew a license, at least 30 days prior to the date set for the hearing, notify, in writing, the applicant for, or holder of, a license of the nature of the charges and that a hearing will be held on the date designated. The Department shall direct the applicant or licensee to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the applicant or licensee and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the ~~Secretary~~ ~~Director~~ may deem proper. Written notice may be served by personal delivery or certified or registered mail to the applicant or licensee at the applicant's last address of record ~~the last notification to the Department~~. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Board may continue a hearing from time to time.

(Source: P.A. 87-1031.)

(225 ILCS 20/23) (from Ch. 111, par. 6373)

(Section scheduled to be repealed on January 1, 2008)

Sec. 23. Subpoenas - Depositions - Oaths. The Department shall have the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

The ~~Secretary~~ ~~Director~~, the designated hearing officer and every member of the Board shall have power to administer oaths to witnesses at any hearing which the Department is authorized to conduct, and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 85-967.)

(225 ILCS 20/24) (from Ch. 111, par. 6374)

(Section scheduled to be repealed on January 1, 2008)

Sec. 24. Compelling Testimony. Any court, upon application of the Department, designated hearing officer or the applicant or licensee against whom proceedings under Section ~~19~~ ~~17~~ of this Act are pending, may enter an order requiring the attendance of witnesses and their testimony, and the

[May 1, 2007]

production of documents, papers, files, books and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 85-967.)

(225 ILCS 20/25) (from Ch. 111, par. 6375)

(Section scheduled to be repealed on January 1, 2008)

Sec. 25. Findings and recommendations. At the conclusion of the hearing the Board shall present to the ~~Secretary Director~~ a written report of its findings of fact, conclusions of law and recommendations. The report shall contain a finding whether or not the licensee violated this act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the ~~Secretary Director~~.

The report of findings of fact, conclusions of law and recommendation of the Board shall be the basis for the Department's order or refusal or for the granting of the license. If the ~~Secretary Director~~ disagrees with the recommendations of the Board, the ~~Secretary Director~~ may issue an order in contravention thereof. The ~~Secretary Director~~ shall provide a written report to the Board on any disagreement and shall specify the reasons for said action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 85-967.)

(225 ILCS 20/26) (from Ch. 111, par. 6376)

(Section scheduled to be repealed on January 1, 2008)

Sec. 26. Board - Rehearing. In any case involving the refusal to issue or to renew a license or to discipline a licensee, a copy of the Board's report shall be served upon the applicant or licensee by the Department, either personally or by registered or certified mail or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the applicant or licensee may present to the Department a motion in writing for a rehearing which shall specify the particular grounds therefor. If no motion for a rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the ~~Secretary Director~~ may enter an order in accordance with recommendations of the Board, except as provided in Section 25 of this Act. ~~If the applicant or licensee requests and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which such a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.~~

(Source: P.A. 86-615.)

(225 ILCS 20/27) (from Ch. 111, par. 6377)

(Section scheduled to be repealed on January 1, 2008)

Sec. 27. ~~Rehearing Director; rehearing~~. Whenever the ~~Secretary Director~~ believes justice has not been done in the revocation, suspension, or discipline of a license or refusal to issue or renew a license, he or she may order a rehearing.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/28) (from Ch. 111, par. 6378)

(Section scheduled to be repealed on January 1, 2008)

Sec. 28. Appointment of a hearing officer. The ~~Secretary Director~~ shall have the authority to appoint any attorney licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or permit or to discipline a licensee. The ~~Secretary Director~~ shall promptly notify the Board of any such appointment. The hearing officer shall have full authority to conduct the hearing. ~~At least one member of the Board shall attend each hearing.~~ The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Board and to the ~~Secretary Director~~. ~~Upon receipt of the report, the Board shall have at least 60 days after receipt of the report to review it and to present its findings of fact, conclusions of law and recommendation to the Secretary Director.~~ If the Board does not present its report ~~within the 60 days period~~, the ~~Secretary Director~~ may issue an order based on the report of the hearing officer. If the ~~Secretary Director~~ disagrees with the recommendation of the Board or of the hearing officer, the ~~Secretary Director~~ may issue an order in contravention of the Board's report. The ~~Secretary Director~~ shall promptly provide a written explanation to the Board on any such disagreement, and shall specify the reasons for such action in the final order.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/29) (from Ch. 111, par. 6379)

(Section scheduled to be repealed on January 1, 2008)

Sec. 29. Order or certified copy thereof - prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the ~~Secretary Director~~, shall be prima facie

proof that:

- (1) Such signature is the genuine signature of the Secretary Director;
- (2) Such Secretary Director is duly appointed and qualified; and
- (3) The Board and the members thereof are qualified to act.

(Source: P.A. 85-967.)

(225 ILCS 20/32) (from Ch. 111, par. 6382)

(Section scheduled to be repealed on January 1, 2008)

Sec. 32. Temporary suspension of a license. The Secretary Director may temporarily suspend the license of a licensed clinical social worker or licensed social worker without a hearing simultaneously with the institution of proceedings for a hearing provided for in Section 21 of this Act if the Secretary Director finds conclusive evidence indicating that a licensee's continuation in practice would constitute an imminent danger to the public. In the event the Secretary Director temporarily suspends such license without a hearing, a hearing by the Board shall be held within 30 days after such suspension has occurred.

(Source: P.A. 85-1131.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator E. Jones, **Senate Bill No. 128**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Schoenberg
Bond	Haine	Martinez	Sieben
Brady	Halvorson	Meeks	Silverstein
Burzynski	Harmon	Millner	Sullivan
Clayborne	Hendon	Munoz	Syverson
Collins	Holmes	Murphy	Trotter
Cronin	Hultgren	Noland	Viverito
Crotty	Hunter	Pankau	Watson
Cullerton	Jacobs	Peterson	Wilhelmi
Dahl	Jones, J.	Radogno	Mr. President
Delgado	Koehler	Raoul	
Demuzio	Kotowski	Righter	
Dillard	Lightford	Risinger	
Forby	Link	Ronen	

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

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

On motion of Senator Cullerton, **Senate Bill No. 135**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

[May 1, 2007]

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Schoenberg
Bond	Haine	Martinez	Sieben
Brady	Halvorson	Meeks	Silverstein
Burzynski	Harmon	Millner	Sullivan
Clayborne	Hendon	Munoz	Syverson
Collins	Holmes	Murphy	Trotter
Cronin	Hultgren	Noland	Viverito
Crotty	Hunter	Pankau	Watson
Cullerton	Jacobs	Peterson	Wilhelmi
Dahl	Jones, J.	Radogno	Mr. President
Delgado	Koehler	Raoul	
Demuzio	Kotowski	Righter	
Dillard	Lightford	Risinger	
Forby	Link	Ronen	

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

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

On motion of Senator Cullerton, **Senate Bill No. 148**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Schoenberg
Bond	Haine	Martinez	Sieben
Brady	Halvorson	Meeks	Silverstein
Burzynski	Harmon	Millner	Sullivan
Clayborne	Hendon	Munoz	Syverson
Collins	Holmes	Murphy	Trotter
Cronin	Hultgren	Noland	Viverito
Crotty	Hunter	Pankau	Watson
Cullerton	Jacobs	Peterson	Wilhelmi
Dahl	Jones, J.	Radogno	Mr. President
Delgado	Koehler	Raoul	
Demuzio	Kotowski	Righter	
Dillard	Lightford	Risinger	
Forby	Link	Ronen	

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

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

[May 1, 2007]

SENATE BILL RECALLED

On motion of Senator Link, **Senate Bill No. 155** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 155

AMENDMENT NO. 2. Amend Senate Bill 155 as follows:

on page 3, immediately below line 8, by inserting the following:

"(7) Waterproofing applications of non-pigmented coatings.

(8) Staining of concrete.

(9) Removal and application of materials related to the abatement of asbestos."; and

on page 7, line 5, after "qualify", by inserting "as"; and

on page 7, line 10, before "business", by inserting "the"; and

on page 8, line 21, by replacing "areas" with "other areas related to the profession"; and

on page 17, line 20, after "he", by inserting "or she"; and

on page 26, by replacing lines 16 through 22 with the following:

"Section 900. The Regulatory Sunset Act is amended by changing Section 4.21 as follows:
(5 ILCS 80/4.21)

Sec. 4.21. Acts repealed on January 1, 2011. The following Acts are repealed on January 1, 2011:

The Fire Equipment Distributor and Employee Regulation Act of 2000.

The Radiation Protection Act of 1990.

The Painting, Drywall Finishing, and Glazing Contractor Licensing Act.

(Source: P.A. 91-752, eff. 6-2-00; 91-835, eff. 6-16-00; 92-16, eff. 6-28-01.)."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Link, **Senate Bill No. 155**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays 1; Present 1.

The following voted in the affirmative:

Althoff	Frerichs	Luechtefeld	Ronen
Bomke	Garrett	Maloney	Rutherford
Bond	Haine	Martinez	Schoenberg
Brady	Harmon	Meeks	Sieben
Burzynski	Hendon	Millner	Silverstein
Clayborne	Holmes	Munoz	Sullivan

[May 1, 2007]

Collins	Hultgren	Murphy	Syverson
Cronin	Hunter	Noland	Trotter
Crotty	Jacobs	Pankau	Viverito
Cullerton	Jones, J.	Peterson	Watson
Delgado	Koehler	Radogno	Wilhelmi
Demuzio	Kotowski	Raoul	Mr. President
Dillard	Lightford	Righter	
Forby	Link	Risinger	

The following voted in the negative:

Dahl

The following voted present:

Halvorson

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

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

On motion of Senator Garrett, **Senate Bill No. 158**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays 1.

The following voted in the affirmative:

Althoff	Forby	Link	Risinger
Bomke	Frerichs	Luechtefeld	Ronen
Bond	Garrett	Maloney	Rutherford
Brady	Haine	Martinez	Schoenberg
Burzynski	Halvorson	Meeks	Sieben
Clayborne	Harmon	Millner	Silverstein
Collins	Hendon	Munoz	Sullivan
Cronin	Holmes	Murphy	Syverson
Crotty	Hultgren	Noland	Trotter
Cullerton	Hunter	Pankau	Viverito
Dahl	Jones, J.	Peterson	Watson
Delgado	Koehler	Radogno	Wilhelmi
Demuzio	Kotowski	Raoul	Mr. President
Dillard	Lightford	Righter	

The following voted in the negative:

Jacobs

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

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

At the hour of 1:03 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, May 2, 2007, at 11:00 o'clock a.m.

[May 1, 2007]