

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

14TH LEGISLATIVE DAY

TUESDAY, MARCH 20, 2001

12:00 O'CLOCK NOON

No. 14  
[Mar. 20, 2001]

The Senate met pursuant to adjournment.  
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
 Prayer by Pastor Thomas Christell, Grace Lutheran Church,  
 Springfield, Illinois.  
 Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Thursday, March 8, 2001, was being read when on motion of Senator Myers 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:

The Annual Report for the period January 1, 2000 through December 31, 2000 submitted by the Illinois Farm Development Authority.

A report on the Law Enforcement and Mental Health Interaction in Responding to Persons with Mental Illness submitted by the Illinois Law Enforcement Training and Standards Board pursuant to Public Act 91-0837.

A report on the Tobacco Settlement Update submitted by the Illinois Economic and Fiscal Commission.

The FY 2002 Generally Accepted Accounting Principles Report submitted by the Illinois Economic and Fiscal Commission in accordance with Public Act 90-0479.

A Biennial Report 2001 on the Flexible Work Schedule Needs submitted by the Department of Public Aid as required by Public Act 87-552.

A report on the 10-Year Plan, 2001 - 2010, dated March 2001, submitted by The Illinois State Toll Highway Authority.

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 Amendment No. 2 to Senate Bill 64  
 Senate Amendment No. 2 to Senate Bill 115  
 Senate Amendment No. 2 to Senate Bill 184  
 Senate Amendment No. 2 to Senate Bill 267  
 Senate Amendment No. 2 to Senate Bill 452  
 Senate Amendment No. 1 to Senate Bill 800  
 Senate Amendment No. 1 to Senate Bill 871  
 Senate Amendment No. 1 to Senate Bill 883

#### EXCUSED FROM ATTENDANCE

[Mar. 20, 2001]

Senator Maitland was excused from attendance due to illness.

#### REPORT FROM STANDING COMMITTEES

Senator Klemm, Chairperson of the Committee on Executive to which was referred Senate Bills numbered 753, 1128, 1193, 1203, 1204, 1205, 1206, 1207, 1208, 1211, 1215, 1222, 1249, 1250, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1508, 1511, 1512 and 1520 reported the same back with the recommendation that the bills do pass.

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

At the hour of 12:14 o'clock p.m., Senator Dudycz presiding.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, 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. 233

A bill for AN ACT to amend the Illinois Pension Code by changing Section 14-104.

HOUSE BILL NO. 543

A bill for AN ACT concerning tort immunity.

HOUSE BILL NO. 1029

A bill for AN ACT concerning the media.

HOUSE BILL NO. 1030

A bill for AN ACT concerning banking.

HOUSE BILL NO. 1089

A bill for AN ACT concerning banking.

HOUSE BILL NO. 1822

A bill for AN ACT relating to higher education student assistance.

HOUSE BILL NO. 1854

A bill for AN ACT concerning wildlife.

HOUSE BILL NO. 1908

A bill for AN ACT concerning schools.

HOUSE BILL NO. 1983

A bill for AN ACT concerning public aid.

Passed the House, March 8, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 233, 543, 1029, 1030, 1089, 1822, 1854, 1908 and 1983 were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE JOINT RESOLUTION NO. 16

[Mar. 20, 2001]

Concurred in by the House, March 8, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has 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. 1907

A bill for AN ACT concerning license plates.

Passed the House, March 14, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bill No. 1907 was taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, 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. 25

A bill for AN ACT in relation to public aid.

HOUSE BILL NO. 148

A bill for AN ACT concerning police officers.

HOUSE BILL NO. 200

A bill for AN ACT in relation to contributions to candidates, political committees, and public officials.

HOUSE BILL NO. 525

A bill for AN ACT concerning Illinois Correctional Employee Memorial license plates.

HOUSE BILL NO. 847

A bill for AN ACT concerning labor.

HOUSE BILL NO. 857

A bill for AN ACT in relation to nuisances.

HOUSE BILL NO. 935

A bill for AN ACT relating to education.

HOUSE BILL NO. 1048

A bill for AN ACT concerning schools.

HOUSE BILL NO. 1060

A bill for AN ACT concerning property law.

HOUSE BILL NO. 1694

A bill for AN ACT concerning emergency telephone services.

HOUSE BILL NO. 1720

A bill for AN ACT concerning educational labor relations.

Passed the House, March 16, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 25, 148, 200, 525, 847, 857, 935, 1048, 1060, 1694 and 1720 were taken up, ordered printed and placed on first reading.

#### PRESENTATION OF RESOLUTIONS

[Mar. 20, 2001]

SENATE RESOLUTION NO. 74

Offered by Senator Lauzen and all Senators:  
Mourns the death of Benjamin P. Alschuler of Aurora.

SENATE RESOLUTION NO. 75

Offered by Senator Sullivan and all Senators:  
Mourns the death of Francis Gambro of Buffalo Grove.

SENATE RESOLUTION NO. 76

Offered by Senator Lauzen and all Senators:  
Mourns the death of Aaron Roger Mahr of Aurora.

SENATE RESOLUTION NO. 77

Offered by Senator Lauzen and all Senators:  
Mourns the death of Josephine Mangers of Aurora.

SENATE RESOLUTION NO. 78

Offered by Senator Dillard and all Senators:  
Mourns the death of Irving Johnson of Clarendon Hills.

SENATE RESOLUTION NO. 79

Offered by Senator Shadid and all Senators:  
Mourns the death of Irvin E. Vance of Aurora.

The foregoing resolutions were referred to the Resolutions  
Consent Calendar.

Senators Shadid - Dudycz offered the following Senate Joint  
Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 17

WHEREAS, The General Assembly, as a matter of public policy,  
rejects any form of enforcement action based solely upon race,  
ethnicity, religion, sex, or sexual preference, particularly as it  
may relate to enforcement of the Illinois vehicle and criminal laws;  
and

WHEREAS, The procedures used by police while enforcing the  
Illinois vehicle and criminal laws are of utmost importance to the  
safety and well-being of all Illinoisans; and

WHEREAS, It is in the best interest of the people of the State of  
Illinois to have all police officers thoroughly trained in the proper  
procedures which should be employed while enforcing Illinois vehicle  
and criminal laws; and

WHEREAS, The law enforcement term "criminal profiling" has been  
confused with the term "racial profiling" or "biased enforcement";  
and

WHEREAS, The General Assembly recognizes that although "criminal  
profiling" is a proven and legitimate law enforcement technique using  
behavioral characteristics and other factors and identifiers to  
investigate and solve crimes, it has no application to routine  
traffic stops associated with the enforcement of the Illinois Vehicle  
Code; and

WHEREAS, It is in the best interest of the people of the State of  
Illinois to have all officers trained in the same or similar  
procedures for uniform and non-discriminatory enforcement of Illinois  
vehicle and criminal laws; and

WHEREAS, The Illinois Law Enforcement Training Standards Board is  
responsible for certifying and standardizing police training  
curricula and academies throughout the State of Illinois; therefore,  
be it

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RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Illinois Law Enforcement Training Standards Board shall convene a committee within 60 days of the adoption of this joint resolution, to study and evaluate all available uniform and non-discriminatory traffic and criminal enforcement procedures, including review of data collection methodologies and models, for the purpose of presenting the Board a recommendation for a model protocol or policy for uniform and non-discriminatory enforcement of Illinois vehicle and criminal laws, which would enhance current efforts in this regard relating to academy and in-service training of all police officers in the State of Illinois; and be it further

RESOLVED, That the committee be composed of members appointed as follows: two members of the Illinois Senate, one to be appointed by the President of the Senate, and one to be appointed by the Senate Minority Leader, two members of the Illinois House of Representatives, one to be appointed by the Speaker of the House, and one to be appointed by the House Minority Leader, one designee of the Illinois Law Enforcement Training Standards Board who shall act as chairperson of the committee, the Attorney General of the State of Illinois or his designee, one police training academy director designated by the Director of the Illinois Law Enforcement Training Standards Board, and at least one designee from each of the following organizations: the Policeman's Benevolent & Protective Association of Illinois; the Illinois Fraternal Order of Police; the Illinois State Police; the Illinois Sheriffs' Association; the Illinois Association of Chiefs of Police; the Illinois Police Association; and the Chicago Police Department; and be it further

RESOLVED, That members of this committee shall serve without compensation; and be it further

RESOLVED, The Board shall, after consideration of the committee report, submit to the General Assembly, no later than January 1, 2002, a report of actions taken which shall include its recommendation for a model protocol or policy for uniform and non-discriminatory enforcement of Illinois vehicle and criminal laws; and be it further

RESOLVED, That all law enforcement agencies in this State review their enforcement practices in light of the recommendations in the Board's report; and be it further

RESOLVED, That suitable copies of this preamble and resolution be presented to the Illinois Law Enforcement Training Standards Board.

Senator Petka offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Rules:

#### SENATE JOINT RESOLUTION NO. 18

##### CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Sections 1, 3, 4, 6, 10, 12, 16, and 18 of Article VI of the Illinois Constitution to read as follows:

##### ARTICLE VI

(ILCON Art. VI, Sec. 1)

##### SECTION 1. COURTS

The judicial power is vested in a Supreme Court, a Court of Criminal Appeals, an Appellate Court, and Circuit Courts.

(Source: Illinois Constitution.)

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(ILCON Art. VI, Sec. 3)

SECTION 3. SUPREME COURT; COURT OF CRIMINAL APPEALS; ORGANIZATION

(a) The Supreme Court shall consist of seven Judges. Three shall be selected from the First Judicial District and one from each of the other Judicial Districts. Four judges constitute a quorum and the concurrence of four is necessary for a decision. Supreme Court Judges shall select a Chief Justice from their number to serve for a term of three years.

(b) The Court of Criminal Appeals shall consist of seven Judges. The judges shall be appointed at large by the Governor with the advice and consent of the Senate. Four Judges constitute a quorum and the concurrence of four is necessary for a decision. Court of Criminal Appeals Judges shall select a Chief Justice from their number to serve for a term of three years.

(Source: Illinois Constitution.)

(ILCON Art. VI, Sec. 4)

SECTION 4. SUPREME COURT; SUPREME COURT OF CRIMINAL APPEALS; JURISDICTION

(a) The Supreme Court may exercise original jurisdiction in civil cases relating to revenue, mandamus, prohibition or habeas corpus and as may be necessary to the complete determination of any civil case on review.

~~(b) Appeals from judgments of Circuit Courts imposing a sentence of death shall be directly to the Supreme Court as a matter of right.~~ The Supreme Court shall provide by rule for direct appeal from judgments of Circuit Courts to it in civil other cases.

(c) Appeals from the Appellate Court to the Supreme Court are a matter of right if a question under the Constitution of the United States or of this State in civil cases arises for the first time in and as a result of the action of the Appellate Court, or if a division of the Appellate Court certifies that a civil case decided by it involves a question of such importance that the case should be decided by the Supreme Court. The Supreme Court may provide by rule for appeals from the Appellate Court in other civil cases.

(d) The Court of Criminal Appeals may exercise original jurisdiction in criminal cases arising after the effective date of this Constitutional Amendment relating to mandamus, prohibition, or habeas corpus and as may be necessary to the complete determination of any criminal cases on review, except those criminal cases for which an appeal was filed with the Supreme Court before the effective date of this Constitutional Amendment, which cases shall be under the jurisdiction of the Supreme Court.

Appeals from the Appellate Court to the Court of Criminal Appeals are a matter of right if a question under the Constitution of the United States or of this State in criminal cases arises for the first time in and as a result of the action of the Appellate Court, or if a division of the Appellate Court certifies that a criminal case decided by it involves a question of such importance that the case should be decided by the Court of Criminal Appeals. The Court of Criminal Appeals may provide by rule for appeals from the Appellate Court in other criminal cases. Appeals from judgments of Circuit Courts imposing a sentence of death shall be directly to the Court of Criminal Appeals as a matter of right. The Court of Criminal Appeals shall provide by rule for direct appeal in other criminal cases.

(Source: Illinois Constitution.)

(ILCON Art. VI, Sec. 6)

SECTION 6. APPELLATE COURT - JURISDICTION

Appeals from final judgments of a Circuit Court are a matter of right to the Appellate Court in the Judicial District in which the Circuit Court is located except in cases appealable directly to the

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Supreme Court or to the Court of Criminal Appeals and except that after a trial on the merits in a criminal case, there shall be no appeal from a judgment of acquittal. The Supreme Court and the Court of Criminal Appeals may each provide by rule for appeals to the Appellate Court from other than final judgments of Circuit Courts. The Appellate Court may exercise original jurisdiction when necessary to the complete determination of any case on review. The Appellate Court shall have such powers of direct review of administrative action as provided by law.

(Source: Illinois Constitution.)

(ILCON Art. VI, Sec. 10)

#### SECTION 10. TERMS OF OFFICE

The terms of office of Supreme and Appellate Court Judges shall be ten years; of Circuit Judges, six years; and of Associate Judges, four years. The terms of office of Court of Criminal Appeals Judges shall be as provided by law.

(Source: Illinois Constitution.)

(ILCON Art. VI, Sec. 12)

#### SECTION 12. ELECTION AND RETENTION

(a) Supreme, Appellate and Circuit Judges shall be nominated at primary elections or by petition. Judges shall be elected at general or judicial elections as the General Assembly shall provide by law. A person eligible for the office of Judge may cause his name to appear on the ballot as a candidate for Judge at the primary and at the general or judicial elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions.

(b) The office of a Judge shall be vacant upon his death, resignation, retirement, removal, or upon the conclusion of his term without retention in office. Whenever an additional Appellate or Circuit Judge is authorized by law, the office shall be filled in the manner provided for filling a vacancy in that office.

(c) A vacancy occurring in the office of Supreme Court Judge, Court of Criminal Appeals Judge, Appellate Judge, or Circuit Judge shall be filled as the General Assembly may provide by law. In the absence of a law, vacancies may be filled by appointment by the Supreme Court, except a vacancy occurring in the office of Court of Criminal Appeals Judge. In the absence of a law, a vacancy occurring in the office of Judge of the Court of Criminal Appeals may be filled by appointment by the Court of Criminal Appeals. A person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Judges shall serve until the vacancy is filled for a term at the next general or judicial election. A person appointed to fill a vacancy less than 60 days prior to the next primary election to nominate Judges shall serve until the vacancy is filled at the second general or judicial election following such appointment.

(d) Not less than six months before the general election preceding the expiration of his term of office, a Supreme, Appellate or Circuit Judge who has been elected to that office may file in the office of the Secretary of State a declaration of candidacy to succeed himself. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy to the proper election officials. The names of Judges seeking retention shall be submitted to the electors, separately and without party designation, on the sole question whether each Judge shall be retained in office for another term. The retention elections shall be conducted at general elections in the appropriate Judicial District, for Supreme and Appellate Judges, and in the circuit for Circuit Judges. The affirmative vote of three-fifths of the electors voting on the question shall elect the Judge to the office for a term commencing on the first Monday in December following his election.

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(e) A law reducing the number of Appellate or Circuit Judges shall be without prejudice to the right of the Judges affected to seek retention in office. A reduction shall become effective when a vacancy occurs in the affected unit.

(Source: Illinois Constitution.)

(ILCON Art. VI, Sec. 16)

#### SECTION 16. ADMINISTRATION

General administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules, except that the Court of Criminal Appeals shall have general administrative and supervisory authority over all courts in relation to criminal cases which shall be exercised by the Chief Justice of the Court of Criminal Appeals in accordance with its rules. The Supreme Court shall appoint an administrative director and staff, who shall serve at its pleasure, to assist the Chief Justice in his duties. The Supreme Court may assign a Judge temporarily to any court and an Associate Judge to serve temporarily as an Associate Judge on any Circuit Court. The Supreme Court shall provide by rule for expeditious and inexpensive appeals in civil cases. The Court of Criminal Appeals shall provide by rule for expeditious and inexpensive appeals in criminal cases.

(Source: Illinois Constitution.)

(ILCON Art. VI, Sec. 18)

#### SECTION 18. CLERKS OF COURTS

(a) The Supreme Court, the Court of Criminal Appeals, and the Appellate Court Judges of each Judicial District, respectively, shall appoint a clerk and other non-judicial officers for their Court or District.

(b) The General Assembly shall provide by law for the election, or for the appointment by Circuit Judges, of clerks and other non-judicial officers of the Circuit Courts and for their terms of office and removal for cause.

(c) The salaries of clerks and other non-judicial officers shall be as provided by law.

(Source: Illinois Constitution.)

#### SCHEDULE

This Amendment takes effect on the first Monday in December following the 2002 general election.

#### REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its March 20, 2001 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: Senate Amendment No. 1 to Senate Bill 871.

Judiciary: Senate Amendment No. 1 to Senate Bill 20; Senate Amendment No. 2 to Senate Bill 64.

Transportation: Senate Amendment No. 2 to Senate Bill 115; Senate Amendment No. 2 to Senate Bill 267; Senate Amendment No. 1 to Senate Bill 800.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Senate Amendment 1 to Senate Bill No. 109

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Senate Amendment 2 to Senate Bill No. 184  
 Senate Amendment 1 to Senate Bill No. 382  
 Senate Amendment 2 to Senate Bill No. 452  
 Senate Amendment 1 to Senate Bill No. 883

The foregoing floor amendments were placed on the Secretary's Desk.

#### REPORTS FROM STANDING COMMITTEES

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred Senate Bills numbered 319, 453, 489, 935, 936, 1253 and 1254 reported the same back with the recommendation that the bills do pass.

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

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred Senate Bills numbered 879, 942, 962 and 1019 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Dillard, Chairperson of the Committee on Local Government to which was referred Senate Bills numbered 99, 316, 360, 521, 523, 755, 1084, 1220 and 1221 reported the same back with the recommendation that the bills do pass.

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

Senator Dillard, Chairperson of the Committee on Local Government to which was referred Senate Bills numbered 32, 49, 92, 681 and 961 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred Senate Bills numbered 373, 461, 518, 558, 873, 882, 889 and 1504 reported the same back with the recommendation that the bills do pass.

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

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred Senate Bills numbered 165, 390, 608, 624, 816, 817, 884, 885 and 1493 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Syverson, Chairperson of the Committee on Public Health and Welfare, to which was referred Senate Joint Resolution No. 3 reported the same back with the recommendation that the resolution be adopted.

Under the rules, Senate Joint Resolution 3 was placed on the Secretary's Desk.

#### READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Silverstein, Senate Bill No. 39 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 39 by replacing the title with the following:

"AN ACT in relation to civil procedure."; and  
by replacing everything after the enacting clause with the following:  
"Section 5. The Code of Civil Procedure is amended by changing Sections 2-1601 and 12-101 and adding Section 2-1602 as follows:

(735 ILCS 5/2-1601) (from Ch. 110, par. 2-1601)

Sec. 2-1601. Scire facias abolished. Any relief which heretofore might have been obtained by scire facias may be had by employing a petition filed in the case in which the original judgment was entered, ~~and notice shall be given in accordance with rules in accordance with Section 2-1602.~~

(Source: P.A. 82-280.)

(735 ILCS 5/2-1602 new)

Sec. 2-1602. Revival of judgment.

(a) A judgment may be revived in the seventh year after its entry, or in the seventh year after its last revival, or at any other time thereafter within 20 years after its entry.

(b) A petition to revive a judgment shall be filed in the original case in which the judgment was entered. The petition shall include a statement as to the original date and amount of the judgment, court costs expended, accrued interest, and credits to the judgment, if any.

(c) Service of notice of the petition to revive a judgment shall be made in accordance with Supreme Court Rule 106.

(d) An order reviving a judgment shall be for the original amount of the judgment. The plaintiff may recover interest and court costs from the date of the original judgment. Credits to the judgment shall be reflected by the plaintiff in supplemental proceedings or execution.

(e) If a judgment debtor has filed for protection under the United States Bankruptcy Code and failed to successfully adjudicate and remove a lien filed by a judgment creditor, then the judgment may be revived only as to the property to which a lien attached before the filing of the bankruptcy action.

(f) A judgment may be revived as to fewer than all judgment debtors, and such order for revival of judgment order shall be final, appealable, and enforceable.

(735 ILCS 5/12-101) (from Ch. 110, par. 12-101)

Sec. 12-101. Lien of judgment. With respect to the creation of liens on real estate by judgments, all real estate in the State of Illinois is divided into 2 classes.

The first class consists of all real property, the title to which is registered under "An Act concerning land titles", approved May 1, 1897, as amended.

The second class consists of all real property not registered under "An Act concerning land titles".

As to real estate in class one, a judgment is a lien on the real estate of the person against whom it is entered for the same period as in class two, when Section 85 of "An Act concerning land titles", has been complied with.

As to real estate included within class two, a judgment is a lien on the real estate of the person against whom it is entered in any county in this State, including the county in which it is entered, only from the time a transcript, certified copy or memorandum of the judgment is filed in the office of the recorder in the county in

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which the real estate is located. A judgment resulting from the entry of an order requiring child support payments shall be a lien upon the real estate of the person obligated to make the child support payments, but shall not be enforceable in any county of this State until a transcript, certified copy, or memorandum of the lien is filed in the office of the recorder in the county in which the real estate is located. Any lien hereunder arising out of an order for support shall be a lien only as to and from the time that an installment or payment is due under the terms of the order. Further, the order for support shall not be a lien on real estate to the extent of payments made as evidenced by the records of the Clerk of the Circuit Court or State agency receiving payments pursuant to the order. In the event payments made pursuant to that order are not paid to the Clerk of the Circuit Court or a State agency, then each lien imposed by this Section may be released in the following manner:

(a) A Notice of Filing and an affidavit stating that all installments of child support required to be paid pursuant to the order under which the lien or liens were imposed have been paid shall be filed with the office of recorder in each county in which each such lien appears of record, together with proof of service of such notice and affidavit upon the recipient of such payments.

(b) Service of such affidavit shall be by any means authorized under Sections 2-203 and 2-208 of the Code of Civil Procedure or under Supreme Court Rules 11 or 105(b).

(c) The Notice of Filing shall set forth the name and address of the judgment debtor and the judgment creditor, the court file number of the order giving rise to the judgment and, in capital letters, the following statement:

YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE RECORDER OF .... COUNTY, ILLINOIS, WHOSE ADDRESS IS ....., ILLINOIS. IF, WITHIN 28 DAYS OF THE DATE OF THIS NOTICE, YOU FAIL TO FILE AN AFFIDAVIT OBJECTING TO THE RELEASE OF THE STATED JUDGMENT LIEN OR LIENS, IN THE ABOVE OFFICE, SUCH JUDGMENT LIEN WILL BE DEEMED TO BE RELEASED AND NO LONGER SUBJECT TO FORECLOSURE. THIS RELEASE OF LIEN WILL NOT ACT AS A SATISFACTION OF SUCH JUDGMENT.

(d) If no affidavit objecting to the release of the lien or liens is filed within 28 days of the Notice described in paragraph (c) of this Section such lien or liens shall be deemed to be released and no longer subject to foreclosure.

A judgment is not a lien on real estate for longer than 7 years from the time it is entered or revived, unless the judgment is revived within 7 years after its entry or last revival and a memorandum of judgment is filed before the expiration of the prior memorandum of judgment.

When a judgment is revived it is a lien on the real estate of the person against whom it was entered in any county in this State from the time a transcript, certified copy or memorandum of the order of revival is filed in the office of the recorder in the county in which the real estate is located.

A foreign judgment registered pursuant to Sections 12-601 through 12-618 of this Act is a lien upon the real estate of the person against whom it was entered only from the time (1) a certified copy of the verified petition for registration of the foreign judgment or (2) a transcript, certified copy or memorandum of the final judgment of the court of this State entered on that foreign judgment is filed in the office of the recorder in the county in which the real estate is located. However, no such judgment shall be a lien on any real estate registered under "An Act concerning land titles", as amended,

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until Section 85 of that Act has been complied with.

The release of any transcript, certified copy or memorandum of judgment or order of revival which has been recorded shall be filed by the person receiving the release in the office of the recorder in which such judgment or order has been recorded.

Such release shall contain in legible letters a statement as follows:

FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES IN WHOSE OFFICE THE LIEN WAS FILED.

The term "memorandum" as used in this Section means a memorandum or copy of the judgment signed by a judge or a copy attested by the clerk of the court entering it and showing the court in which entered, date, amount, number of the case in which it was entered, name of the party in whose favor and name and last known address of the party against whom entered. If the address of the party against whom the judgment was entered is not known, the memorandum or copy of judgment shall so state.

The term "memorandum" as used in this Section also means a memorandum or copy of a child support order signed by a judge or a copy attested by the clerk of the court entering it or a copy attested by the administrative body entering it.

This Section shall not be construed as showing an intention of the legislature to create a new classification of real estate, but shall be construed as showing an intention of the legislature to continue a classification already existing.

(Source: P.A. 90-18, eff. 7-1-97; 91-357, eff. 7-29-99.)

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

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

On motion of Senator Parker, Senate Bill No. 48 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 48 by replacing everything after the enacting clause with the following:

"Section 5. The Corporate Fiduciary Act is amended by changing Sections 5-10 and 8-1 and adding Sections 2-6.5 and Section 9-6 as follows:

(205 ILCS 620/2-6.5 new)

Sec. 2-6.5. Directors.

(a) The business and affairs of a corporate fiduciary shall be managed by its board of directors, which shall exercise its powers in accordance with this Section.

(b) The directors shall be elected as provided in this Act. Any omission to elect a director or directors shall not impair any of the rights and privileges of the corporate fiduciary or of any person in any way interested. The existing directors shall hold office until their successors are elected and qualify.

(c) Notwithstanding the provisions of any certificate of authority heretofore or hereafter issued, the number of directors, not fewer than 5, may be fixed from time to time by the stockholders at any meeting of the stockholders called for the purpose of electing directors or changing the number thereof by the affirmative

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vote of at least two-thirds of the outstanding stock entitled to vote at the meeting, and the number so fixed shall be the board regardless of vacancies until the number of directors is thereafter changed by similar action.

(d) Except as otherwise provided in this subsection, directors shall hold office until the next annual meeting of the stockholders succeeding their election or until their successors are elected and qualify. If the board of directors consists of 6 or more members, in lieu of electing the membership of the whole board of directors annually, the by-laws of a corporate fiduciary may provide that the directors shall be divided into either 2 or 3 classes, each class to be as nearly equal in number as is possible. The term of office of directors of the first class shall expire at the first annual meeting of the stockholders after their election, that of the second class shall expire at the second annual meeting after their election, and that of the third class, if any, shall expire at the third annual meeting after their election. At each annual meeting after classification, the number of directors equal to the number of the class whose terms expire at the time of the meeting shall be elected to hold office until the second succeeding annual meeting if there are 2 classes or until the third succeeding annual meeting if there are 3 classes. Vacancies may be filled by stockholders at a special meeting called for the purpose. If authorized by the corporate fiduciary's by-laws or an amendment thereto, the directors of a corporate fiduciary may properly fill a vacancy or vacancies arising between stockholders' meetings, but at no time may the number of directors selected to fill a vacancy in this manner during any interim period between stockholders' meetings exceed one-third of the total membership of the board of directors.

(e) The board of directors shall hold regular meetings at least once each month, provided that, upon prior written approval by the Commissioner, the board of directors may hold regular meetings less frequently than once each month but at least once each calendar quarter. A special meeting of the board of directors may be held as provided by the by-laws. A special meeting of the board of directors may also be held as provided in Section 5-5 of this Act. A majority of the board of directors shall constitute a quorum for the transaction of business unless a greater number is required by the by-laws. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors unless the act of a greater number is required by the by-laws.

(f) A member of the board of directors shall be elected president. The board of directors may appoint other officers, as the by-laws may provide, and fix their salaries to carry on the business of the corporate fiduciary. The board of directors may make and amend by-laws (not inconsistent with this Act) for the government of the corporate fiduciary and may, by the affirmative vote of a majority of the board of directors, establish reasonable compensation of all directors for services to the corporation as directors, officers, or otherwise. An officer, whether elected or appointed by the board of directors or appointed pursuant to the by-laws, may be removed by the board of directors at any time.

(g) The board of directors shall cause suitable books and records of all the corporate fiduciary's transactions to be kept.

(h) The provisions of this Section do not apply to a corporate fiduciary that is a trust department of a bank, savings bank, savings and loan association, or foreign banking corporation issued a certificate of authority pursuant to the Foreign Banking Office Act.

(205 ILCS 620/5-10) (from Ch. 17, par. 1555-10)

Sec. 5-10. Fees; receivership account.

(a) There shall be paid to the Commissioner by every corporate fiduciary including each trust company, bank, savings and loan association, and savings bank to which this Act shall apply, reasonable fees that the Commissioner shall assess to recover the costs of administration, certification, examination and supervision of trusts authorized under this Act.

(b) In addition to the fees authorized in subsection (a) of this Section the Commissioner shall assess reasonable receivership fees and establish a Corporate Fiduciary Receivership account in the Bank and Trust Company Fund to provide for the expenses that arise from the administration of the receivership of a corporate fiduciary under this Act. The aggregate of such assessments shall be paid into the Corporate Fiduciary Receivership account in the Bank and Trust Company Fund. The assessments for this account shall be levied until the sum of \$5,000,000 \$350,000 has been deposited into the account from assessments authorized herein, whereupon the Corporate Fiduciary Receivership account assessment shall be abated. If a receivership of a corporate fiduciary under this Act requires expenditures from this account, assessments may be reinstated until the balance in the Corporate Fiduciary Receivership account arising from assessments is restored to \$5,000,000 \$350,000.

(c) The Commissioner may, by rule, establish a reasonable manner of assessing the receivership assessments under this Section.

(Source: P.A. 86-754; 86-952.)

(205 ILCS 620/8-1) (from Ch. 17, par. 1558-1)

Sec. 8-1. False statements. It is unlawful for any officer, director, employee, or agent of any corporate fiduciary subject to examination by the Commissioner or any person filing an application or submitting information in connection with an application to the Commissioner to who--shall willfully and knowingly subscribe to or make, or cause to be made, any false statement or false entry with intent to deceive any person or persons authorized to examine into the affairs of the such corporate fiduciary or applicant or with intent to deceive the Commissioner or his administrative officers in the performance of their duties under this Act. A person who violates this Section is upon conviction thereof shall be guilty of a Class 3 felony.

(Source: P.A. 85-858.)

(205 ILCS 620/9-6 new)

Sec. 9-6. Audits.

(a) At least once in each calendar year a corporate fiduciary must cause its books and records to be audited by an independent licensed public accountant. The Commissioner may prescribe the scope of the audit within generally accepted audit principles and standards.

(b) The independent licensed public accountant shall provide a written audit report to the corporate fiduciary's board of directors or to a committee appointed by the corporate fiduciary's board of directors. If the audit report is given to a committee appointed by the corporate fiduciary's board of directors, the committee shall, within 30 days after the date of receipt of the audit report, provide the board of directors with a written summary of the audit findings as detailed in the audit report.

(c) The corporate fiduciary's board of directors or committee appointed by the board of directors shall cause a copy of the audit report and any written summary pursuant to paragraph (b) of this Section to be filed with the Commissioner within 45 days after receipt of the audit report.

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

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

On motion of Senator Sullivan, Senate Bill No. 76 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, Senate Bill No. 113 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, Senate Bill No. 116 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 116 on page 2, line 18, by replacing "~~those any-of-the~~" with "any of the"; and on page 2, line 19, before the period, by inserting "in accordance with the State Board of Education's Content Area Standards for School Service Personnel".

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

On motion of Senator Parker, Senate Bill No. 117 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, Senate Bill No. 119 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 119 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Banking Act is amended by changing Sections 16, 32, 46, 48, and 48.1 as follows:

(205 ILCS 5/16) (from Ch. 17, par. 323)

Sec. 16. Directors. The business and affairs of a State bank shall be managed by its board of directors that shall exercise its powers as follows:

(1) Directors shall be elected as provided in this Act. Any omission to elect a director or directors shall not impair any of the rights and privileges of the bank or of any person in any way interested. The existing directors shall hold office until their successors are elected and qualify.

(2) (a) Notwithstanding the provisions of any charter heretofore or hereafter issued, the number of directors, not fewer than 5 nor more than 25, may be fixed from time to time by the stockholders at any meeting of the stockholders called for the purpose of electing directors or changing the number thereof by the affirmative vote of at least two-thirds of the outstanding

stock entitled to vote at the meeting, and the number so fixed shall be the board regardless of vacancies until the number of directors is thereafter changed by similar action.

(b) Notwithstanding the minimum number of directors specified in paragraph (a) of this subsection, a State bank that has been in existence for 10 years or more and has less than \$20,000,000 in assets, as of the December 31 immediately preceding the annual meeting of shareholders at which directors are elected, may, subject to the approval of the Commissioner, have a minimum of 3 directors; provided that if a State bank has fewer than 5 directors, at least one director shall not be an officer or employee of the bank. The Commissioner shall annually review the appropriateness of the grant of authority to have a reduced minimum number of directors pursuant to this paragraph (b).

(3) Except as otherwise provided in this paragraph (3), directors shall hold office until the next annual meeting of the stockholders succeeding their election or until their successors are elected and qualify. If the board of directors consists of 6 or more members, in lieu of electing the membership of the whole board of directors annually, the charter or by-laws of a State bank may provide that the directors shall be divided into either 2 or 3 classes, each class to be as nearly equal in number as is possible. The term of office of directors of the first class shall expire at the first annual meeting of the stockholders after their election, that of the second class shall expire at the second annual meeting after their election, and that of the third class, if any, shall expire at the third annual meeting after their election. At each annual meeting after classification, the number of directors equal to the number of the class whose terms expire at the time of the meeting shall be elected to hold office until the second succeeding annual meeting, if there be 2 classes, or until the third succeeding annual meeting, if there be 3 classes. Vacancies may be filled by stockholders at a special meeting called for the purpose.

If authorized by the bank's by-laws or an amendment thereto, the directors of a State bank may properly fill a vacancy or vacancies arising between shareholders' meetings, but at no time may the number of directors selected to fill a vacancy in this manner during any interim period between shareholders' meetings exceed 33 1/3% of the total membership of the board of directors.

(4) The board of directors shall hold regular meetings at least once each month, provided that, upon prior written approval by the Commissioner, the board of directors may hold regular meetings less frequently than once each month but at least once each calendar quarter. A special meeting of the board of directors may be held as provided by the by-laws. A special meeting of the board of directors may also be held upon call by the Commissioner or a bank examiner appointed under the provisions of this Act upon not less than 12 hours notice of the meeting by personal service of the notice or by mailing the notice to each of the directors at his residence as shown by the books of the bank. A majority of the board of directors shall constitute a quorum for the transaction of business unless a greater number is required by the charter or the by-laws. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors unless the act of a greater number is required by the charter or by the by-laws.

(5) A member of the board of directors shall be elected president. The board of directors may appoint other officers, as the by-laws may provide, and fix their salaries to carry on the business of the bank. The board of directors may make and amend by-laws (not

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inconsistent with this Act) for the government of the bank and may, by the affirmative vote of a majority of the board of directors, establish reasonable compensation of all directors for services to the corporation as directors, officers, or otherwise. An officer, whether elected or appointed by the board of directors or appointed pursuant to the by-laws, may be removed by the board of directors at any time.

(6) The board of directors shall cause suitable books and records of all the bank's transactions to be kept.

(7) (a) In discharging the duties of their respective positions, the board of directors, committees of the board, and individual directors may, in considering the best long term and short term interests of the bank, consider the effects of any action (including, without limitation, action that may involve or relate to a merger or potential merger or to a change or potential change in control of the bank) upon employees, depositors, suppliers, and customers of the corporation or its subsidiaries, communities in which the main banking premises, branches, offices, or other establishments of the bank or its subsidiaries are located, and all pertinent factors.

(b) In discharging the duties of their respective positions, the board of directors, committees of the board, and individual directors shall be entitled to rely on advice, information, opinions, reports or statements, including financial statements and financial data, prepared or presented by: (i) one or more officers or employees of the bank whom the director believes to be reliable and competent in the matter presented; (ii) one or more counsels, accountants, or other consultants as to matters that the director believes to be within that person's professional or expert competence; or (iii) a committee of the board upon which the director does not serve, as to matters within that committee's designated authority.

(Source: P.A. 90-301, eff. 8-1-97; 91-452, eff. 1-1-00.)

(205 ILCS 5/32) (from Ch. 17, par. 339)

Sec. 32. Basic loaning limits. The liabilities outstanding at one time to a state bank of a person for money borrowed, including the liabilities of a partnership or joint venture in the liabilities of the several members thereof, shall not exceed ~~25%~~ 20% of the amount of the unimpaired capital and unimpaired surplus of the bank.

The liabilities to any state bank of a person may exceed ~~25%~~ 20% of the unimpaired capital and unimpaired surplus of the bank, provided that (i) the excess amount from time to time outstanding is fully secured by readily marketable collateral having a market value, as determined by reliable and continuously available quotations, at least equal to the excess amount outstanding; and (ii) the total liabilities shall not exceed 30% of the unimpaired capital and unimpaired surplus of the bank.

The following shall not be considered as money borrowed within the meaning of this Section:

(1) The purchase or ~~of~~ discount of bills of exchange drawn in good faith against actually existing values.

(2) The purchase or discount of commercial or business paper actually owned by the person negotiating the same.

(3) The purchase of or loaning money in exchange for evidences of indebtedness which shall be secured by mortgage or trust deed upon productive real estate the value of which, as ascertained by the oath of 2 qualified appraisers, neither of whom shall be an officer, director, or employee of the bank or of any subsidiary or affiliate of the bank, is double the amount of the principal debt secured at the time of the original purchase

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of evidence of indebtedness or loan of money and which is still double the amount of the principal debt secured at the time of any renewal of the indebtedness or loan, and which mortgage or trust deed is shown, either by a guaranty policy of a title guaranty company approved by the Commissioner or by a registrar's certificate of title in any county having adopted the provisions of the Registered Titles (Torrens) Act, or by the opinion of an attorney-at-law, to be a first lien upon the real estate therein described, and real estate shall not be deemed to be encumbered within the meaning of this subsection (3) by reason of the existence of instruments reserving rights-of-way, sewer rights and rights in wells, building restrictions or other restrictive covenants, nor by reason of the fact it is subject to lease under which rents or profits are reserved by the owners.

(4) The purchase of marketable investment securities.

(5) The liability to a state bank of a person who is an accommodation party to, or guarantor of payment for, any evidence of indebtedness of another person who obtains a loan from or discounts paper with or sells paper to the state bank; but the total liability to a state bank of a person as an accommodation party or guarantor of payment in respect of such evidences of indebtedness shall not exceed 20% of the amount of the unimpaired capital and unimpaired surplus of the bank; provided however that the liability of an accommodation party to paper excepted under subsection 2 of this Section shall not be included in the computation of this limitation.

(6) The liability to a state bank of a person, who as a guarantor, guarantees collection of the obligation or indebtedness of another person.

The total liabilities of any one person, for money borrowed, or otherwise, shall not exceed 25% of the deposits of the bank, and those total liabilities shall at no time exceed 50% of the amount of the unimpaired capital and unimpaired surplus of the bank. Absent an actual unremedied breach, the obligation or responsibility for breach of warranties or representations, express or implied, of a person transferring negotiable or non-negotiable paper to a bank without recourse and without guaranty of payment, shall not be included in determining the amount of liabilities of the person to the bank for borrowed money or otherwise; and in the event of and to the extent of an unremedied breach, the amount remaining unpaid for principal and interest on the paper in respect of which the unremedied breach exists shall thereafter for the purpose of determining whether subsequent transactions giving rise to additional liability of the person to the state bank for borrowed money or otherwise are within the limitations of Sections 32 through 34 of this Act, be included in computing the amount of liabilities of the person for borrowed money or otherwise.

The liability of a person to a state bank on account of acceptances made or issued by the state bank on behalf of the person shall be included in the computation of the total liabilities of the person for money borrowed except to the extent the acceptances grow out of transactions of the character described in subsection (6) of Section 34 of this Act and are otherwise within the limitations of that subsection; provided nevertheless that any such excepted acceptances acquired by the state bank which accepted the same shall be included in the computation of the liabilities of the person to the state bank for money borrowed.

(Source: P.A. 89-364, eff. 8-18-95; 90-301, eff. 8-1-97.)

(205 ILCS 5/46) (from Ch. 17, par. 357)

Sec. 46. Misleading practices and names prohibited; penalty.

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(a) No person, firm, partnership, or corporation that is not a bank shall transact business in this State in a manner which has a substantial likelihood of misleading the public by implying that the business is a bank, or shall use the word "bank", "banker", or "banking" in connection with the business. Any person, firm, partnership or corporation violating this Section shall be deemed guilty of a Class A misdemeanor, and the Attorney General or State's Attorney of the county in which any such violation occurs may restrain such violation by a complaint for injunctive relief.

(b) If the Commissioner is of the opinion and finds that a person, firm, partnership, or corporation that is not a bank has transacted or intends to transact business in this State in a manner which has a substantial likelihood of misleading the public by implying that the business is a bank, or has used or intends to use the word "bank", "banker", or "banking" in connection with the business, then the Commissioner may direct that person, firm, partnership, or corporation to cease and desist from transacting the business or using the word "bank", "banker", or "banking". If that person, firm, partnership, or corporation persists in transacting the business or using the word "bank", "banker", or "banking", then the Commissioner may impose a civil penalty of up to \$10,000 for each violation. Each day that the person, firm, partnership, or corporation continues transacting the business or using the word "bank", "banker", or "banking" in connection with the business shall constitute a separate violation of these provisions.

(c) A person, firm, partnership, or corporation that is not a bank, and is not transacting or intending to transact business in this State in a manner that has a substantial likelihood of misleading the public by implying that such business is a bank, may apply to the Commissioner for permission to use the word "bank", "banker", or "banking" in connection with the business. If the Commissioner determines that there is no substantial likelihood of misleading the public, and upon such conditions as the Commissioner may impose to prevent the person, firm, partnership, or corporation from holding itself out in a misleading manner, then such person, firm, partnership, or corporation may use the word "bank", "banker", or "banking".

(d) (1) No person, firm, partnership, or corporation may use the name of an existing bank, or a name deceptively similar to that of an existing bank, when sending, transmitting, or otherwise delivering marketing material or solicitations to customers or prospective customers if the reference to the existing bank is made (i) without the consent of the existing bank and (ii) in a manner that could cause a reasonable person to believe that the marketing material or solicitation originated from or is endorsed by the existing bank or that the existing bank is in any other way responsible for the marketing material or solicitation.

(2) An existing bank may, in addition to any other remedies available under the law, report an alleged violation of this subsection (d) to the Commissioner. If the Commissioner finds the marketing material or solicitation in question to be in violation of this subsection, the Commissioner may direct the person, firm, partnership, or corporation to cease and desist from using that marketing material or solicitation in Illinois. If that person, firm, partnership, or corporation persists in the use of the marketing material or solicitation, then the Commissioner may impose a civil penalty of up to \$10,000 for each violation. Each instance in which the marketing material or solicitation is sent to a customer or prospective customer shall

constitute a separate violation of these provisions.

(3) Nothing in this subsection (d) prohibits the use of or reference to the name of an existing bank in marketing materials or solicitations, provided that the use or reference would not deceive or confuse a reasonable person regarding whether the marketing material or solicitation originated from or was endorsed by the existing bank or whether the existing bank was in any other way responsible for the marketing material or solicitation. The Commissioner is authorized to promulgate rules to administer these provisions.

(Source: P.A. 89-567, eff. 7-26-96.)

(205 ILCS 5/48) (from Ch. 17, par. 359)

Sec. 48. Commissioner's powers; duties. The Commissioner shall have the powers and authority, and is charged with the duties and responsibilities designated in this Act, and a State bank shall not be subject to any other visitorial power other than as authorized by this Act, except those vested in the courts, or upon prior consultation with the Commissioner, a foreign bank regulator with an appropriate supervisory interest in the parent or affiliate of a state bank. In the performance of the Commissioner's duties:

(1) The Commissioner shall call for statements from all State banks as provided in Section 47 at least one time during each calendar quarter.

(2) (a) The Commissioner, as often as the Commissioner shall deem necessary or proper, and no less frequently than 18 months following the preceding examination, shall appoint a suitable person or persons to make an examination of the affairs of every State bank, except that for every eligible State bank, as defined by regulation, the Commissioner in lieu of the examination may accept on an alternating basis the examination made by the eligible State bank's appropriate federal banking agency pursuant to Section 111 of the Federal Deposit Insurance Corporation Improvement Act of 1991, provided the appropriate federal banking agency has made such an examination. A person so appointed shall not be a stockholder or officer or employee of any bank which that person may be directed to examine, and shall have powers to make a thorough examination into all the affairs of the bank and in so doing to examine any of the officers or agents or employees thereof on oath and shall make a full and detailed report of the condition of the bank to the Commissioner. In making the examination the examiners shall include an examination of the affairs of all the affiliates of the bank, as defined in subsection (b) of Section 35.2 of this Act, as shall be necessary to disclose fully the conditions of the affiliates, the relations between the bank and the affiliates and the effect of those relations upon the affairs of the bank, and in connection therewith shall have power to examine any of the officers, directors, agents, or employees of the affiliates on oath. After May 31, 1997, the Commissioner may enter into cooperative agreements with state regulatory authorities of other states to provide for examination of State bank branches in those states, and the Commissioner may accept reports of examinations of State bank branches from those state regulatory authorities. These cooperative agreements may set forth the manner in which the other state regulatory authorities may be compensated for examinations prepared for and submitted to the Commissioner.

(b) After May 31, 1997, the Commissioner is authorized to examine, as often as the Commissioner shall deem necessary or proper, branches of out-of-state banks. The Commissioner may establish and may assess fees to be paid to the Commissioner for examinations under this subsection (b). The fees shall be borne by the out-of-state bank, unless the fees are borne by the state regulatory authority

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that chartered the out-of-state bank, as determined by a cooperative agreement between the Commissioner and the state regulatory authority that chartered the out-of-state bank.

(2.5) Whenever any State bank, any subsidiary or affiliate of a State bank, or after May 31, 1997, any branch of an out-of-state bank causes to be performed, by contract or otherwise, any bank services for itself, whether on or off its premises:

(a) that performance shall be subject to examination by the Commissioner to the same extent as if services were being performed by the bank or, after May 31, 1997, branch of the out-of-state bank itself on its own premises; and

(b) the bank or, after May 31, 1997, branch of the out-of-state bank shall notify the Commissioner of the existence of a service relationship. The notification shall be submitted with the first statement of condition (as required by Section 47 of this Act) due after the making of the service contract or the performance of the service, whichever occurs first. The Commissioner shall be notified of each subsequent contract in the same manner.

For purposes of this subsection (2.5), the term "bank services" means services such as sorting and posting of checks and deposits, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, or similar functions performed for a State bank, including but not limited to electronic data processing related to those bank services.

(3) The expense of administering this Act, including the expense of the examinations of State banks as provided in this Act, shall to the extent of the amounts resulting from the fees provided for in paragraphs (a), (a-2), and (b) of this subsection (3) be assessed against and borne by the State banks:

(a) Each bank shall pay to the Commissioner a Call Report Fee which shall be paid in quarterly installments equal to one-fourth of the sum of the annual fixed fee of \$800, plus a variable fee based on the assets shown on the quarterly statement of condition delivered to the Commissioner in accordance with Section 47 for the preceding quarter according to the following schedule: 16¢ per \$1,000 of the first \$5,000,000 of total assets, 15¢ per \$1,000 of the next \$20,000,000 of total assets, 13¢ per \$1,000 of the next \$75,000,000 of total assets, 9¢ per \$1,000 of the next \$400,000,000 of total assets, 7¢ per \$1,000 of the next \$500,000,000 of total assets, and 5¢ per \$1,000 of all assets in excess of \$1,000,000,000, of the State bank. The Call Report Fee shall be calculated by the Commissioner and billed to the banks for remittance at the time of the quarterly statements of condition provided for in Section 47. The Commissioner may require payment of the fees provided in this Section by an electronic transfer of funds or an automatic debit of an account of each of the State banks. In case more than one examination of any bank is deemed by the Commissioner to be necessary in any examination frequency cycle specified in subsection 2(a) of this Section, and is performed at his direction, the Commissioner may assess a reasonable additional fee to recover the cost of the additional examination; provided, however, that an examination conducted at the request of the State Treasurer pursuant to the Uniform Disposition of Unclaimed Property Act shall not be deemed to be an additional examination under this Section. In lieu of the method and amounts set forth in this paragraph (a) for the calculation of the Call Report Fee, the Commissioner may specify by rule that the Call Report Fees provided by this Section may be

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assessed semiannually or some other period and may provide in the rule the formula to be used for calculating and assessing the periodic Call Report Fees to be paid by State banks.

(a-1) If in the opinion of the Commissioner an emergency exists or appears likely, the Commissioner may assign an examiner or examiners to monitor the affairs of a State bank with whatever frequency he deems appropriate, including but not limited to a daily basis. The reasonable and necessary expenses of the Commissioner during the period of the monitoring shall be borne by the subject bank. The Commissioner shall furnish the State bank a statement of time and expenses if requested to do so within 30 days of the conclusion of the monitoring period.

(a-2) On and after January 1, 1990, the reasonable and necessary expenses of the Commissioner during examination of the performance of electronic data processing services under subsection (2.5) shall be borne by the banks for which the services are provided. An amount, based upon a fee structure prescribed by the Commissioner, shall be paid by the banks or, after May 31, 1997, branches of out-of-state banks receiving the electronic data processing services along with the Call Report Fee assessed under paragraph (a) of this subsection (3).

(a-3) After May 31, 1997, the reasonable and necessary expenses of the Commissioner during examination of the performance of electronic data processing services under subsection (2.5) at or on behalf of branches of out-of-state banks shall be borne by the out-of-state banks, unless those expenses are borne by the state regulatory authorities that chartered the out-of-state banks, as determined by cooperative agreements between the Commissioner and the state regulatory authorities that chartered the out-of-state banks.

(b) "Fiscal year" for purposes of this Section 48 is defined as a period beginning July 1 of any year and ending June 30 of the next year. The Commissioner shall receive for each fiscal year, commencing with the fiscal year ending June 30, 1987, a contingent fee equal to the lesser of the aggregate of the fees paid by all State banks under paragraph (a) of subsection (3) for that year, or the amount, if any, whereby the aggregate of the administration expenses, as defined in paragraph (c), for that fiscal year exceeds the sum of the aggregate of the fees payable by all State banks for that year under paragraph (a) of subsection (3), plus any amounts transferred into the Bank and Trust Company Fund from the State Pensions Fund for that year, plus all other amounts collected by the Commissioner for that year under any other provision of this Act, plus the aggregate of all fees collected for that year by the Commissioner under the Corporate Fiduciary Act, excluding the receivership fees provided for in Section 5-10 of the Corporate Fiduciary Act, and the Foreign Banking Office Act. The aggregate amount of the contingent fee thus arrived at for any fiscal year shall be apportioned amongst, assessed upon, and paid by the State banks and foreign banking corporations, respectively, in the same proportion that the fee of each under paragraph (a) of subsection (3), respectively, for that year bears to the aggregate for that year of the fees collected under paragraph (a) of subsection (3). The aggregate amount of the contingent fee, and the portion thereof to be assessed upon each State bank and foreign banking corporation, respectively, shall be determined by the Commissioner and shall be paid by each, respectively, within 120 days of the close of the period for which the contingent fee is computed and is payable, and the Commissioner shall give 20 days

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advance notice of the amount of the contingent fee payable by the State bank and of the date fixed by the Commissioner for payment of the fee.

(c) The "administration expenses" for any fiscal year shall mean the ordinary and contingent expenses for that year incident to making the examinations provided for by, and for otherwise administering, this Act, the Corporate Fiduciary Act, excluding the expenses paid from the Corporate Fiduciary Receivership account in the Bank and Trust Company Fund, the Foreign Banking Office Act, the Electronic Fund Transfer Act, and the Illinois Bank Examiners' Education Foundation Act, including all salaries and other compensation paid for personal services rendered for the State by officers or employees of the State, including the Commissioner and the Deputy Commissioners, all expenditures for telephone and telegraph charges, postage and postal charges, office stationery, supplies and services, and office furniture and equipment, including typewriters and copying and duplicating machines and filing equipment, surety bond premiums, and travel expenses of those officers and employees, employees, expenditures or charges for the acquisition, enlargement or improvement of, or for the use of, any office space, building, or structure, or expenditures for the maintenance thereof or for furnishing heat, light, or power with respect thereto, all to the extent that those expenditures are directly incidental to such examinations or administration. The Commissioner shall not be required by paragraphs (c) or (d-1) of this subsection (3) to maintain in any fiscal year's budget appropriated reserves for accrued vacation and accrued sick leave that is required to be paid to employees of the Commissioner upon termination of their service with the Commissioner in an amount that is more than is reasonably anticipated to be necessary for any anticipated turnover in employees, whether due to normal attrition or due to layoffs, terminations, or resignations.

(d) The aggregate of all fees collected by the Commissioner under this Act, the Corporate Fiduciary Act, or the Foreign Banking Office Act on and after July 1, 1979, shall be paid promptly after receipt of the same, accompanied by a detailed statement thereof, into the State treasury and shall be set apart in a special fund to be known as the "Bank and Trust Company Fund", except as provided in paragraph (c) of subsection (11) of this Section. All earnings received from investments of funds in the Bank and Trust Company Fund shall be deposited into the Bank and Trust Company Fund and may be used for the same purposes as fees deposited into that Fund. The amount from time to time deposited into the Bank and Trust Company Fund shall be used to offset the ordinary administrative expenses of the Commissioner of Banks and Real Estate as defined in this Section. Nothing in this amendatory Act of 1979 shall prevent continuing the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance premiums of State officers by appropriations from the General Revenue Fund. However, the General Revenue Fund shall be reimbursed for those payments made on and after July 1, 1979, by an annual transfer of funds from the Bank and Trust Company Fund.

(d-1) Adequate funds shall be available in the Bank and Trust Company Fund to permit the timely payment of administration expenses. In each fiscal year the total administration expenses shall be deducted from the total fees collected by the Commissioner and the remainder transferred into the Cash Flow Reserve Account, unless the balance of the Cash Flow Reserve

Account prior to the transfer equals or exceeds one-fourth of the total initial appropriations from the Bank and Trust Company Fund for the subsequent year, in which case the remainder shall be credited to State banks and foreign banking corporations and applied against their fees for the subsequent year. The amount credited to each State bank and foreign banking corporation shall be in the same proportion as the Call Report Fees paid by each for the year bear to the total Call Report Fees collected for the year. If, after a transfer to the Cash Flow Reserve Account is made or if no remainder is available for transfer, the balance of the Cash Flow Reserve Account is less than one-fourth of the total initial appropriations for the subsequent year and the amount transferred is less than 5% of the total Call Report Fees for the year, additional amounts needed to make the transfer equal to 5% of the total Call Report Fees for the year shall be apportioned amongst, assessed upon, and paid by the State banks and foreign banking corporations in the same proportion that the Call Report Fees of each, respectively, for the year bear to the total Call Report Fees collected for the year. The additional amounts assessed shall be transferred into the Cash Flow Reserve Account. For purposes of this paragraph (d-1), the calculation of the fees collected by the Commissioner shall exclude the receivership fees provided for in Section 5-10 of the Corporate Fiduciary Act.

(e) The Commissioner may upon request certify to any public record in his keeping and shall have authority to levy a reasonable charge for issuing certifications of any public record in his keeping.

(f) In addition to fees authorized elsewhere in this Act, the Commissioner may, in connection with a review, approval, or provision of a service, levy a reasonable charge to recover the cost of the review, approval, or service.

(4) Nothing contained in this Act shall be construed to limit the obligation relative to examinations and reports of any State bank, deposits in which are to any extent insured by the United States or any agency thereof, nor to limit in any way the powers of the Commissioner with reference to examinations and reports of that bank.

(5) The nature and condition of the assets in or investment of any bonus, pension, or profit sharing plan for officers or employees of every State bank or, after May 31, 1997, branch of an out-of-state bank shall be deemed to be included in the affairs of that State bank or branch of an out-of-state bank subject to examination by the Commissioner under the provisions of subsection (2) of this Section, and if the Commissioner shall find from an examination that the condition of or operation of the investments or assets of the plan is unlawful, fraudulent, or unsafe, or that any trustee has abused his trust, the Commissioner shall, if the situation so found by the Commissioner shall not be corrected to his satisfaction within 60 days after the Commissioner has given notice to the board of directors of the State bank or out-of-state bank of his findings, report the facts to the Attorney General who shall thereupon institute proceedings against the State bank or out-of-state bank, the board of directors thereof, or the trustees under such plan as the nature of the case may require.

(6) The Commissioner shall have the power:

(a) To promulgate reasonable rules for the purpose of administering the provisions of this Act.

(b) To issue orders for the purpose of administering the provisions of this Act and any rule promulgated in accordance

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with this Act.

(c) To appoint hearing officers to execute any of the powers granted to the Commissioner under this Section for the purpose of administering this Act and any rule promulgated in accordance with this Act.

(d) To subpoena witnesses, to compel their attendance, to administer an oath, to examine any person under oath, and to require the production of any relevant books, papers, accounts, and documents in the course of and pursuant to any investigation being conducted, or any action being taken, by the Commissioner in respect of any matter relating to the duties imposed upon, or the powers vested in, the Commissioner under the provisions of this Act or any rule promulgated in accordance with this Act.

(e) To conduct hearings.

(7) Whenever, in the opinion of the Commissioner, any director, officer, employee, or agent of a State bank or, after May 31, 1997, of any branch of an out-of-state bank shall have violated any law, rule, or order relating to that bank or shall have engaged in an unsafe or unsound practice in conducting the business of that bank or shall have violated any law or engaged or participated in any unsafe or unsound practice in connection with any financial institution or other business entity such that the character and fitness of the director, officer, employee, or agent does not assure reasonable promise of safe and sound operation of the State bank, the Commissioner may issue an order of removal. If, in the opinion of the Commissioner, any former director, officer, employee, or agent of a State bank, prior to the termination of his or her service with that bank, violated any law, rule, or order relating to that State bank or engaged in an unsafe or unsound practice in conducting the business of that bank or violated any law or engaged or participated in any unsafe or unsound practice in connection with any financial institution or other business entity such that the character and fitness of the director, officer, employee, or agent would not have assured reasonable promise of safe and sound operation of the State bank, the Commissioner may issue an order prohibiting that person from further service with a bank as a director, officer, employee, or agent. An order issued pursuant to this subsection shall be served upon the director, officer, employee, or agent. A copy of the order shall be sent to each director of the bank affected by registered mail. The person affected by the action may request a hearing before the State Banking Board within 10 days after receipt of the order of removal. The hearing shall be held by the Board within 30 days after the request has been received by the Board. The Board shall make a determination approving, modifying, or disapproving the order of the Commissioner as its final administrative decision. If a hearing is held by the Board, the Board shall make its determination within 60 days from the conclusion of the hearing. Any person affected by a decision of the Board under this subsection (7) of Section 48 of this Act may have the decision reviewed only under and in accordance with the Administrative Review Law and the rules adopted pursuant thereto. A copy of the order shall also be served upon the bank of which he is a director, officer, employee, or agent, whereupon he shall cease to be a director, officer, employee, or agent of that bank. The Commissioner may institute a civil action against the director, officer, or agent of the State bank or, after May 31, 1997, of the branch of the out-of-state bank against whom any order provided for by this subsection (7) of this Section 48 has been issued, and against the State bank or, after May 31, 1997, out-of-state bank, to enforce compliance with or to enjoin any violation of the terms of the order. Any person who has been the subject of an order of removal

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or an order of prohibition issued by the Commissioner under this subsection or Section 5-6 of the Corporate Fiduciary Act may not thereafter serve as director, officer, employee, or agent of any State bank or of any branch of any out-of-state bank, or of any corporate fiduciary, as defined in Section 1-5.05 of the Corporate Fiduciary Act, or of any other entity that is subject to licensure or regulation by the Commissioner or the Office of Banks and Real Estate unless the Commissioner has granted prior approval in writing.

(8) The Commissioner may impose civil penalties of up to \$10,000 against any person for each violation of any provision of this Act, any rule promulgated in accordance with this Act, any order of the Commissioner, or any other action which in the Commissioner's discretion is an unsafe or unsound banking practice.

(9) The Commissioner may impose civil penalties of up to \$100 against any person for the first failure to comply with reporting requirements set forth in the report of examination of the bank and up to \$200 for the second and subsequent failures to comply with those reporting requirements.

(10) All final administrative decisions of the Commissioner hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law. For matters involving administrative review, venue shall be in either Sangamon County or Cook County.

(11) The endowment fund for the Illinois Bank Examiners' Education Foundation shall be administered as follows:

(a) (Blank).

(b) The Foundation is empowered to receive voluntary contributions, gifts, grants, bequests, and donations on behalf of the Illinois Bank Examiners' Education Foundation from national banks and other persons for the purpose of funding the endowment of the Illinois Bank Examiners' Education Foundation.

(c) The aggregate of all special educational fees collected by the Commissioner and property received by the Commissioner on behalf of the Illinois Bank Examiners' Education Foundation under this subsection (11) on or after June 30, 1986, shall be either (i) promptly paid after receipt of the same, accompanied by a detailed statement thereof, into the State Treasury and shall be set apart in a special fund to be known as "The Illinois Bank Examiners' Education Fund" to be invested by either the Treasurer of the State of Illinois in the Public Treasurers' Investment Pool or in any other investment he is authorized to make or by the Illinois State Board of Investment as the board of trustees of the Illinois Bank Examiners' Education Foundation may direct or (ii) deposited into an account maintained in a commercial bank or corporate fiduciary in the name of the Illinois Bank Examiners' Education Foundation pursuant to the order and direction of the Board of Trustees of the Illinois Bank Examiners' Education Foundation.

(12) (Blank).

(Source: P.A. 90-14, eff. 7-1-97; 90-301, eff. 8-1-97; 90-665, eff. 7-30-98; 91-16, eff. 7-1-99.)

(205 ILCS 5/48.1) (from Ch. 17, par. 360)

Sec. 48.1. Customer financial records; confidentiality.

(a) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of:

(1) a document granting signature authority over a deposit or account;

(2) a statement, ledger card or other record on any deposit or account, which shows each transaction in or with respect to that account;

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(3) a check, draft or money order drawn on a bank or issued and payable by a bank; or

(4) any other item containing information pertaining to any relationship established in the ordinary course of a bank's business between a bank and its customer, including financial statements or other financial information provided by the customer.

(b) This Section does not prohibit:

(1) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a bank having custody of the records, or the examination of the records by a certified public accountant engaged by the bank to perform an independent audit.

(2) The examination of any financial records by, or the furnishing of financial records by a bank to, any officer, employee or agent of (i) the Commissioner of Banks and Real Estate, (ii) after May 31, 1997, a state regulatory authority authorized to examine a branch of a State bank located in another state, (iii) the Comptroller of the Currency, (iv) the Federal Reserve Board, or (v) the Federal Deposit Insurance Corporation for use solely in the exercise of his duties as an officer, employee, or agent.

(3) The publication of data furnished from financial records relating to customers where the data cannot be identified to any particular customer or account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986.

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between a bank and other banks or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a bank and other banks or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the bank or assets or liabilities of the bank.

(7) The furnishing of information to the appropriate law enforcement authorities where the bank reasonably believes it has been the victim of a crime.

(8) The furnishing of information under the Uniform Disposition of Unclaimed Property Act.

(9) The furnishing of information under the Illinois Income Tax Act and the Illinois Estate and Generation-Skipping Transfer Tax Act.

(10) The furnishing of information under the federal Currency and Foreign Transactions Reporting Act Title 31, United States Code, Section 1051 et seq.

(11) The furnishing of information under any other statute that by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant, or court order.

(12) The furnishing of information about the existence of an account of a person to a judgment creditor of that person who has made a written request for that information.

(13) The exchange in the regular course of business of information between commonly owned banks in connection with a transaction authorized under paragraph (23) of Section 5 and

conducted at an affiliate facility.

(14) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any bank governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the bank a reasonable fee not to exceed its actual cost incurred. A bank providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the bank in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A bank shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(15) The exchange in the regular course of business of information between a bank and any commonly owned affiliate of the bank, subject to the provisions of the Financial Institutions Insurance Sales Law.

(16) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if the bank suspects that a customer who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (16), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the bank to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A bank or person furnishing information pursuant to this item (16) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act and the Illinois Domestic Violence Act of 1986.

(17) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the customer, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the customer;

(B) maintaining or servicing a customer's account with the bank; or

(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a customer.

Nothing in this item (17), however, authorizes the sale of the financial records or information of a customer without the consent of the customer.

(c) Except as otherwise provided by this Act, a bank may not disclose to any person, except to the customer or his duly authorized agent, any financial records or financial information obtained from financial records relating to that customer of that bank unless:

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(1) the customer has authorized disclosure to the person;  
 (2) the financial records are disclosed in response to a lawful subpoena, summons, warrant or court order which meets the requirements of subsection (d) of this Section; or

(3) the bank is attempting to collect an obligation owed to the bank and the bank complies with the provisions of Section 2I of the Consumer Fraud and Deceptive Business Practices Act.

(d) A bank shall disclose financial records under paragraph (2) of subsection (c) of this Section under a lawful subpoena, summons, warrant, or court order only after the bank mails a copy of the subpoena, summons, warrant, or court order to the person establishing the relationship with the bank, if living, and, otherwise his personal representative, if known, at his last known address by first class mail, postage prepaid, unless the bank is specifically prohibited from notifying the person by order of court or by applicable State or federal law. A bank shall not mail a copy of a subpoena to any person pursuant to this subsection if the subpoena was issued by a grand jury under the Statewide Grand Jury Act.

(e) Any officer or employee of a bank who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than \$1,000.

(f) Any person who knowingly and willfully induces or attempts to induce any officer or employee of a bank to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than \$1,000.

(g) A bank shall be reimbursed for costs that are reasonably necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required or requested to be produced pursuant to a lawful subpoena, summons, warrant, or court order. The Commissioner shall determine the rates and conditions under which payment may be made. (Source: P.A. 90-18, eff. 7-1-97; 90-665, eff. 7-30-98; 91-330, eff. 7-29-99; 91-929, eff. 12-15-00.)

Section 10. The Illinois Savings and Loan Act of 1985 is amended by changing Sections 3-8 and 7-19.1 as follows:

(205 ILCS 105/3-8) (from Ch. 17, par. 3303-8)

Sec. 3-8. Access to books and records; communication with members.

(a) Every member or holder of capital shall have the right to inspect the books and records of the association that pertain to his account. Otherwise, the right of inspection and examination of the books and records shall be limited as provided in this Act, and no other person shall have access to the books and records or shall be entitled to a list of the members.

(b) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (i) a document granting signature authority over a deposit or account; (ii) a statement, ledger card, or other record on any deposit or account that shows each transaction in or with respect to that account; (iii) a check, draft, or money order drawn on an association or issued and payable by an association; or (iv) any other item containing information pertaining to any relationship established in the ordinary course of an association's business between an association and its customer, including financial statements or other financial information provided by the member or holder of capital.

(c) This Section does not prohibit:

(1) The preparation, examination, handling, or maintenance of any financial records by any officer, employee, or agent of an association having custody of those records or the examination of

those records by a certified public accountant engaged by the association to perform an independent audit;

(2) The examination of any financial records by, or the furnishing of financial records by an association to, any officer, employee, or agent of the Commissioner of Banks and Real Estate, Federal Savings and Loan Insurance Corporation and its successors, Federal Deposit Insurance Corporation, Resolution Trust Corporation and its successors, Federal Home Loan Bank Board and its successors, Office of Thrift Supervision, Federal Housing Finance Board, Board of Governors of the Federal Reserve System, any Federal Reserve Bank, or the Office of the Comptroller of the Currency for use solely in the exercise of his duties as an officer, employee, or agent;

(3) The publication of data furnished from financial records relating to members or holders of capital where the data cannot be identified to any particular member, holder of capital, or account;

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986;

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code;

(6) The exchange in the regular course of business of (i) credit information between an association and other associations or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between an association and other associations or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the association or assets or liabilities of the association;

(7) The furnishing of information to the appropriate law enforcement authorities where the association reasonably believes it has been the victim of a crime;

(8) The furnishing of information pursuant to the Uniform Disposition of Unclaimed Property Act;

(9) The furnishing of information pursuant to the Illinois Income Tax Act and the Illinois Estate and Generation-Skipping Transfer Tax Act;

(10) The furnishing of information pursuant to the federal "Currency and Foreign Transactions Reporting Act", (Title 31, United States Code, Section 1051 et seq.);

(11) The furnishing of information pursuant to any other statute that by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant, or court order;

(12) The exchange of information between an association and an affiliate of the association; as used in this item, "affiliate" includes any company, partnership, or organization that controls, is controlled by, or is under common control with an association.

(13) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any association governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the association a reasonable fee not to exceed its actual cost incurred. An association providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or

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surrendering any assets held by the association in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. An association shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(14) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if the association suspects that a customer who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (14), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the association to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. An association or person furnishing information pursuant to this item (14) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act and the Illinois Domestic Violence Act of 1986.

(15) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member or holder of capital, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member or holder of capital;

(B) maintaining or servicing an account of a member or holder of capital with the association; or

(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member or holder of capital.

Nothing in this item (15), however, authorizes the sale of the financial records or information of a member or holder of capital without the consent of the member or holder of capital.

(d) An association may not disclose to any person, except to the member or holder of capital or his duly authorized agent, any financial records relating to that member or holder of capital of that association unless:

(1) The member or holder of capital has authorized disclosure to the person; or

(2) The financial records are disclosed in response to a lawful subpoena, summons, warrant, or court order that meets the requirements of subsection (e) of this Section.

(e) An association shall disclose financial records under subsection (d) of this Section pursuant to a lawful subpoena, summons, warrant, or court order only after the association mails a copy of the subpoena, summons, warrant, or court order to the person establishing the relationship with the association, if living, and,

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otherwise, his personal representative, if known, at his last known address by first class mail, postage prepaid, unless the association is specifically prohibited from notifying that person by order of court.

(f) (1) Any officer or employee of an association who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than \$1,000.

(2) Any person who knowingly and willfully induces or attempts to induce any officer or employee of an association to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than \$1,000.

(g) However, if any member desires to communicate with the other members of the association with reference to any question pending or to be presented at a meeting of the members, the association shall give him upon request a statement of the approximate number of members entitled to vote at the meeting and an estimate of the cost of preparing and mailing the communication. The requesting member then shall submit the communication to the Commissioner who, if he finds it to be appropriate and truthful, shall direct that it be prepared and mailed to the members upon the requesting member's payment or adequate provision for payment of the expenses of preparation and mailing.

(h) An association shall be reimbursed for costs that are necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required to be reproduced pursuant to a lawful subpoena, warrant, or court order.

(Source: P.A. 90-18, eff. 7-1-97; 91-929, eff. 12-15-00.)

(205 ILCS 105/7-19.1) (from Ch. 17, par. 3307-19.1)

Sec. 7-19.1. Savings and Residential Finance Regulatory Fund.

(a) The aggregate of all fees collected by the Commissioner under this Act shall be paid promptly after receipt of the same, accompanied by a detailed statement thereof, into the State treasury and shall be set apart in the Savings and Residential Finance Regulatory Fund, a special fund hereby created in the State treasury. The amounts deposited into the Fund shall be used for the ordinary and contingent expenses of the Office of Banks and Real Estate. Nothing in this Act shall prevent continuing the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance of State officers by appropriation from the General Revenue Fund.

(b) Moneys in the Savings and Residential Finance Regulatory Fund may not be appropriated, assigned, or transferred to another State fund. The moneys in the Fund shall be for the sole benefit of the institutions assessed.

(c) All earnings received from investments of funds in the Savings and Residential Finance Regulatory Fund shall be deposited into the Savings and Residential Finance Regulatory Fund and may be used for the same purposes as fees deposited into that Fund.

(Source: P.A. 88-579, eff. 8-12-94; 89-508, eff. 7-3-96.)

Section 15. The Savings Bank Act is amended by changing Section 4013 as follows:

(205 ILCS 205/4013) (from Ch. 17, par. 7304-13)

Sec. 4013. Access to books and records; communication with members and shareholders.

(a) Every member or shareholder shall have the right to inspect books and records of the savings bank that pertain to his accounts. Otherwise, the right of inspection and examination of the books and

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records shall be limited as provided in this Act, and no other person shall have access to the books and records nor shall be entitled to a list of the members or shareholders.

(b) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (1) a document granting signature authority over a deposit or account; (2) a statement, ledger card, or other record on any deposit or account that shows each transaction in or with respect to that account; (3) a check, draft, or money order drawn on a savings bank or issued and payable by a savings bank; or (4) any other item containing information pertaining to any relationship established in the ordinary course of a savings bank's business between a savings bank and its customer, including financial statements or other financial information provided by the member or shareholder.

(c) This Section does not prohibit:

(1) The preparation, examination, handling, or maintenance of any financial records by any officer, employee, or agent of a savings bank having custody of records or examination of records by a certified public accountant engaged by the savings bank to perform an independent audit.

(2) The examination of any financial records by, or the furnishing of financial records by a savings bank to, any officer, employee, or agent of the Commissioner of Banks and Real Estate or the Federal Deposit Insurance Corporation for use solely in the exercise of his duties as an officer, employee, or agent.

(3) The publication of data furnished from financial records relating to members or holders of capital where the data cannot be identified to any particular member, shareholder, or account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986.

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between a savings bank and other savings banks or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a savings bank and other savings banks or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the savings bank or assets or liabilities of the savings bank.

(7) The furnishing of information to the appropriate law enforcement authorities where the savings bank reasonably believes it has been the victim of a crime.

(8) The furnishing of information pursuant to the Uniform Disposition of Unclaimed Property Act.

(9) The furnishing of information pursuant to the Illinois Income Tax Act and the Illinois Estate and Generation-Skipping Transfer Tax Act.

(10) The furnishing of information pursuant to the federal "Currency and Foreign Transactions Reporting Act", (Title 31, United States Code, Section 1051 et seq.).

(11) The furnishing of information pursuant to any other statute which by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant, or court order.

(12) The furnishing of information in accordance with the

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federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any savings bank governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the savings bank a reasonable fee not to exceed its actual cost incurred. A savings bank providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the savings bank in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A savings bank shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(13) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if the savings bank suspects that a customer who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (13), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the savings bank to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A savings bank or person furnishing information pursuant to this item (13) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act and the Illinois Domestic Violence Act of 1986.

(14) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member or holder of capital, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member or holder of capital;

(B) maintaining or servicing an account of a member or holder of capital with the savings bank; or

(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member or holder of capital.

Nothing in this item (14), however, authorizes the sale of the financial records or information of a member or holder of capital without the consent of the member or holder of capital.

(15) The exchange in the regular course of business of information between a savings bank and any commonly owned affiliate of the savings bank, subject to the provisions of the Financial Institutions Insurance Sales Law.

(d) A savings bank may not disclose to any person, except to the member or holder of capital or his duly authorized agent, any

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financial records relating to that member or shareholder of the savings bank unless:

(1) the member or shareholder has authorized disclosure to the person; or

(2) the financial records are disclosed in response to a lawful subpoena, summons, warrant, or court order that meets the requirements of subsection (e) of this Section.

(e) A savings bank shall disclose financial records under subsection (d) of this Section pursuant to a lawful subpoena, summons, warrant, or court order only after the savings bank mails a copy of the subpoena, summons, warrant, or court order to the person establishing the relationship with the savings bank, if living, and otherwise, his personal representative, if known, at his last known address by first class mail, postage prepaid, unless the savings bank is specifically prohibited from notifying the person by order of court.

(f) Any officer or employee of a savings bank who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than \$1,000.

(g) Any person who knowingly and willfully induces or attempts to induce any officer or employee of a savings bank to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than \$1,000.

(h) If any member or shareholder desires to communicate with the other members or shareholders of the savings bank with reference to any question pending or to be presented at an annual or special meeting, the savings bank shall give that person, upon request, a statement of the approximate number of members or shareholders entitled to vote at the meeting and an estimate of the cost of preparing and mailing the communication. The requesting member shall submit the communication to the Commissioner who, upon finding it to be appropriate and truthful, shall direct that it be prepared and mailed to the members upon the requesting member's or shareholder's payment or adequate provision for payment of the expenses of preparation and mailing.

(i) A savings bank shall be reimbursed for costs that are necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required to be reproduced pursuant to a lawful subpoena, warrant, or court order.

(j) Notwithstanding the provisions of this Section, a savings bank may sell or otherwise make use of lists of customers' names and addresses. All other information regarding a customer's account are subject to the disclosure provisions of this Section. At the request of any customer, that customer's name and address shall be deleted from any list that is to be sold or used in any other manner beyond identification of the customer's accounts.

(Source: P.A. 90-18, eff. 7-1-97; 91-929, eff. 12-15-00.)

Section 20. The Illinois Credit Union Act is amended by changing Sections 10, 12, and 59 as follows:

(205 ILCS 305/10) (from Ch. 17, par. 4411)

Sec. 10. Credit union records; member financial records.

(1) A credit union shall establish and maintain books, records, accounting systems and procedures which accurately reflect its operations and which enable the Department to readily ascertain the true financial condition of the credit union and whether it is complying with this Act.

(2) A photostatic or photographic reproduction of any credit

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union records shall be admissible as evidence of transactions with the credit union.

(3) (a) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (1) a document granting signature authority over an account, (2) a statement, ledger card or other record on any account which shows each transaction in or with respect to that account, (3) a check, draft or money order drawn on a financial institution or other entity or issued and payable by or through a financial institution or other entity, or (4) any other item containing information pertaining to any relationship established in the ordinary course of business between a credit union and its member, including financial statements or other financial information provided by the member.

(b) This Section does not prohibit:

(1) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a credit union having custody of such records, or the examination of such records by a certified public accountant engaged by the credit union to perform an independent audit;

(2) The examination of any financial records by or the furnishing of financial records by a credit union to any officer, employee or agent of the Department, the National Credit Union Administration, Federal Reserve board or any insurer of share accounts for use solely in the exercise of his duties as an officer, employee or agent;

(3) The publication of data furnished from financial records relating to members where the data cannot be identified to any particular customer of account;

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1954;

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code;

(6) The exchange in the regular course of business of (i) credit information between a credit union and other credit unions or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a credit union and other credit unions or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a merger or a purchase or sale of assets or liabilities of the credit union;

(7) The furnishing of information to the appropriate law enforcement authorities where the credit union reasonably believes it has been the victim of a crime;

(8) The furnishing of information pursuant to the Uniform Disposition of Unclaimed Property Act;

(9) The furnishing of information pursuant to the Illinois Income Tax Act and the Illinois Estate and Generation-Skipping Transfer Tax Act;

(10) The furnishing of information pursuant to the federal "Currency and Foreign Transactions Reporting Act", Title 31, United States Code, Section 1051 et sequentia; or

(11) The furnishing of information pursuant to any other statute which by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant or court

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order.

(12) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any credit union governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the credit union a reasonable fee not to exceed its actual cost incurred. A credit union providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the credit union in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A credit union shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(13) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if the credit union suspects that a member who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (13), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the credit union to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A credit union or person furnishing information pursuant to this item (13) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act and the Illinois Domestic Violence Act of 1986.

(14) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member;

(B) maintaining or servicing a member's account with the credit union; or

(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member.

Nothing in this item (14), however, authorizes the sale of the financial records or information of a member without the consent of the member.

(c) Except as otherwise provided by this Act, a credit union may not disclose to any person, except to the member or his duly

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authorized agent, any financial records relating to that member of the credit union unless:

- (1) the member has authorized disclosure to the person;
- (2) the financial records are disclosed in response to a lawful subpoena, summons, warrant or court order that meets the requirements of subparagraph (d) of this Section; or
- (3) the credit union is attempting to collect an obligation owed to the credit union and the credit union complies with the provisions of Section 2I of the Consumer Fraud and Deceptive Business Practices Act.

(d) A credit union shall disclose financial records under subparagraph (c)(2) of this Section pursuant to a lawful subpoena, summons, warrant or court order only after the credit union mails a copy of the subpoena, summons, warrant or court order to the person establishing the relationship with the credit union, if living, and otherwise his personal representative, if known, at his last known address by first class mail, postage prepaid unless the credit union is specifically prohibited from notifying the person by order of court or by applicable State or federal law. In the case of a grand jury subpoena, a credit union shall not mail a copy of a subpoena to any person pursuant to this subsection if the subpoena was issued by a grand jury under the Statewide Grand Jury Act or notifying the person would constitute a violation of the federal Right to Financial Privacy Act of 1978.

(e) (1) Any officer or employee of a credit union who knowingly and wilfully furnishes financial records in violation of this Section is guilty of a business offense and upon conviction thereof shall be fined not more than \$1,000.

(2) Any person who knowingly and wilfully induces or attempts to induce any officer or employee of a credit union to disclose financial records in violation of this Section is guilty of a business offense and upon conviction thereof shall be fined not more than \$1,000.

(f) A credit union shall be reimbursed for costs which are reasonably necessary and which have been directly incurred in searching for, reproducing or transporting books, papers, records or other data of a member required or requested to be produced pursuant to a lawful subpoena, summons, warrant or court order. The Director may determine, by rule, the rates and conditions under which payment shall be made. Delivery of requested documents may be delayed until final reimbursement of all costs is received.

(Source: P.A. 90-18, eff. 7-1-97; 91-929, eff. 12-15-00.)

(205 ILCS 305/12) (from Ch. 17, par. 4413)

Sec. 12. Regulatory fees for-examination-and-administration.

(1) A credit union regulated by the Department shall pay a regulatory fee to the Department based upon its total assets as shown by its Year-end Call Report at the following rates:

TOTAL ASSETS	REGULATORY FEE
\$25,000 or less .....	\$100
Over \$25,000 and not over	
\$100,000 .....	\$100 plus \$4 per \$1,000 of assets in excess of \$25,000
Over \$100,000 and not over	
\$200,000 .....	\$400 plus \$3 per \$1,000 of assets in excess of \$100,000
Over \$200,000 and not over	
\$500,000 .....	\$700 plus \$2 per \$1,000 of assets in excess of \$200,000
Over \$500,000 and not over	
\$1,000,000 .....	\$1,300 plus \$1.40 per \$1,000

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	of assets in excess of \$500,000
Over \$1,000,000 and not over \$5,000,000.....	\$2,000 plus \$0.50 per \$1,000 of assets in excess of \$1,000,000
Over \$5,000,000 and not over \$30,000,000 .....	\$4,000 plus \$0.35 per \$1,000 assets in excess of \$5,000,000
Over \$30,000,000 and not over \$100,000,000 .....	\$12,750 plus \$0.30 per \$1,000 of assets in excess of \$30,000,000
Over \$100,000,000 and not over \$500,000,000 .....	\$33,750 plus \$0.15 per \$1,000 of assets in excess of \$100,000,000
Over \$500,000,000 .....	\$93,750 plus \$0.05 per \$1,000 of assets in excess of \$500,000,000

(2) The Director shall review the regulatory fee schedule in subsection (1) and the projected earnings on those fees on an annual basis and adjust the fee schedule no more than 5% annually if necessary to defray the estimated administrative and operational expenses of the Department as defined in subsection (5). The Director shall provide credit unions with written notice of any adjustment made in the regulatory fee schedule.

(3) Not later than March 1 of each calendar year, a credit union shall pay to the Department, ~~for the preceding calendar year,~~ a regulatory fee for that calendar year in accordance with the regulatory fee schedule in subsection (1), on the basis of assets as of the Year-end Call Report of the preceding year. The regulatory fee shall not be less than \$100 or more than \$125,000, provided that the regulatory fee cap of \$125,000 shall be adjusted to incorporate the same percentage increase as the Director makes in the regulatory fee schedule from time to time under subsection (2). No regulatory fee shall be collected from a credit union until it has been in operation for one year.

(4) The aggregate of all fees collected by the Department under this Act shall be paid promptly after they are received ~~receipt--of the same,~~ accompanied by a detailed statement thereof, into the State Treasury and shall be set apart in the Credit Union Fund, a special fund hereby created in the State treasury. The amount from time to time deposited in the Credit Union Fund and shall be used to offset the ordinary administrative and operational expenses of the Department under this Act. All earnings received from investments of funds in the Credit Union Fund shall be deposited into the Credit Union Fund and may be used for the same purposes as fees deposited into that Fund.

(5) The administrative and operational expenses for any calendar year shall mean the ordinary and contingent expenses for that year incidental to making the examinations provided for by, and for administering, this Act, including all salaries and other compensation paid for personal services rendered for the State by officers or employees of the State to enforce this Act; all expenditures for telephone and telegraph charges, postage and postal charges, office supplies and services, furniture and equipment, office space and maintenance thereof, travel expenses and other necessary expenses; all to the extent that such expenditures are

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directly incidental to such examination or administration.

(6) When the aggregate of all fees collected by the Department under this Act and all earnings thereon for any calendar year exceeds 150% of the total administrative and operational expenses under this Act for that year, such excess shall be credited to credit unions and applied against their regulatory fees for the subsequent year. The amount credited to a credit union shall be in the same proportion as the fee paid by such credit union for the calendar year in which the excess is produced bears to the aggregate of the fees collected by the Department under this Act for the same year.

(7) Examination fees for the year 2000 statutory examinations paid pursuant to the examination fee schedule in effect at that time shall be credited toward the regulatory fee to be assessed the credit union in calendar year 2001.

(8) Nothing in this Act shall prohibit the General Assembly from appropriating funds to the Department from the General Revenue Fund for the purpose of administering this Act.

(Source: P.A. 91-755, eff. 1-1-01.)

(205 ILCS 305/59) (from Ch. 17, par. 4460)

Sec. 59. Investment of Funds. Funds not used in loans to members may be invested, pursuant to subsection (7) of Section 30 of this Act, and subject to Departmental rules and regulations:

(1) In securities, obligations or other instruments of or issued by or fully guaranteed as to principal and interest by the United States of America or any agency thereof or in any trust or trusts established for investing directly or collectively in the same;

(2) In obligations of any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the several territories organized by Congress, or any political subdivision thereof; however, a credit union may not invest more than 10% of its unimpaired capital and surplus in the obligations of one issuer, exclusive of general obligations of the issuer, and investments in municipal securities must be limited to securities rated in one of the 4 highest rating categories by a nationally recognized statistical rating organization;

(3) In certificates of deposit or passbook type accounts issued by a state or national bank, mutual savings bank or savings and loan association; provided that such institutions have their accounts insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation; but provided, further, that a credit union's investment in an account in any one institution may exceed the insured limit on accounts;

(4) In shares, classes of shares or share certificates of other credit unions, including, but not limited to corporate credit unions; provided that such credit unions have their members' accounts insured by the NCUA or other approved insurers, and that if the members' accounts are so insured, a credit union's investment may exceed the insured limit on accounts;

(5) In shares of a cooperative society organized under the laws of this State or the laws of the United States in the total amount not exceeding 10% of the unimpaired capital and surplus of the credit union; provided that such investment shall first be approved by the Department;

(6) In obligations of the State of Israel, or obligations fully guaranteed by the State of Israel as to payment of principal and interest;

(7) In shares, stocks or obligations of other financial institutions in the total amount not exceeding 5% of the unimpaired capital and surplus of the credit union;

(8) In federal funds and bankers' acceptances;

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(9) In shares or stocks of Credit Union Service Organizations in the total amount not exceeding 1% of the unimpaired capital and surplus of the credit union.

As used in this Section, "political subdivision" includes, but is not limited to, counties, townships, cities, villages, incorporated towns, school districts, educational service regions, special road districts, public water supply districts, fire protection districts, drainage districts, levee districts, sewer districts, housing authorities, park districts, and any agency, corporation, or instrumentality of a state or its political subdivisions, whether now or hereafter created and whether herein specifically mentioned or not.

(Source: P.A. 86-432.)

Section 25. The Illinois Trust and Payable on Death Accounts Act is amended by changing Sections 2 and 4 as follows:

(205 ILCS 625/2) (from Ch. 17, par. 2132)

Sec. 2. Definitions. As used in this Act, the following words have the meanings ascribed to them as set forth herein:

(a) "Institution" includes any bank as defined in Section 2 of the "Illinois Banking Act"~~7-approved-May-11-1955--as--amended~~, any association as defined in Section 1-10.03 of the "Illinois Savings and Loan Act"~~7-approved-July-5-1955--as--amended~~, any insured savings bank as defined in Section 1007.75 of the Savings Bank Act, or any credit union as defined in Section 1.1 of the "Illinois Credit Union Act"~~7-approved-August-30--1979--as--amended~~, and similar federal institutions.

(b) "Account" includes any account, deposit, certificate of deposit, withdrawable capital account or credit union share in any institution.

(Source: P.A. 84-461.)

(205 ILCS 625/4) (from Ch. 17, par. 2134)

Sec. 4. Payable on Death Account Incidents. If one or more persons a--person opening or holding an account sign signs an agreement with the institution providing that on the death of the last surviving person designated as holder the account shall be paid to or held by another person or persons, the account, and any balance therein which exists from time to time, shall be held as a payable payment on death account and unless otherwise agreed in writing between the person or persons opening or holding the account and the institution:

(a) Any The holder during his or her lifetime may change any of the designated persons to own the account at the his-er-her death of the last surviving holder without the knowledge or consent of any other holder or the said designated persons by a written instrument accepted by the institution;

(b) Any The holder may make additional deposits to and withdraw any part or all of the account at any time without the knowledge or consent of any other holder or the designated person or persons to own the account at the his-er-her death of the last surviving holder, subject to the bylaws and regulations of the institution, and all withdrawals shall constitute a revocation of the agreement as to the amount withdrawn; and

(c) Upon the death of the last surviving holder of the account, the person so designated to be the owner of the account who is then living shall be the sole owner of the account, unless more than one person is so designated and then living in which case those said persons shall hold the account in equal shares as tenants in common with no right of survivorship as between those persons. If no person designated as the owner of the account on the death of the last surviving holder is then living, the proceeds shall vest in the

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estate of the last surviving holder of the account.  
(Source: P.A. 84-461.)

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

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

On motion of Senator R. Madigan, Senate Bill No. 130 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, Senate Bill No. 131 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, Senate Bill No. 132 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Watson, Senate Bill No. 153 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, Senate Bill No. 184 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 184 on page 2, line 21, by replacing "other products" with "other alternative fuels made with corn-based products"; and on page 2, lines 22 and 23, by replacing "other products" with "other alternative fuels made with corn-based products"; and on page 3, line 18, immediately after the period, by inserting "Total payments, in any event, shall not exceed more than \$6,000,000 per fiscal year."

Senator Luechtefeld offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 184 on page 2, line 27, by replacing "other products" with "other alternative fuels made with corn-based products".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator del Valle, Senate Bill No. 194 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

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AMENDMENT NO. 1. Amend Senate Bill 194 as follows: on page 1, line 5, by changing "Sections 1 and" to "Section"; and by deleting lines 7 through 31 on page 1 and lines 1 through 6 on page 2.

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

On motion of Senator T. Walsh, Senate Bill No. 263 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, Senate Bill No. 382 having been printed, was taken up and read by title a second time.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 382 as follows: on page 1, line 9, by replacing "paramedics, emergency medical technicians," with "emergency medical technicians, paramedics"; and on page 1, line 27, by replacing "paramedics, emergency medical technicians," with "emergency medical technicians, paramedics"; and on page 2, line 4, by replacing "The" with "A list attached to the"; and on page 2, line 8, after "on", by inserting "the attachment to"; and on page 3, in lines 11 and 12, by replacing "paramedics, emergency medical technicians," with "emergency medical technicians, paramedics"; and on page 3, in lines 28 and 29, by replacing "paramedic, emergency medical technician," with "emergency medical technician, paramedic".

The motion prevailed and the amendment was adopted and ordered printed.

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

On motion of Senator Dillard, Senate Bill No. 385 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

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

"Section 5. The Counties Code is amended by changing Sections 3-5018, 3-5036, 4-2002, 4-2002.1, 4-4001, and 5-1113 as follows:

(55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

(Text of Section before amendment by P.A. 91-893)

Sec. 3-5018. Fees. The recorder elected as provided for in this Division shall receive such fees as are or may be provided for him by law, in case of provision therefor: otherwise he shall receive the same fees as are or may be provided in this Section, except when increased by county ordinance pursuant to the provisions of this Section, to be paid to the county clerk for his services in the office of recorder for like services. No filing fee shall be charged for providing informational copies of financing statements to the recorder pursuant to subsection (8) of Section 9-403 of the Uniform

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Commercial Code.

For recording deeds or other instruments \$12 for the first 4 pages thereof, plus \$1 for each additional page thereof, plus \$1 for each additional document number therein noted. The aggregate minimum fee for recording any one instrument shall not be less than \$12.

For recording deeds or other instruments wherein the premises affected thereby are referred to by document number and not by legal description a fee of \$1 in addition to that hereinabove referred to for each document number therein noted.

For recording assignments of mortgages, leases or liens \$12 for the first 4 pages thereof, plus \$1 for each additional page thereof. However, except for leases and liens pertaining to oil, gas and other minerals, whenever a mortgage, lease or lien assignment assigns more than one mortgage, lease or lien document, a \$7 fee shall be charged for the recording of each such mortgage, lease or lien document after the first one.

For recording maps or plats of additions or subdivisions approved by the county or municipality (including the spreading of the same of record in map case or other proper books) or plats of condominiums \$50 for the first page, plus \$1 for each additional page thereof except that in the case of recording a single page, legal size 8 1/2 x 14, plat of survey in which there are no more than two lots or parcels of land, the fee shall be \$12. In each county where such maps or plats are to be recorded, the recorder may require the same to be accompanied by such number of exact, true and legible copies thereof as the recorder deems necessary for the efficient conduct and operation of his office.

For certified copies of records the same fees as for recording, but in no case shall the fee for a certified copy of a map or plat of an addition, subdivision or otherwise exceed \$10.

Each certificate of such recorder of the recording of the deed or other writing and of the date of recording the same signed by such recorder, shall be sufficient evidence of the recording thereof, and such certificate including the indexing of record, shall be furnished upon the payment of the fee for recording the instrument, and no additional fee shall be allowed for the certificate or indexing.

The recorder shall charge an additional fee, in an amount equal to the fee otherwise provided by law, for recording a document (other than a document filed under the Plat Act or the Uniform Commercial Code) that does not conform to the following standards:

(1) The document shall consist of one or more individual sheets measuring 8.5 inches by 11 inches, not permanently bound and not a continuous form. Graphic displays accompanying a document to be recorded that measure up to 11 inches by 17 inches shall be recorded without charging an additional fee.

(2) The document shall be legibly printed in black ink, by hand, type, or computer. Signatures and dates may be in contrasting colors if they will reproduce clearly.

(3) The document shall be on white paper of not less than 20-pound weight and shall have a clean margin of at least one-half inch on the top, the bottom, and each side. Margins may be used for non-essential notations that will not affect the validity of the document, including but not limited to form numbers, page numbers, and customer notations.

(4) The first page of the document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right corner.

(5) The document shall not have any attachment stapled or otherwise affixed to any page.

A document that does not conform to these standards shall not be

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recorded except upon payment of the additional fee required under this paragraph. This paragraph, as amended by this amendatory Act of 1995, applies only to documents dated after the effective date of this amendatory Act of 1995.

The county board of any county may provide for an additional charge of \$3 for filing every instrument, paper, or notice for record, in order to defray the cost of the county recorder's operations relating to computer, micrographics, or any other means of automation of books and records. ~~converting the county recorder's document-storage system to computers or micrographics.~~

A special fund shall be set up by the treasurer of the county and such funds collected pursuant to the preceding paragraph Public Act 83-1321 shall be used solely for the costs and necessary expenses incurred by a county recorder to implement and maintain the automation of books and records by computer, micrographics, or any other means, including but not limited to electronic interface allowing public access to these records over the World Wide Web. ~~a document-storage system to provide the equipment, materials and necessary expenses incurred to help defray the costs of implementing and maintaining such a document-records system.~~

The county board of any county that provides and maintains a countywide map through a Geographic Information System (GIS) may provide for an additional charge of \$3 for filing every instrument, paper, or notice for record in order to defray the cost of implementing or maintaining the county's Geographic Information System. Of that amount, \$2 must be deposited into a special fund set up by the treasurer of the county, and any moneys collected pursuant to this amendatory Act of the 91st General Assembly and deposited into that fund must be used solely for the equipment, materials, and necessary expenses incurred in implementing and maintaining a Geographic Information System. The remaining \$1 must be deposited into the recorder's special funds created under Section 3-5005.4. The recorder may, in his or her discretion, use moneys in the funds created under Section 3-5005.4 to defray the cost of implementing or maintaining the county's Geographic Information System.

The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect such increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service.

A statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting documents shall be public record and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity.

(Source: P.A. 90-300, eff. 1-1-98; 91-791, eff. 6-9-00; 91-886, eff. 1-1-01.)

(Text of Section after amendment by P.A. 91-893)

Sec. 3-5018. Fees. The recorder elected as provided for in this Division shall receive such fees as are or may be provided for him by law, in case of provision therefor: otherwise he shall receive the same fees as are or may be provided in this Section, except when increased by county ordinance pursuant to the provisions of this Section, to be paid to the county clerk for his services in the

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office of recorder for like services.

For recording deeds or other instruments \$12 for the first 4 pages thereof, plus \$1 for each additional page thereof, plus \$1 for each additional document number therein noted. The aggregate minimum fee for recording any one instrument shall not be less than \$12.

For recording deeds or other instruments wherein the premises affected thereby are referred to by document number and not by legal description a fee of \$1 in addition to that hereinabove referred to for each document number therein noted.

For recording assignments of mortgages, leases or liens \$12 for the first 4 pages thereof, plus \$1 for each additional page thereof. However, except for leases and liens pertaining to oil, gas and other minerals, whenever a mortgage, lease or lien assignment assigns more than one mortgage, lease or lien document, a \$7 fee shall be charged for the recording of each such mortgage, lease or lien document after the first one.

For recording maps or plats of additions or subdivisions approved by the county or municipality (including the spreading of the same of record in map case or other proper books) or plats of condominiums \$50 for the first page, plus \$1 for each additional page thereof except that in the case of recording a single page, legal size 8 1/2 x 14, plat of survey in which there are no more than two lots or parcels of land, the fee shall be \$12. In each county where such maps or plats are to be recorded, the recorder may require the same to be accompanied by such number of exact, true and legible copies thereof as the recorder deems necessary for the efficient conduct and operation of his office.

For certified copies of records the same fees as for recording, but in no case shall the fee for a certified copy of a map or plat of an addition, subdivision or otherwise exceed \$10.

Each certificate of such recorder of the recording of the deed or other writing and of the date of recording the same signed by such recorder, shall be sufficient evidence of the recording thereof, and such certificate including the indexing of record, shall be furnished upon the payment of the fee for recording the instrument, and no additional fee shall be allowed for the certificate or indexing.

The recorder shall charge an additional fee, in an amount equal to the fee otherwise provided by law, for recording a document (other than a document filed under the Plat Act or the Uniform Commercial Code) that does not conform to the following standards:

(1) The document shall consist of one or more individual sheets measuring 8.5 inches by 11 inches, not permanently bound and not a continuous form. Graphic displays accompanying a document to be recorded that measure up to 11 inches by 17 inches shall be recorded without charging an additional fee.

(2) The document shall be legibly printed in black ink, by hand, type, or computer. Signatures and dates may be in contrasting colors if they will reproduce clearly.

(3) The document shall be on white paper of not less than 20-pound weight and shall have a clean margin of at least one-half inch on the top, the bottom, and each side. Margins may be used for non-essential notations that will not affect the validity of the document, including but not limited to form numbers, page numbers, and customer notations.

(4) The first page of the document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right corner.

(5) The document shall not have any attachment stapled or otherwise affixed to any page.

A document that does not conform to these standards shall not be

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recorded except upon payment of the additional fee required under this paragraph. This paragraph, as amended by this amendatory Act of 1995, applies only to documents dated after the effective date of this amendatory Act of 1995.

The county board of any county may provide for an additional charge of \$3 for filing every instrument, paper, or notice for record, in order to defray the cost of the county recorder's operations relating to computer, micrographics, or any other means of automation of books and records. ~~converting--the--county--recorder's document-storage-system-to-computers-or-micrographics.-~~

A special fund shall be set up by the treasurer of the county and such funds collected pursuant to the preceding paragraph Public Act 83-1321 shall be used solely for the costs and necessary expenses incurred by a county recorder to implement and maintain the automation of books and records by computer, micrographics, or any other means, including but not limited to electronic interface allowing public access to these records over the World Wide Web. ~~a document-storage-system-to-provide-the-equipment-materials-and-necessary-expenses-incurred-to-help-defray-the-costs-of-implementing-and-maintaining-such-a-document-records-system.-~~

The county board of any county that provides and maintains a countywide map through a Geographic Information System (GIS) may provide for an additional charge of \$3 for filing every instrument, paper, or notice for record in order to defray the cost of implementing or maintaining the county's Geographic Information System. Of that amount, \$2 must be deposited into a special fund set up by the treasurer of the county, and any moneys collected pursuant to this amendatory Act of the 91st General Assembly and deposited into that fund must be used solely for the equipment, materials, and necessary expenses incurred in implementing and maintaining a Geographic Information System. The remaining \$1 must be deposited into the recorder's special funds created under Section 3-5005.4. The recorder may, in his or her discretion, use moneys in the funds created under Section 3-5005.4 to defray the cost of implementing or maintaining the county's Geographic Information System.

The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect such increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service.

A statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting documents shall be public record and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity.

(Source: P.A. 90-300, eff. 1-1-98; 91-791, eff. 6-9-00; 91-886, eff. 1-1-01; 91-893, eff. 7-1-01; revised 9-7-00.)

(55 ILCS 5/3-5036) (from Ch. 34, par. 3-5036)

Sec. 3-5036. Records open to inspection. All records, indices, abstract and other books kept in the office of any recorder, and all instruments filed therein and all instruments deposited or left for recordation therein shall, during the office hours, be open for public inspection and examination; and all persons shall have free access for inspection and examination to such records, indices, books

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and instruments, which the recorders shall be bound to exhibit to those who wish to inspect or examine the same; and all persons shall have the right to take memoranda and abstracts thereof without fee or reward. This Section is subject to the provisions of "The Local Records Act".

Records, indices, abstracts, and other books kept in the office of the recorder, and all instruments filed, deposited, or left there for recordation, may be made available on a Web site maintained by the county recorder on the World Wide Web. Making records available on the World Wide Web does not alter or satisfy any duties of the county recorder to keep, maintain, or otherwise make available records of the office as required by law. A reasonable fee may be assessed against any person who may access or copy records from a World Wide Web site maintained by the county recorder.

(Source: P.A. 86-962.)

(55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

Sec. 4-2002. State's attorney fees in counties under 3,000,000 population. This Section applies only to counties with fewer than 800,000 ~~3,000,000~~ inhabitants.

(a) State's attorneys shall be entitled to the following fees, however, the fee requirement of this subsection does not apply to county boards:

For each conviction in prosecutions on indictments for first degree murder, second degree murder, involuntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, aggravated criminal sexual abuse, kidnapping, arson and forgery, \$30. All other cases punishable by imprisonment in the penitentiary, \$30.

For each conviction in other cases tried before judges of the circuit court, \$15; except that if the conviction is in a case which may be assigned to an associate judge, whether or not it is in fact assigned to an associate judge, the fee shall be \$10.

For preliminary examinations for each defendant held to bail or recognizance, \$10.

For each examination of a party bound over to keep the peace, \$10.

For each defendant held to answer in a circuit court on a charge of paternity, \$10.

For each trial on a charge of paternity, \$30.

For each case of appeal taken from his county or from the county to which a change of venue is taken to his county to the Supreme or Appellate Court when prosecuted or defended by him, \$50.

For each day actually employed in the trial of a case, \$25; in which case the court before whom the case is tried shall make an order specifying the number of days for which a per diem shall be allowed.

For each day actually employed in the trial of cases of felony arising in their respective counties and taken by change of venue to another county, \$25; and the court before whom the case is tried shall make an order specifying the number of days for which said per diem shall be allowed; and it is hereby made the duty of each State's attorney to prepare and try each case of felony arising when so taken by change of venue.

For assisting in a trial of each case on an indictment for felony brought by change of venue to their respective counties, the same fees they would be entitled to if such indictment had been found for an offense committed in his county, and it shall be the duty of the State's attorney of the county to which such cause is taken by change of venue to assist in the trial thereof.

For each case of forfeited recognizance where the forfeiture is set aside at the instance of the defense, in addition to the ordinary

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costs, \$10 for each defendant.

For each proceeding in a circuit court to inquire into the alleged mental illness of any person, \$10 for each defendant.

For each proceeding in a circuit court to inquire into the alleged dependency or delinquency of any child, \$10.

For each day actually employed in the hearing of a case of habeas corpus in which the people are interested, \$25.

All the foregoing fees shall be taxed as costs to be collected from the defendant, if possible, upon conviction. But in cases of inquiry into the mental illness of any person alleged to be mentally ill, in cases on a charge of paternity and in cases of appeal in the Supreme or Appellate Court, where judgment is in favor of the accused, the fees allowed the State's attorney therein shall be retained out of the fines and forfeitures collected by them in other cases.

Ten per cent of all moneys except revenue, collected by them and paid over to the authorities entitled thereto, which per cent together with the fees provided for herein that are not collected from the parties tried or examined, shall be paid out of any fines and forfeited recognizances collected by them, provided however, that in proceedings to foreclose the lien of delinquent real estate taxes State's attorneys shall receive a fee, to be credited to the earnings of their office, of 10% of the total amount realized from the sale of real estate sold in such proceedings. Such fees shall be paid from the total amount realized from the sale of the real estate sold in such proceedings.

State's attorneys shall have a lien for their fees on all judgments for fines or forfeitures procured by them and on moneys except revenue received by them until such fees and earnings are fully paid.

No fees shall be charged on more than 10 counts in any one indictment or information on trial and conviction; nor on more than 10 counts against any one defendant on pleas of guilty.

The Circuit Court may direct that of all monies received, by restitution or otherwise, which monies are ordered paid to the Department of Public Aid or the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) as a direct result of the efforts of the State's attorney and which payments arise from Civil or Criminal prosecutions involving the Illinois Public Aid Code or the Criminal Code, the following amounts shall be paid quarterly by the Department of Public Aid or the Department of Human Services to the General Corporate Fund of the County in which the prosecution or cause of action took place:

(1) where the monies result from child support obligations, not more than 25% of the federal share of the monies received,

(2) where the monies result from other than child support obligations, not more than 25% of the State's share of the monies received.

(b) A municipality shall be entitled to a \$10 prosecution fee for each conviction for a violation of The Illinois Vehicle Code prosecuted by the municipal attorney pursuant to Section 16-102 of that Code which is tried before a circuit or associate judge and shall be entitled to a \$10 prosecution fee for each conviction for a violation of a municipal vehicle ordinance or nontraffic ordinance prosecuted by the municipal attorney which is tried before a circuit or associate judge. Such fee shall be taxed as costs to be collected from the defendant, if possible, upon conviction. A municipality shall have a lien for such prosecution fees on all judgments or fines procured by the municipal attorney from prosecutions for violations of The Illinois Vehicle Code and municipal vehicle ordinances or

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nontraffic ordinances.

For the purposes of this subsection (b), "municipal vehicle ordinance" means any ordinance enacted pursuant to Sections 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois Municipal Code or any ordinance enacted by a municipality which is similar to a provision of Chapter 11 of The Illinois Vehicle Code.

(Source: P.A. 88-572, eff. 8-11-94; 89-507, eff. 7-1-97.)

(55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

Sec. 4-2002.1. State's attorney fees in counties of 800,000 ~~3,700,000~~ or more population. This Section applies only to counties with 800,000 ~~3,700,000~~ or more inhabitants.

(a) State's attorneys shall be entitled to the following fees:

For each conviction in prosecutions on indictments for first degree murder, second degree murder, involuntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, aggravated criminal sexual abuse, kidnapping, arson and forgery, \$60. All other cases punishable by imprisonment in the penitentiary, \$60.

For each conviction in other cases tried before judges of the circuit court, \$30; except that if the conviction is in a case which may be assigned to an associate judge, whether or not it is in fact assigned to an associate judge, the fee shall be \$20.

For preliminary examinations for each defendant held to bail or recognizance, \$20.

For each examination of a party bound over to keep the peace, \$20.

For each defendant held to answer in a circuit court on a charge of paternity, \$20.

For each trial on a charge of paternity, \$60.

For each case of appeal taken from his county or from the county to which a change of venue is taken to his county to the Supreme or Appellate Court when prosecuted or defended by him, \$100.

For each day actually employed in the trial of a case, \$50; in which case the court before whom the case is tried shall make an order specifying the number of days for which a per diem shall be allowed.

For each day actually employed in the trial of cases of felony arising in their respective counties and taken by change of venue to another county, \$50; and the court before whom the case is tried shall make an order specifying the number of days for which said per diem shall be allowed; and it is hereby made the duty of each State's attorney to prepare and try each case of felony arising when so taken by change of venue.

For assisting in a trial of each case on an indictment for felony brought by change of venue to their respective counties, the same fees they would be entitled to if such indictment had been found for an offense committed in his county, and it shall be the duty of the State's attorney of the county to which such cause is taken by change of venue to assist in the trial thereof.

For each case of forfeited recognizance where the forfeiture is set aside at the instance of the defense, in addition to the ordinary costs, \$20 for each defendant.

For each proceeding in a circuit court to inquire into the alleged mental illness of any person, \$20 for each defendant.

For each proceeding in a circuit court to inquire into the alleged dependency or delinquency of any child, \$20.

For each day actually employed in the hearing of a case of habeas corpus in which the people are interested, \$50.

All the foregoing fees shall be taxed as costs to be collected from the defendant, if possible, upon conviction. But in cases of inquiry into the mental illness of any person alleged to be mentally

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ill, in cases on a charge of paternity and in cases of appeal in the Supreme or Appellate Court, where judgment is in favor of the accused, the fees allowed the State's attorney therein shall be retained out of the fines and forfeitures collected by them in other cases.

Ten per cent of all moneys except revenue, collected by them and paid over to the authorities entitled thereto, which per cent together with the fees provided for herein that are not collected from the parties tried or examined, shall be paid out of any fines and forfeited recognizances collected by them, provided however, that in proceedings to foreclose the lien of delinquent real estate taxes State's attorneys shall receive a fee, to be credited to the earnings of their office, of 10% of the total amount realized from the sale of real estate sold in such proceedings. Such fees shall be paid from the total amount realized from the sale of the real estate sold in such proceedings.

State's attorneys shall have a lien for their fees on all judgments for fines or forfeitures procured by them and on moneys except revenue received by them until such fees and earnings are fully paid.

No fees shall be charged on more than 10 counts in any one indictment or information on trial and conviction; nor on more than 10 counts against any one defendant on pleas of guilty.

The Circuit Court may direct that of all monies received, by restitution or otherwise, which monies are ordered paid to the Department of Public Aid or the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) as a direct result of the efforts of the State's attorney and which payments arise from Civil or Criminal prosecutions involving the Illinois Public Aid Code or the Criminal Code, the following amounts shall be paid quarterly by the Department of Public Aid or the Department of Human Services to the General Corporate Fund of the County in which the prosecution or cause of action took place:

- (1) where the monies result from child support obligations, not less than 25% of the federal share of the monies received,
- (2) where the monies result from other than child support obligations, not less than 25% of the State's share of the monies received.

(b) A municipality shall be entitled to a \$10 prosecution fee for each conviction for a violation of the Illinois Vehicle Code prosecuted by the municipal attorney pursuant to Section 16-102 of that Code which is tried before a circuit or associate judge and shall be entitled to a \$10 prosecution fee for each conviction for a violation of a municipal vehicle ordinance prosecuted by the municipal attorney which is tried before a circuit or associate judge. Such fee shall be taxed as costs to be collected from the defendant, if possible, upon conviction. A municipality shall have a lien for such prosecution fees on all judgments or fines procured by the municipal attorney from prosecutions for violations of the Illinois Vehicle Code and municipal vehicle ordinances.

For the purposes of this subsection (b), "municipal vehicle ordinance" means any ordinance enacted pursuant to Sections 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois Municipal Code or any ordinance enacted by a municipality which is similar to a provision of Chapter 11 of the Illinois Vehicle Code.

(Source: P.A. 89-507, eff. 7-1-97.)

(55 ILCS 5/4-4001) (from Ch. 34, par. 4-4001)

Sec. 4-4001. County Clerks; counties of first and second class. The fees of the county clerk in counties of the first and second class, except when increased by county ordinance pursuant to the

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provisions of this Section, shall be:

For each official copy of any process, file, record or other instrument of and pertaining to his office, 50¢ for each 100 words, and \$1 additional for certifying and sealing the same.

For filing any paper not herein otherwise provided for, \$1, except that no fee shall be charged for filing a Statement of economic interest pursuant to the Illinois Governmental Ethics Act or reports made pursuant to Article 9 of The Election Code.

For issuance of fireworks permits, \$2.

For issuance of liquor licenses, \$5.

For filing and recording of the appointment and oath of each public official, \$3.

For officially certifying and sealing each copy of any process, file, record or other instrument of and pertaining to his office, \$1.

For swearing any person to an affidavit, \$1.

For issuing each license in all matters except where the fee for the issuance thereof is otherwise fixed, \$4.

For issuing each marriage license, the certificate thereof, and for recording the same, including the recording of the parent's or guardian's consent where indicated, \$15.

For taking and certifying acknowledgments to any instrument, except where herein otherwise provided for, \$1.

For issuing each certificate of appointment or commission, the fee for which is not otherwise fixed by law, \$1.

For cancelling tax sale and issuing and sealing certificates of redemption, \$3.

For issuing order to county treasurer for redemption of forfeited tax, \$2.

For trying and sealing weights and measures by county standard, together with all actual expenses in connection therewith, \$1.

For services in case of estrays, \$2.

The following fees shall be allowed for services attending the sale of land for taxes, and shall be charged as costs against the delinquent property and be collected with the taxes thereon:

For services in attending the tax sale and issuing certificate of sale and sealing the same, for each tract or town lot sold, \$4. The County Board of any county of the first or second class may by ordinance authorize the County Clerk to impose an additional \$10 charge for issuing each certificate of sale for the sole purpose of defraying the cost of converting the County Clerk's tax extension and redemption system to computers and micrographics and for maintaining this system. The County Board of any county of the first or second class may by ordinance authorize the County Treasurer to establish a special fund for deposit of the additional charge. Moneys in the special fund shall be used solely to provide the equipment, material, and necessary expenses incurred to help defray the cost of implementing and maintaining the tax extension and redemption system.

For making list of delinquent lands and town lots sold, to be filed with the Comptroller, for each tract or town lot sold, 10¢.

~~The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect such increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service.~~

~~A Statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting~~

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~~documents shall be public record and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity.~~

~~The county clerk in all cases may demand and receive the payment of all fees for services in advance so far as the same can be ascertained.~~

The county board of any county of the first or second class may by ordinance authorize the county clerk to impose an additional \$2 charge for certified copies of vital records as defined in Section 1 of the Vital Records Act, for the sole purpose of defraying the cost of converting the county clerk's document storage system for vital records as defined in Section 1 of the Vital Records Act to computers or micrographics, and for maintaining such system.

The county board of any county of the first or second class may by ordinance authorize the county treasurer to establish a special fund for deposit of the additional charge. Moneys in the special fund shall be used solely to provide the equipment, material and necessary expenses incurred to help defray the cost of implementing and maintaining such document storage system.

The fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department, or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect these increased fees from all persons and entities other than officers, agencies, departments, and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service.

A Statement of the costs of providing each service, program, and activity shall be prepared by the county board. All supporting documents shall be public records and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program, and activity.

The county clerk in all cases may demand and receive the payment of all service fees in advance so far as these fees can be ascertained in advance.

(Source: P.A. 86-962.)

(55 ILCS 5/5-1113) (from Ch. 34, par. 5-1113)

Sec. 5-1113. Ordinance and rules to execute powers; limitations on punishments. The county board may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to counties, with such fines or penalties as may be deemed proper except where a specific provision for a fine or penalty is provided by law. No fine or penalty, however, except civil penalties provided for failure to make returns or to pay any taxes levied by the county shall exceed \$750 \$500.

(Source: P.A. 86-962.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect, the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect on July 1, 2001."

There being no further amendments, the foregoing Amendment No. 1,

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was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Watson, Senate Bill No. 406 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 450 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 456 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 456 on page 1, line 28, by deleting "and awarding contracts"; and on page 3, by replacing lines 9 through 28 with the following:

"Sec. 33-15. Evaluation procedure. A State agency shall evaluate the construction managers submitting letters of interest and other prequalified construction managers, taking into account qualifications; and the State agency may consider, but shall not be limited to considering, ability of professional personnel, past record and experience, performance data on file, willingness to meet time requirements, location, workload of the construction manager, and any other qualifications-based factors as the State agency may determine in writing are applicable. The State agency may conduct discussions with and require public presentations by construction managers deemed to be the most qualified regarding their qualifications, approach to the project, and ability to furnish the required services.

A State agency shall establish a committee to select construction managers to provide construction management services. A selection committee may include at least one public member nominated by a statewide association of construction managers. The public member may not be employed or associated with any firm holding a contract with the State agency nor may the public member's firm be considered for a contract with that State agency while he or she is serving as a public member of the committee.

In no case shall a State agency, prior to selecting a construction manager, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation."

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

On motion of Senator Burzynski, Senate Bill No. 493 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator L. Madigan, Senate Bill No. 502 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, Senate Bill No. 527 having been

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printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, Senate Bill No. 534 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, Senate Bill No. 550 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 550 on page 1, by inserting after line 15 the following:

"(a-10) A unit of local government may exercise "quick-take" powers to acquire real property or an interest in real property under this Article only with respect to real property lying within the limits of its territorial jurisdiction. Before the General Assembly may consider any amendment of this Section that adds an authorization for a unit of local government to acquire real property or an interest in real property under this Section, all of the following must occur:

(1) The governing body of the unit of local government shall hold at least one public hearing on the matter of the proposed acquisition. The governing body must give notice of the hearing by publication in a newspaper published in the territory under the jurisdiction of the unit of local government or, if no newspaper is published in that territory, in a newspaper of general circulation in that territory. At the hearing the governing body shall give members of the public an opportunity to ask questions and offer comments orally or in writing or both.

(2) After the conclusion of the public hearing process required under paragraph (1), and not on the same day as a hearing conducted under that paragraph, the governing body of the unit of local government shall adopt by recorded vote a resolution requesting an authorization to exercise "quick-take" powers to acquire the property or interest in property under this Article.

(3) After adopting a resolution under paragraph (2), the governing body of the unit of local government shall file with the Secretary of the Senate and the Clerk of the House of Representatives all of the following:

(A) A copy of the resolution.

(B) The legal description of the property or interest in property sought to be acquired by the exercise of "quick-take" powers under this Article.

(C) An appraisal of the fair market value of the property or interest in property sought to be acquired by the unit of local government. The appraisal must be prepared by an independent qualified real estate appraiser.

(D) An explanation of the public purposes that the unit of local government intends to further by the acquisition of the property or interest in property.

This subsection (a-10) applies only to authorizations to acquire real property or an interest in real property under this Section that take effect after the effective date of this amendatory Act of the 92nd General Assembly."

There being no further amendments, the foregoing Amendment No. 1,

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was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Welch, Senate Bill No. 575 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 606 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, Senate Bill No. 610 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Geo-Karis, Senate Bill No. 697 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 697 on page 1, line 8, by replacing "and" with "or"; and page 1, line 15, by replacing "and" with "or"; and Page 2 by replacing lines 8 through 25 with the following: "purposes?"

For the purposes of the paragraph, "public safety purposes" means crime prevention, detention, fire fighting, police, medical, ambulance, or other emergency services.

Votes shall be recorded as "Yes" or "No".

(2) The proposition for transportation purposes shall be in substantially the following form:

"Shall (name of county) be authorized to impose a tax at the rate of (insert rate) upon all persons engaged in the business of selling tangible personal property at retail in the county on gross receipts from the sales made in the course of their business to be used for transportation purposes?"

For the purposes of this paragraph, transportation purposes means construction, maintenance, operation, and improvements of public highways.

The votes shall be recorded as "Yes" or "No".

on page 4, line 13, by replacing "and" with "or"; and on page 6, line 4, by replacing "and" with "or"; and on page 6, line 14, by replacing "and" with "or"; and on page 8, line 26, by replacing "and" with "or"; and on page 8, line 34, after "the" by inserting "Illinois".

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

At the hour of 12:40 o'clock p.m., Senator Karpel presiding.

On motion of Senator Dudycz, Senate Bill No. 720 having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 12:41 o'clock p.m., Senator Dudycz presiding.

On motion of Senator T. Walsh, Senate Bill No. 830 having been

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printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, Senate Bill No. 835 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, Senate Bill No. 836 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, Senate Bill No. 837 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Karpel, Senate Bill No. 850 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 853 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 854 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 855 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, Senate Bill No. 857 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, Senate Bill No. 858 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, Senate Bill No. 862 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Watson, Senate Bill No. 871 having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Agriculture and Conservation.

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

On motion of Senator Burzynski, Senate Bill No. 877 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Geo-Karis, Senate Bill No. 883 having been printed, was taken up and read by title a second time.

Senator Geo-Karis offered the following amendment and moved its adoption:

AMENDMENT NO. 1

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AMENDMENT NO. 1. Amend Senate Bill 883 by replacing all of page 6 with the following:  
"January 1, 2002."

The motion prevailed and the amendment was adopted and ordered printed.

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

On motion of Senator T. Walsh, Senate Bill No. 888 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 888 on page 8 by replacing lines 22 through 30 with the following:

~~"(e) (Blank). The bonds and securities so pledged may, with the approval of the Director, be exchanged for other bonds or securities. No bond or security may be sold or transferred by the Director except on order of the circuit court or as otherwise provided. As long as the applicant or licensee pledging the bonds or securities remains solvent and in good standing under this Act, it shall be permitted to receive from the Director the interest and dividends on the deposit.";~~ and

on page 13, line 7, by changing "creditors" to "creditors, as shown by the licensee's books and records,"; and

on page 16, line 16, by changing "determine" to "terminate"; and

on page 16, line 28, by changing "determination" to "termination"; and

on page 19, line 25, by changing "of the" to "of any violation of this Act or rules by a license"; and

on page 19, line 26, by deleting "licensed operations"; and

on page 21, line 11, by changing "creditors" to "creditors, as shown by the licensee's books and records,"; and

on page 24, line 20, by changing "determine" to "terminate"; and

on page 24, line 32, by changing "determination" to "termination".

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

On motion of Senator Cullerton, Senate Bill No. 1047 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, Senate Bill No. 1089 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1102 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, Senate Bill No. 1104 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 1176 having been

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printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 1216 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 1217 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 1218 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 1219 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 1232 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 1278 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 1279 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, Senate Bill No. 647 having been printed, was taken up, read by title a second time and ordered to a third reading.

#### READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Sieben, Senate Bill No. 101, 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:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson

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Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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 Roskam, Senate Bill No. 180, 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 negative by the following vote: Yeas 29; Nays 20; Present 2.

The following voted in the affirmative:

Burzynski  
 Clayborne  
 Cronin

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Dillard  
Dudycz  
Geo-Karis  
Hendon  
Karpel  
Klemm  
Lauzen  
Lightford  
Madigan, L.  
Obama  
O'Daniel  
O'Malley  
Parker  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shaw  
Silverstein  
Sullivan  
Syverson  
Walsh, T.  
Watson  
Weaver  
Mr. President

The following voted in the negative:

Bomke  
Bowles  
DeLeo  
del Valle  
Donahue  
Halvorson  
Hawkinson  
Jacobs  
Jones, W.  
Link  
Mahar  
Molaro  
Myers  
Noland  
Peterson  
Shadid  
Viverito  
Walsh, L.  
Welch  
Woolard

The following voted present:

Luechtefeld  
Sieben

This roll call verified.

Following the verification of the roll call, the Chair directed that the names of Senators Munoz and Trotter, having voted in the affirmative, be removed, as they were absent from the floor at the

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time of the verification.

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

On motion of Senator Jacobs, Senate Bill No. 265, 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:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben

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Silverstein  
 Sullivan  
 Syverson  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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 Parker, Senate Bill No. 275, 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 57; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpiel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel

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O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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 Burzynski, Senate Bill No. 289, 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 57; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen

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Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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 Klemm, Senate Bill No. 394, 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:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard

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Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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 Parker, Senate Bill No. 396, 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:

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Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Sullivan  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

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

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

On motion of Senator Roskam, Senate Bill No. 433, 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:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito

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Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

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 Jacobs, Senate Bill No. 452 was recalled from the order of third reading to the order of second reading.

Senator Jacobs offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 452, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 4, line 27, by changing "\$500,0000" to "\$500,000".

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 L. Walsh, Senate Bill No. 487, 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 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon

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Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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. 504, 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 57; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne

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Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

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.

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On motion of Senator O'Daniel, Senate Bill No. 547, 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 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.

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Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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 O'Malley, Senate Bill No. 574, 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 47; Nays 6.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Munoz  
 Myers  
 Noland  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Viverito

[Mar. 20, 2001]

Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The following voted in the negative:

DeLeo  
del Valle  
Jones, E.  
Molaro  
Obama  
Shaw

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 Roskam, Senate Bill No. 661, 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 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro

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Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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 Sullivan, **Senate Bill No. 683**, 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 57; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs

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Jones, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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 O'Malley, Senate Bill No. 761, 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 57; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin

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Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

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 Donahue, Senate Bill No. 787, having been  
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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:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver

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Welch  
Woolard  
Mr. President

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 Sullivan, **Senate Bill No. 838**, 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:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam

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Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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 Geo-Karis, Senate Bill No. 840, 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:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudyycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers

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Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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 Syverson, Senate Bill No. 842, 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 35; Nays 15; Present 4.

The following voted in the affirmative:

Bomke  
 Burzynski  
 Cullerton  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Jones, W.  
 Karpel  
 Luechtefeld  
 Madigan, R.  
 Mahar  
 Munoz  
 Myers  
 Noland  
 O'Daniel  
 O'Malley  
 Parker

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Petka  
 Radogno  
 Roskam  
 Shadid  
 Sieben  
 Sullivan  
 Syverson  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

The following voted in the negative:

DeLeo  
 Hendon  
 Jones, E.  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Madigan, L.  
 Molaro  
 Obama  
 Peterson  
 Rauschenberger  
 Ronen  
 Silverstein  
 Trotter

The following voted present:

Bowles  
 Cronin  
 Demuzio  
 Shaw

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 R. Madigan, Senate Bill No. 849, 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 57; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin

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Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Laufen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

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 Sullivan, Senate Bill No. 861, having been

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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  
Bowles  
Burzynski  
Clayborne  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudyycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch

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Woolard  
Mr. President

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 T. Walsh, Senate Bill No. 865, 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:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid

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Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Welch  
 Woolard  
 Mr. President

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 Sieben, Senate Bill No. 874, 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:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Donahue  
 Dudyycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama

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O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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 O'Malley, Senate Bill No. 898, 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 57; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Klemm

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Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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 Roskam, Senate Bill No. 1026, 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:

Bomke  
 Bowles  
 Burzynski  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard

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Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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 Dillard, Senate Bill No. 1097, 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.

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The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not

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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.

#### 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 Amendment No. 1 to Senate Bill 330  
 Senate Amendment No. 1 to Senate Bill 430  
 Senate Amendment No. 1 to Senate Bill 735  
 Senate Amendment No. 1 to Senate Bill 980  
 Senate Amendment No. 1 to Senate Bill 1116

#### PRESENTATION OF RESOLUTIONS

##### SENATE RESOLUTION NO. 80

Offered by Senator Bomke and all Senators:  
 Mourns the death of George Gus Kerasotes of Springfield.

##### SENATE RESOLUTION NO. 81

Offered by Senator Silverstein and all Senators:  
 Mourns the death of Rabbi Harold Shusterman of Chicago.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 12, sponsored by Senator Mahar was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 25, sponsored by Senators Parker - Obama was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 169, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 217, sponsored by Senator Woolard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 382, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 427, sponsored by Senator Dudycz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 543, sponsored by Senator Trotter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 638, sponsored by Senator Woolard was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 846, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 857, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1001, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1030, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1034, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1854, sponsored by Senator Sieben was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1908, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1970, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

At the hour of 1:55 o'clock p.m., on motion of Senator Weaver, the Senate stood adjourned until Wednesday, March 21, 2001 at 12:00 o'clock noon.

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