

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

57TH LEGISLATIVE DAY

TUESDAY, NOVEMBER 27, 2001

1:30 O'CLOCK P.M.

No. 57  
[Nov. 27, 2001]

The Senate met pursuant to adjournment.  
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
Prayer by Reverend Jeff Chitwood, Southside Christian Church,  
Springfield, Illinois.  
Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, November 14, 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.

The Journal of Thursday, November 15, 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:

A report, Improving Illinois' Educator Workforce, submitted by the State Board of Education in accordance with House Resolution 250 of the 92nd General Assembly.

The 2001 Annual Report submitted by The Institute for Public Affairs, University of Illinois at Springfield.

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

#### LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 3 to House Bill 2299

The following floor amendments to the Senate Resolution listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment 1 to Senate Joint Resolution 42  
Senate Amendment 2 to Senate Joint Resolution 42

#### REPORTS FROM STANDING COMMITTEES

Senator Klemm, Chairperson of the Committee on Executive to which was referred House Bill No. 3162 reported the same back with the recommendation that the bill do pass.

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

Senator Klemm, Chairperson of the Committee on Executive to which was referred House Bills numbered 2077, 3017 and 3098 reported the same back with amendments having been adopted thereto, with the

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recommendation that the bills, as amended, do pass.

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

Senator Klemm, Chairperson of the Committee on Executive to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Amendment No. 1 to Senate Bill 1261

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

Senator O'Malley, Chairperson of the Committee on Financial Institutions to which was referred House Bill No. 1903 reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred House Bills numbered 2535 and 2565 reported the same back with the recommendation that the bills do pass.

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

Senator Parker, Chairperson of the Committee on Transportation to which was referred House Bill No. 61 reported the same back with the recommendation that the bill do pass.

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

Senator Parker, Chairperson of the Committee on Transportation, to which was referred the Motion to concur with House amendments to the following Senate Bill, reported that the Committee recommends that it be approved for consideration:

Motion to concur House Amendments 1 & 5 to Senate Bill 113

Under the rules, the foregoing motion is eligible for consideration by the Senate.

#### 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 accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

#### HOUSE BILL 445

A bill for AN ACT in relation to schools.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Adopted by the House, November 13, 2001 by a three-fifths vote.

ANTHONY D. ROSSI, Clerk of the House

[Nov. 27, 2001]

I move to accept the specific recommendations of the Governor as to House Bill 445 in manner and form as follows:

AMENDMENT TO HOUSE BILL 445

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 445 on page 6, by replacing "Any" with "Except as otherwise provided in this Act, any"; and on page 6, line 8, by inserting "on public school district property" between "events" and "when".

STATE OF ILLINOIS  
OFFICE OF THE GOVERNOR  
SPRINGFIELD, 62706

GEORGE H. RYAN  
GOVERNOR

August 3, 2001

To the Honorable Members of the  
Illinois House of Representatives  
92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex Rel. Klinger v. Howlett, 50 Ill. 2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill. 2d 387 (1979), People ex Rel. City of Canton v. Crouch, 79 Ill. 2d 356 (1980), and County of Kane v. Carlson, 116 Ill. 2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 445, entitled "AN ACT in relation to schools," with my specific recommendations for change.

House Bill 445 makes it a petty offense for any person to have alcoholic liquor in his or her possession on public school district property on school days or at events when children are present. It exempts possession of alcoholic liquor in the original container with the seal unbroken by a person who is not otherwise legally prohibited from possessing the alcoholic liquor, and possession by a person in or for the performance of a religious service or ceremony authorized by the school board.

I agree with the intent of House Bill 445. The bill applies a petty offense to possession of alcohol by any person on school property, except under limited circumstances. The current Liquor Control Act applies a Class A misdemeanor to possession of alcohol by a person under 21. The current law's additional element of being under 21 years of age may be enough to avoid the petty offense becoming the sole penalty for possession of alcohol on school property; however, to avoid any court from so interpreting these two laws I am suggesting a change. Also, the provision covering possession of alcohol at an event where children are present was intended to cover only events on school property and I suggest language to make that clear.

For these reasons, I return House Bill 445 with the following recommendations for change:

On page 6, line 6, by replacing "Any" with "Except as otherwise provided in this this Act, any"; and

On page 6, line 8, by inserting "on public school district property" between "events" and "when".

With these specific recommendations for change, House Bill 445 will have my approval. I respectfully request your concurrence.

Sincerely,  
s/GEORGE H. RYAN

[Nov. 27, 2001]

Governor

A message from the House by  
 Mr. Rossi, Clerk:  
 Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

## HOUSE BILL 1356

A bill for AN ACT concerning speech.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Adopted by the House, November 13, 2001.

ANTHONY D. ROSSI, Clerk of the House

I move to accept the specific recommendations of the Governor as to House Bill 1356 in manner and form as follows:

## AMENDMENT TO HOUSE BILL 1356

## IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1356 on page 1, line 26, by deleting "Before January 1,"; and  
 on page 1, by deleting lines 27 through 29; and  
 on page 2, by deleting lines 1 through 5; and  
 on page 2, line 6, by deleting "Act."; and  
 on page 2, line 10, after the period, by inserting "This Section does not apply to speech-language pathology paraprofessionals approved by the State Board of Education."; and  
 on page 30, line 12, after the word "assistant", by inserting "or a speech-language pathology paraprofessional"; and  
 on page 31, line 18, by deleting "Before"; and  
 on page 31, by deleting lines 19 through 22; and  
 on page 32, line 22, by inserting "(a)" after the period; and  
 on page 33, after line 2, by inserting the following:  
"(b) Until January 1, 2004, a person holding a bachelor's level degree in communication disorders who was employed to assist a speech-language pathologist on the effective date of this amendatory Act of the 92nd General Assembly shall be eligible to receive a license as a speech-language pathology assistant from the Department upon completion of forms prescribed by the Department and the payment of the required fee."

STATE OF ILLINOIS  
 OFFICE OF THE GOVERNOR  
 SPRINGFIELD, 62706

GEORGE H. RYAN  
 GOVERNOR

August 17, 2001

To the Honorable Members of the  
 Illinois House of Representatives  
 91st General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex Rel. Klinger v. Howlett, 50 Ill. 2d 242 (1972),

[Nov. 27, 2001]

Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill. 2d 387 (1979), People ex Rel. City of Canton v. Crouch, 79 Ill. 2d 356 (1980), and County of Kane v. Carlson, 116 Ill. 2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 1356 entitled "AN ACT concerning speech" with my specific recommendations for change.

House Bill 1356 creates a new category of licensure called Speech-Language Pathology Assistant. In making this change that ultimately should both improve public safety and encourage more people to choose this career path, the bill would unintentionally cause some practical and financial hardships to schools that currently employ people in these positions. By making an immediate shift in the law there is the potential that many fine people could no longer assist students with their speech and communications needs. Rather than have these children go without assistance, or force some people not to continue with their chosen profession, I believe that there should be a separate category of individuals who perform this work. They should not be subject to the full licensure requirements if they are in a category approved by the State Board of Education.

For these reasons, I hereby return House Bill 1356 with the following recommendations for change:

on page 1, line 26, by deleting "Before January 1."; and

on page 1, by deleting lines 27 through 29; and

on page 2, by deleting lines 1 through 5; and

on page 2, line 6, by deleting "Act."; and

on page 2, line 10, by inserting after the period the following:

"This Section does not apply to speech-language pathology paraprofessionals approved by the State Board of Education."; and

on page 30, line 12, by adding after the word "assistant" the following:

"or a speech-language pathology paraprofessional"; and

on page 31, in line 18, by deleting "Before"; and

on page 31, by deleting lines 19 through 22; and

On page 32, in line 22, by inserting "(a)" after the period; and

On page 33, by inserting the following after line 2:

"(b) Until January 1, 2004, a person holding a bachelor's level degree in communication disorders who was employed to assist a speech-language pathologist on the effective date of this amendatory Act of the 92nd General Assembly shall be eligible to receive a license as a speech-language pathology assistant from the Department upon completion of forms prescribed by the Department and the payment of the required fee."

With these changes, House Bill 1356 will have my approval. I respectfully request your concurrence.

Sincerely,  
s/GEORGE H. RYAN  
Governor

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 2412

A bill for AN ACT in relation to alcoholic liquor.

[Nov. 27, 2001]

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Adopted by the House, November 13, 2001 by a three-fifths vote.  
ANTHONY D. ROSSI, Clerk of the House

I move to accept the specific recommendations of the Governor as to House Bill 2412 in manner and form as follows:

AMENDMENT TO HOUSE BILL 2412

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 2412 on page 3, line 15, by inserting after "Soldier Field," the following:  
"not more than one and a half hours before the start of the game and not after the end of the third quarter of the game,".

STATE OF ILLINOIS  
OFFICE OF THE GOVERNOR  
SPRINGFIELD, 62706

GEORGE H. RYAN  
GOVERNOR

July 27, 2001

To the Honorable Members of the  
Illinois House of Representatives  
92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex Rel. Klinger v. Howlett, 50 Ill. 2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill. 2d 387 (1979), People ex Rel. City of Canton v. Crouch, 79 Ill. 2d 356 (1980), and County of Kane v. Carlson, 116 Ill. 2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 2412 entitled "AN ACT in relation to alcoholic liquor," with my specific recommendation for change.

House Bill 2412 provides an opportunity to enhance the tourism industry in the Champaign-Urbana area by allowing the University of Illinois to attract the Chicago Bears to its facilities while Soldier Field is under construction. House Bill 2412 also provides an important means for increased revenue for the Forest Preserve District of Cook County without increased taxes or fees.

However, in order to preserve the intent of the legislation and traffic safety in the university community and surrounding highways, it is necessary to more specifically limit the time in which alcohol can be served and sold. This requirement will also bring alcohol policies in line with the industry standard at professional football venues while the Bears are playing at the University of Illinois.

For this reason, I hereby return House Bill 2412 with the following recommendations for change:

on page 3, line 15, by inserting after "Soldier Field," the following:

"not more than one and a half hours before the start of the game and not after the end of the third quarter of the game,".

With these changes, House Bill 2412 will have my approval. I respectfully request your concurrence.

Sincerely,  
s/GEORGE H. RYAN

[Nov. 27, 2001]

Governor

A message from the House by  
 Mr. Rossi, Clerk:  
 Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

## HOUSE BILL 2528

A bill for AN ACT to amend the Fish and Aquatic Life Code.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Adopted by the House, November 13, 2001.

ANTHONY D. ROSSI, Clerk of the House

I move to accept the specific recommendations of the Governor as to House Bill 2528 in manner and form as follows:

## AMENDMENT TO HOUSE BILL 2528

## IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 2528 as follows: on page 2, line 15, by inserting after the period the following:

"Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply."; and on page 3, line 6, by inserting after the period the following:

"Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply.".

STATE OF ILLINOIS  
 OFFICE OF THE GOVERNOR  
 SPRINGFIELD, 62706

GEORGE H. RYAN  
 GOVERNOR

August 17, 2001

To the Honorable Members of the  
 Illinois House of Representatives  
 92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex Rel. Klinger v. Howlett, 50 Ill. 2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill. 2d 387 (1979), People ex Rel. City of Canton v. Crouch, 79 Ill. 2d 356 (1980), and County of Kane v. Carlson, 116 Ill. 2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 2528 "AN ACT to amend the Fish and Aquatic Life Code," with my specific recommendations for change.

House Bill 2528 provides for the seizure and forfeiture of any fishing tackle, other apparatus, vehicle or watercraft used to take or attempt to take aquatic life from an aquatic life farm without the consent of the owner. However, the forfeiture language contained in the bill does not set forth the constitutionally required due process

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procedure, nor does it provide for the ability of an innocent owner or lien holder of the property to assert their interest against forfeiture. Under current law, the Fish and Aquatic Life Code does contain a provision for forfeiture which provides due process protections and allows for a jury trial to contest forfeiture. However, as written, House Bill 2528 eliminates the ability to use the existing forfeiture provisions in the underlying statute.

The provisions of House Bill 2528 provide additional protection for individuals whose livelihoods are dependent on their aquaculture business by providing adequate penalties for persons who take or attempt to take these business owners' assets. However, the bill's lack of due process procedure in the forfeiture provisions must be addressed.

Therefore, I offer the following specific recommendations for change:

on page 2, line 15, by inserting after the period the following: "Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply."; and

on page 3, line 6, by inserting after the period the following: "Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply.".

With these changes, House Bill 2528 will have my approval. I respectfully request your concurrence.

Sincerely,  
s/GEORGE H. RYAN  
Governor

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 3172

A bill for AN ACT in relation to criminal law.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Adopted by the House, November 13, 2001 by a three-fifths vote.

ANTHONY D. ROSSI, Clerk of the House

I move to accept the specific recommendations of the Governor as to House Bill 3172 in manner and form as follows:

AMENDMENT TO HOUSE BILL 3172

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 3172 as follows:

on page 2, by replacing lines 15 through 17 with the following:

"collection kits. A sexual assault nurse examiner may conduct examinations using the sexual assault evidence collection kits, without the presence or participation of a physician. The Department of Public Health"; and

on page 2, by inserting after line 27 the following:

"Section 99. Effective date. This Act takes effect January 1, 2002.".

[Nov. 27, 2001]

STATE OF ILLINOIS  
OFFICE OF THE GOVERNOR  
SPRINGFIELD, 62706

GEORGE H. RYAN  
GOVERNOR

July 27, 2001

To the Honorable Members of the  
Illinois House of Representatives  
92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex Rel. Klinger v. Howlett, 50 Ill. 2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill. 2d 387 (1979), People ex Rel. City of Canton v. Crouch, 79 Ill. 2d 356 (1980), and County of Kane v. Carlson, 116 Ill. 2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 3172, entitled "AN ACT in relation to criminal law," with my specific recommendations for change.

House Bill 3172 allows a sexual assault nurse examiner to conduct an examination of a sexual assault victim using a State Police Evidence Collection Kit. A sexual assault nurse examiner is defined as a registered nurse who has completed a sexual assault nurse examiner training program which meets the guidelines of the International Association of Forensic Nurses.

I fully support the purpose of House Bill 3172 which is to expand the number of personnel trained to collect potential evidence for a sexual assault criminal trial. The bill, however, explicitly states that a "sexual assault nurse examiner is competent to conduct examinations using sexual assault evidence collections kits." While this particular language may not cause any problem, the word "competent" does carry with it a certain evidentiary meaning.

While I believe the possibility is remote, the provision listing only sexual assault nurse examiner as "competent" to collect sexual evidence could be argued by defense counsel to make only sexual assault nurse examiners competent from an evidentiary standpoint to collect this evidence and thereby exclude other personnel, such as doctors. It is my understanding that the intent of this provision was to clarify that a nurse examiner could conduct the examination without the necessity of a doctor being present or participating in the examination. I believe the provision should be made clear that this is the intent and thereby eliminate any other possible interpretation of the law.

Finally, to make sure that this necessary provision becomes law on January 1, 2002, as originally intended by the General Assembly, I also suggest adding a January 1, 2002 effective date so that my amendatory veto does not delay implementation of the law.

For these reasons, I return House Bill 3172 with the following recommendations for change:

On page 2, by replacing lines 15 through 17 with the following:

"collection kits. A sexual assault nurse examiner may conduct examinations using the sexual assault evidence collection kits, without the presence or participation of a physician. The Department of Public Health"; and

On page 2, by inserting after line 27 the following:

"Section 99. Effective date. This Act takes effect January 1, 2002."

With these specific recommendations for change, House Bill 3172

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will have my approval. I respectfully request your concurrence.

Sincerely,  
s/GEORGE H. RYAN  
Governor

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 279

A bill for AN ACT concerning emergency medical dispatches.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Adopted by the House, November 14, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT TO HOUSE BILL 279

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 279 on page 1, line 30, by replacing "non-discretionary" with "non-discriminatory"; and on page 2, line 33, by replacing "EMD and EMD agency" with "EMS Medical Director".

STATE OF ILLINOIS  
OFFICE OF THE GOVERNOR  
SPRINGFIELD, 62706

GEORGE H. RYAN  
GOVERNOR

August 1, 2001

To the Honorable Members of the  
Illinois House of Representatives  
92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex Rel. Klinger v. Howlett, 50 Ill. 2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill. 2d 387 (1979), People ex Rel. City of Canton v. Crouch, 79 Ill. 2d 356 (1980), and County of Kane v. Carlson, 116 Ill. 2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 279, entitled "AN ACT concerning emergency medical dispatches," with my specific recommendations for change.

House Bill 279 amends the Emergency Medical Services (EMS) Systems Act. It requires emergency medical dispatchers to use the Department of Public Health's approved emergency medical dispatch priority reference system (EMDPRS) protocols to dispatch aid, including non-discretionary pre-arrival support instructions in emergency situations. The bill further provides that the Department of Public Health shall issue certificates to persons who meet the training and other requirements of an emergency medical dispatcher. The Department is also responsible for establishing an annual

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recertification requirement for emergency medical dispatchers, including continuing education requirements.

It is my understanding that this legislation represents the outcome of considerable efforts by various parties including the Illinois Department of Public Health, to improve the statutory process for EMS dispatcher certification and education. However, House Bill 279 contains two technical defects that must be corrected.

For this reason, I return House Bill 279 with the following specific recommendations for change:

on page 1, line 30, by replacing "non-discretionary" with "non-discriminatory"; and

on page 2, line 33, by replacing "EMD and EMD agency" with "EMS Medical Director".

With these specific recommendations for change, House Bill 279 will have my approval. I respectfully request your concurrence.

Sincerely,  
s/GEORGE H. RYAN  
Governor

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 549

A bill for AN ACT concerning public defenders.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Adopted by the House, November 14, 2001.

ANTHONY D. ROSSI, Clerk of the House

I move to accept the specific recommendations of the Governor as to House Bill 549 in manner and form as follows:

AMENDMENT TO HOUSE BILL 549

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 549 as follows:

on page 2, after line 2, by inserting the following:

"Section 99. Effective date. This Act takes effect July 1, 2002.".

STATE OF ILLINOIS  
OFFICE OF THE GOVERNOR  
SPRINGFIELD, 62706

GEORGE H. RYAN  
GOVERNOR

August 10, 2001

To the Honorable Members of the  
Illinois House of Representatives  
92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex Rel. Klinger v. Howlett, 50 Ill. 2d 242 (1972),

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Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill. 2d 387 (1979), People ex Rel. City of Canton v. Crouch, 79 Ill. 2d 356 (1980), and County of Kane v. Carlson, 116 Ill. 2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 549, entitled "AN ACT concerning public defenders," with my specific recommendation for change.

First of all, I wish to applaud the General Assembly for recognizing the importance of funding the Public Defender in each of our State's counties in much the same way that the State already funds our State's Attorneys. The passage of this legislation represents another victory for criminal justice reform and is a vital step towards a more fair, just and accurate criminal justice system.

A number of things in the past several years have contributed to the furtherance of fairness and justice in Illinois beginning, perhaps, with the General Assembly's commissioning of the Task Force on Professional Practice in the Illinois Justice Systems. This task force, chaired by the Honorable J. William Roberts, recommended many important and critical steps necessary to secure and restore justice to the Illinois justice system in their report to the General Assembly in May of 2000.

I am proud to say that, in partnership with the General Assembly, we are working toward implementing yet another recommendation from this report by taking an important step toward State funding of public defenders. This will follow a series of meaningful protections that have been a part of the justice system reforms that I have fought to put in place including, among others: the creation of the Capital Litigation Trust Fund, which to date has dedicated over \$21 million to the defense and prosecution of capital cases so that these cases are investigated thoroughly from the beginning and defendants have access to resources once routinely denies them; the death penalty moratorium, which insures that no innocent man or woman will face death at the hands of the State while our capital punishment system undergoes a thorough and comprehensive review; and more recently, the inclusion in our budget of State funds to alleviate the backlog of criminal appeals in Cook County that was delaying, if not effectively denying, individuals their constitutional right to appellate review.

But our work in this area is not through and even House Bill 549 leaves some things unsaid and undone. The funding of this initiative is not included in this year's budget and I ask the General Assembly to finish what they have started by appropriating the necessary funds next year to put this important criminal justice reform into effect. I also strongly encourage counties to take advantage of the time from now until the beginning of the next fiscal year, when the State intends to begin funding this initiative, to plan how to best utilize these funds to improve public defender offices and their services. While not explicitly stated in this legislation, the State funding that this bill will make possible is meant to supplement county budgets for their public defenders, not replace it. The State funding contemplated by this legislation will free up county funds which should then be used to leverage other criminal justice improvements by funding programs and services that will further enhance the quality of defender services in each county. To simply work a budget reallocation of State funds for already allocated and expended county funds, would be acting contrary to the intent and will of the Illinois General Assembly and the Governor of this State. I believe that allowing time for counties to plan for the appropriate changes and improvements in their public defenders offices will help make this initiative more successful. Moreover, I believe that we can

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insure greater accountability from Illinois counties by adjusting the effective date to correspond with the anticipated date that the State will make the promised funds available.

For these reasons, I return House Bill 549 with the following recommendation for change:

On page 2, after line 2 insert the following:

"Section 99. Effective date. This Act takes effect July 1, 2002".

With this specific recommendation for change, House Bill 549 will have my approval. I respectfully request your concurrence.

Sincerely,  
s/GEORGE H. RYAN  
Governor

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 1011

A bill for AN ACT concerning zoning.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Adopted by the House, November 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT TO HOUSE BILL 1011

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1011 as follows:

on page 3, line 19, by replacing "municipality" with "county".

STATE OF ILLINOIS  
OFFICE OF THE GOVERNOR  
SPRINGFIELD, 62706

GEORGE H. RYAN  
GOVERNOR

August 17, 2001

To the Honorable Members of the  
Illinois House of Representatives  
92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex Rel. Klinger v. Howlett, 50 Ill. 2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill. 2d 387 (1979), People ex Rel. City of Canton v. Crouch, 79 Ill. 2d 356 (1980), and County of Kane v. Carlson, 116 Ill. 2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 1011 entitled "AN ACT concerning zoning," with my specific recommendation for change.

House Bill 1011 amends the Illinois Municipal Code authorizing the City of Peoria and Peoria County to enter into an intergovernmental agreement that allows the municipality to exercise

[Nov. 27, 2001]

its zoning powers one and one-half miles outside of the city limits. The agreement would be limited to the territory within the municipality's planning jurisdiction as defined by law or any existing boundary agreement. Furthermore, the bill provides that the county must adopt the same zoning ordinance and that the municipality and the county must amend their individual zoning maps in the same manner as other zoning changes are incorporated into the maps. In addition, the bill provides that the agreement any not authorize the municipality to exercise its zoning power outside of the corporate limits of the municipality, with respect to land used for agricultural purposes.

It has come to my attention that the City of Peoria and Peoria County now have a legal interpretation that calls into question the application of the language in this bill with respect to land used for agricultural purposes. I have heard concerns not only from the city and county but also from the bill's sponsor. It is my understanding that this issue arises as a result of a drafting error on an amendment to this bill. In order to avoid unintended consequences from this legislation and at the request of the bill's sponsor, I hereby return House Bill 1011 with the following recommendation for change:

on page 3, line 19, by replacing "municipality" with "county".

With this change, House Bill 1011 will have my approval. I respectfully request your concurrence.

Sincerely,  
s/GEORGE H. RYAN  
Governor

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 1696

A bill for AN ACT concerning natural resources.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Adopted by the House, November 15, 2001 by a three-fifths vote.  
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT TO HOUSE BILL 1696  
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1696 as follows:

on page 1, line 20, after "hold", by inserting "(i) a 2-year degree and 3 consecutive years of experience as a police officer with the same law enforcement agency or (ii)".

STATE OF ILLINOIS  
OFFICE OF THE GOVERNOR  
SPRINGFIELD, 62706

GEORGE H. RYAN  
GOVERNOR

August 3, 2001

[Nov. 27, 2001]

To the Honorable Members of the  
 Illinois House of Representatives  
 92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex Rel. Klinger v. Howlett, 50 Ill. 2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill. 2d 387 (1979), People ex Rel. City of Canton v. Crouch, 79 Ill. 2d 356 (1980), and County of Kane v. Carlson, 116 Ill. 2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 1696, "AN ACT concerning natural resources," with my specific recommendations for change.

House Bill 1696 provides that sworn law enforcement officers with arrest authority hired after July 1, 2001 must meet minimum professional standards which include holding a 4-year degree. While the requirement of a 4-year degree for entry level police applicants is not unusual and has become part of a national trend to improve the quality of law enforcement personnel hired by police agencies at every level of government, I believe that such a requirement dismisses potential candidates who have sound law enforcement experience and less than a 4-year degree.

Although I understand the impetus behind a 4-year degree requirement, I believe that it will put the State at a disadvantage by unnecessarily eliminating otherwise qualified Conservation Police Officer candidates who lack only a 4-year degree.

Therefore, I offer the following recommendation for change:

On page 1, line 20, after hold, by inserting, " (i) a 2-year degree and 3 consecutive years of experience as a police officer with the same law enforcement agency or (ii)"

With this change, House Bill 1696 will have my approval. I respectfully request your concurrence.

Sincerely,  
 s/GEORGE H. RYAN  
 Governor

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, the veto of the Governor notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 198

A bill for AN ACT with regard to education.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, November 14, 2001, by a three-fifths vote.

ANTHONY D. ROSSI, Clerk of the House

STATE OF ILLINOIS  
 OFFICE OF THE GOVERNOR  
 SPRINGFIELD, 62706

GEORGE H. RYAN  
 GOVERNOR

[Nov. 27, 2001]

July 26, 2001

To the Honorable Members of the  
Illinois House of Representatives  
92nd General Assembly  
Pursuant to Article IV, Section 9(b) of the Illinois Constitution  
of 1970, I hereby veto House Bill 198 entitled "AN ACT with regard to  
education."

House Bill 198 amends the Illinois School Code and provides that  
the course of instruction given in grades 10 through 12 concerning  
the Illinois Vehicle Code must include instruction on special hazards  
existing, and observed, at highway construction and maintenance zones  
and in emergency situations.

While the principals of House Bill 198 are sound and the  
protection of highway construction and emergency personnel are of  
utmost importance, House Bill 198 duplicates existing state statutes  
and is unnecessary legislation. The School Code currently specifies  
that the driver education curriculum must cover the sections of the  
Illinois Vehicle Code which include special regulations for  
construction and maintenance zones. Illinois' teachers are currently  
covering these mandated topics as well as other related work zone  
hazards.

For this reason, House Bill 198 is unnecessary and I hereby veto  
and return House Bill 198.

Sincerely,  
s/GEORGE H. RYAN  
Governor

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,  
the veto of the Governor notwithstanding, in the passage of which I  
am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 3078

A bill for AN ACT concerning freedom of information.

I am further instructed to deliver to you the objections of the  
Governor which are contained in the attached copy of his letter to  
the House of Representatives:

Passed the House, November 15, 2001, by a three-fifths vote.

ANTHONY D. ROSSI, Clerk of the House

STATE OF ILLINOIS  
OFFICE OF THE GOVERNOR  
SPRINGFIELD, 62706

GEORGE H. RYAN  
GOVERNOR

August 10, 2001

To the Honorable Members of the  
Illinois House of Representatives  
92nd General Assembly  
Pursuant to Article IV, Section 9 (b) of the Illinois  
Constitution of 1970, I hereby veto House Bill 3078 entitled "AN ACT  
concerning freedom of information."

House Bill 3078 amends the Freedom of Information Act. It  
specifies that the amount of funds, expended or collected, by a  
public body in agreements that would settle actual or threatened  
litigation, becomes public record. It would not include agreements

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settling actual or threatened litigation by persons committed to the Illinois Department of Corrections.

Many governmental entities enter into settlement agreements with the understanding that neither party will disclose the details of the settlement. House Bill 3078 provides for the release of settlement agreements, and may effectively deter governmental entities from settling any litigation. Furthermore, this legislation may lead to higher settlements if governmental entities are compelled to disclose the amount of settlements. Finally, in listening to the concerns brought to my attention by local officials, it is my opinion that this bill would put governmental entities at a disadvantage in defending themselves against litigation.

For these reasons, I hereby veto and return House Bill 3078.

Sincerely,  
s/GEORGE H. RYAN  
Governor

By direction of the President, bills reported on the foregoing veto messages were placed on the Senate Calendar.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO 384

A bill for AN ACT concerning education.

Passed the House, November 13, 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 acceded to the request of the Senate for a First Committee of Conference to consider the differences between the two Houses in regard to Senate Amendments numbered 1 and 2 to a bill of the following title, to-wit:

HOUSE BILL NO. 3247

A bill for AN ACT in relation to certain land.

I am further directed to inform the Senate that the Speaker of the House has appointed as such committee on the part of the House: Representatives Hartke, Burke, Currie; Tenhouse and Hassert.

Action taken by the House, November 15, 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 concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 44

Concurred in by the House, November 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

[Nov. 27, 2001]

At the hour of 1:50 o'clock p.m., Senator Karpel presiding.

EXCUSED FROM ATTENDANCE

On motion of Senator Parker, Senator Sullivan was excused from attendance due to a death in his family.

On motion of Senator Klemm, Senator Luechtefeld was excused from attendance due to family illness.

MOTIONS IN WRITING

Senator Woolard submitted the following Motion in Writing:

I moved that House Bill 198 do pass, the veto of the Governor to the contrary notwithstanding.

Date: November 15, 2001

Larry D. Woolard  
Senator

Senator Trotter submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to House Bill 279 in manner and form as follows:

AMENDMENT TO HOUSE BILL 279  
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 279 on page 1, line 30, by replacing "non-discretionary" with "non-discriminatory"; and on page 2, line 33, by replacing "EMD and EMD agency" with "EMS Medical Director".

Date: November 15, 2001

Donne Trotter  
Senator

Senator Mahar submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to House Bill 445 in manner and form as follows:

AMENDMENT TO HOUSE BILL 445  
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 445 on page 6, by replacing "Any" with "Except as otherwise provided in this Act, any"; and on page 6, line 8, by inserting "on public school district property" between "events" and "when".

Date: November 27, 2001

William Mahar  
Senator

Senator Cullerton submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to House Bill 549 in manner and form as follows:

AMENDMENT TO HOUSE BILL 549  
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

[Nov. 27, 2001]

Amend House Bill 549 as follows:  
on page 2, after line 2, by inserting the following:  
"Section 99. Effective date. This Act takes effect July 1,  
2002."

Date: November 15, 2001

John J. Cullerton  
Senator

Senator Shadid submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to House Bill 1011 in manner and form as follows:

AMENDMENT TO HOUSE BILL 1011  
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1011 as follows:  
on page 3, line 19, by replacing "municipality" with "county".

Date: November 15, 2001

George P. Shadid  
Senator

Senator Myers submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to House Bill 1356 in manner and form as follows:

AMENDMENT TO HOUSE BILL 1356  
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1356 on page 1, line 26, by deleting "Before January 1,"; and  
on page 1, by deleting lines 27 through 29; and  
on page 2, by deleting lines 1 through 5; and  
on page 2, line 6, by deleting "Act."; and  
on page 2, line 10, after the period, by inserting "This Section does not apply to speech-language pathology paraprofessionals approved by the State Board of Education."; and  
on page 30, line 12, after the word "assistant", by inserting "or a speech-language pathology paraprofessional"; and  
on page 31, line 18, by deleting "Before"; and  
on page 31, by deleting lines 19 through 22; and  
on page 32, line 22, by inserting "(a)" after the period; and  
on page 33, after line 2, by inserting the following:  
"(b) Until January 1, 2004, a person holding a bachelor's level degree in communication disorders who was employed to assist a speech-language pathologist on the effective date of this amendatory Act of the 92nd General Assembly shall be eligible to receive a license as a speech-language pathology assistant from the Department upon completion of forms prescribed by the Department and the payment of the required fee.".

Date: November 26, 2001

Judith A. Myers  
Senator

Senator Weaver submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to House Bill 2412 in manner and form as follows:

AMENDMENT TO HOUSE BILL 2412

[Nov. 27, 2001]

## IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 2412 on page 3, line 15, by inserting after "Soldier Field," the following:  
"not more than one and a half hours before the start of the game and not after the end of the third quarter of the game,".

Date: November 27, 2001

Stanley B. Weaver  
 Senator

The foregoing Motions in Writing were filed with the Secretary and placed on the Senate Calendar.

## REPORTS FROM RULES COMMITTEE

Senator Weaver Chairperson of the Committee on Rules, to which was referred Senate Bill No. 1233, on July 1, 2001, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And Senate Bill No. 1233, was returned to the order of third reading.

Senator Weaver Chairperson of the Committee on Rules, to which was referred House Bills Numbered 2296 and 2665, on July 1, 2001, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And House Bills Numbered 2296 and 2665, were returned to the order of third reading.

Senator Weaver, Chairperson of the Committee on Rules, during its November 27, 2001 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: Senate Amendments numbered 1 and 2 to Senate Joint Resolution 42.

Judiciary: Senate Amendment No. 1 to Senate Bill 1233; Senate Amendment No. 1 to House Bill 2296; Senate Amendment No. 3 to House Bill 2299.

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

First Conference Committee Report to House Bill 1840

The foregoing conference committee report was placed on the Senate Calendar.

## INTRODUCTION OF BILLS

SENATE BILL NO. 1534. Introduced by Senators Demuzio - Shadid, a bill for AN ACT relating to education.

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

[Nov. 27, 2001]

SENATE BILL NO. 1535. Introduced by Senator Viverito, a bill for AN ACT in relation to the Metropolitan Water Reclamation District.

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

SENATE BILL NO. 1536. Introduced by Senator Watson, a bill for AN ACT concerning taxes.

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

SENATE BILL NO. 1537. Introduced by Senator T. Walsh, a bill for AN ACT in relation to public safety.

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

#### COMMITTEE MEETING ANNOUNCEMENT

Senator Hawkinson, Chairperson of the Committee on Judiciary announced that the Judiciary Committee will meet today in Room 400, Capitol Building, at 3:00 o'clock p.m.

#### CHANGE IN SPONSORSHIP

Senator T. Walsh asked and obtained unanimous consent to replace former Senator R. Madigan as chief sponsor of House Bill No. 2665.

#### PRESENTATION OF RESOLUTIONS

##### SENATE RESOLUTION NO. 256

Offered by Senator Clayborne and all Senators:  
Mourns the death of Scotia Etta Thomas Calhoun of East St. Louis.

##### SENATE RESOLUTION NO. 257

Offered by Senator Clayborne and all Senators:  
Mourns the death of Vickie Nelson Miller of Washington Park.

##### SENATE RESOLUTION NO. 258

Offered by Senator Clayborne and all Senators:  
Mourns the death of Rita Chambrale "Ladybug" Redd.

##### SENATE RESOLUTION NO. 259

Offered by Senator Clayborne and all Senators:  
Mourns the death of Doris Jean Hickman Triplett of East St. Louis.

##### SENATE RESOLUTION NO. 260

Offered by Senator Lauzen and all Senators:  
Mourns the death of Jamie Lea LaForce of Geneva.

##### SENATE RESOLUTION NO. 261

Offered by Senator Lauzen and all Senators:  
Mourns the death of Maria Luisa Mendoza Calderon of West Chicago.

##### SENATE RESOLUTION NO. 262

Offered by Senator Lauzen and all Senators:  
Mourns the death of Nickolaus Moisa of Yorkville.

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SENATE RESOLUTION NO. 263

Offered by Senator Lauzen and all Senators:  
Mourns the death of David W. Stoner of Aurora.

SENATE RESOLUTION NO. 264

Offered by Senator Cullerton and all Senators:  
Mourns the death of John Edward "Jack" Cullerton of Chicago.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

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

SENATE RESOLUTION NO. 265

WHEREAS, On September 11, 2001, people across the United States began what they thought was a typical Tuesday, heading to work or getting the children ready for school; and

WHEREAS, Our morning routines were savagely interrupted by the horrific news that our nation was under attack; and

WHEREAS, Terrorists hijacked four flights that left from airports in Boston, Newark and Arlington, Virginia, and were headed to Los Angeles or San Francisco; and

WHEREAS, The hijackers subdued the planes' passengers and crews and crashed two of the airliners into the World Trade Center in New York City, one airliner into the Pentagon in Arlington, Virginia, and the fourth airliner in a field in Somerset County, Pennsylvania; and

WHEREAS, All those on board American Airlines Flight 11, United Airlines Flight 93, American Airlines Flight 77 and United Airlines Flight 175 were killed; and

WHEREAS, The impact of the planes severely damaged the Pentagon and resulted in the complete collapse of the two 110-story World Trade Center towers; and

WHEREAS, Tens of thousands of people work in or visit the World Trade Center towers on any given day; and

WHEREAS, After the planes hit the Trade Center towers, New York EMT's, firefighters and police officers rushed to the scene; and

WHEREAS, The south tower of the World Trade Center collapsed just over an hour after it was hit; and

WHEREAS, The north tower fell just 22 minutes later; and

WHEREAS, Hundreds of public safety personnel who were trying to help evacuate the building or tend to the injured were also trapped in the buildings or killed by falling debris; and

WHEREAS, Thousands of EMT's, firefighters and police officers from all over the United States left their homes and families to come to New York, Arlington, Virginia and Pennsylvania; and

WHEREAS, These courageous men and women have worked around the clock in physically dangerous and psychologically daunting conditions to search for thousands of missing people; and

WHEREAS, EMT's, firefighters and police officers put their lives on the line each time they answer a call; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we honor the EMT's, firefighters and police officers who died in the line of duty on September 11, 2001, and that we thank the thousands of EMT's, firefighters and police officers from across the United States, many of them from Illinois, who have aided the rescue efforts; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Governor of the State of New York, the Mayor of New York City, the Governor of the Commonwealth of Virginia, the Governor of the

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Commonwealth of Pennsylvania, and the Illinois Fire and Police Commissioners Association, with our most sincere appreciation for the dedication of these brave public safety personnel.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Dillard, House Bill No. 61 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, House Bill No. 3098 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 House Bill 3098 by replacing everything after the enacting clause with the following:

"Section 5. The Open Meetings Act is amended by changing Section 2a as follows:

(5 ILCS 120/2a) (from Ch. 102, par. 42a)

Sec. 2a. A public body may hold a meeting closed to the public, or close a portion of a meeting to the public, upon a majority vote of a quorum present, taken at a meeting open to the public for which notice has been given as required by this Act. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, provided each meeting in such series involves the same particular matters and is scheduled to be held within no more than 3 months of the vote. The vote of each member on the question of holding a meeting closed to the public and a citation to the specific exception contained in Section 2 of this Act which authorizes the closing of the meeting to the public shall be publicly disclosed at the time of the vote and shall be recorded and entered into the minutes of the meeting. Nothing in this Section or this Act shall be construed to require that any meeting be closed to the public.

At any open meeting of a public body for which proper notice under this Act has been given, the body may, without additional notice under Section 2.02, hold a closed meeting in accordance with this Act. Only topics specified in the vote to close under this Section may be considered during the closed meeting.

After the conclusion of a closed meeting or closed portion of a meeting, the officer who presided over the closed meeting or closed portion of the meeting shall certify in writing that, to the best of his or her knowledge and belief, no topic was discussed during the closed meeting or closed portion of the meeting in violation of this Act. Within 7 working days after the closed meeting or closed portion of the meeting, the officer's certification shall be made available for public inspection and copying in the following form:

Illinois Open Meetings Act  
Closed Meeting Certification  
(5 ILCS 120/2a)

- 1. Name of Unit of Government:  
.....
- 2. Date and time of closed meeting or closed portion of a meeting:  
.....
- 3. Names of all members of the public body present during the closed meeting or closed portion of the meeting:  
.....

.....  
4. Each specific exception cited for closing the meeting (5 ILCS 120/2c):

- A. ....
- B. ....
- C. ....
- D. ....

5. For each of the exceptions cited, provide a general description of the subject matter discussed during the closed meeting or portion of a closed meeting:

- A. ....
- B. ....
- C. ....
- D. ....

CERTIFICATION:

I CERTIFY THAT I UNDERSTAND SECTION 2 OF THE ILLINOIS OPEN MEETINGS ACT AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF NO OTHER TOPIC WAS DISCUSSED DURING THE CLOSED MEETING, OR CLOSED PORTION OF THE MEETING, IN VIOLATION OF THE ILLINOIS OPEN MEETINGS ACT.

.....  
Signature of Presiding Officer

(Source: P.A. 88-621, eff. 1-1-95; 89-86, eff. 6-30-95.)

Section 99. Effective date. This Act takes effect July 1, 2002."

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

**EXCUSED FROM ATTENDANCE**

On motion of Senator Demuzio, Senator E. Jones was excused from attendance due to family illness.

**CHANGE IN SPONSORSHIP**

Senator Watson asked and obtained unanimous consent to have his name added as a chief co-sponsor of House Bill No. 3017.

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME**

On motion of Senator Dillard, House Bill No. 1903 having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Financial Institutions, adopted and ordered printed:

**AMENDMENT NO. 1**

AMENDMENT NO. 1. Amend House Bill 1903 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Banking Act is amended by changing Sections 32, 35.1, and 48.1 as follows:

(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% of the amount of the unimpaired capital and unimpaired surplus of the bank.

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The liabilities to any state bank of a person may exceed 25% 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 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 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 ~~25%~~ 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

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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. 92-336, eff. 8-10-01.)

(205 ILCS 5/35.1) (from Ch. 17, par. 344)

Sec. 35.1. Lease limitations. In exercise of the power conferred by paragraph (14) of Section 5 of this Act to own and lease personal property, a state bank shall be subject to the following limitations and restrictions in addition to those contained in that paragraph:

(a) The unamortized investment of the bank in personal property subject to any lease or series of leases which is or are the responsibility of a person shall not, when added to any liability of such person for money borrowed, exceed ~~25%~~ 20% of the unimpaired capital and unimpaired surplus of the bank. The term "unamortized investment" means the total cost of such property to the bank less so much of the payments theretofore received by the bank from the lessee and other sources, which under generally accepted principles of accounting are applicable to amortization of the investment.

(b) The amount of unamortized investment of the bank in personal property subject to a lease or leases which are the responsibility of a person shall for the purpose of computing the total permitted amount of liability of such person to the bank for money borrowed or otherwise under Section 32 of this Act be treated as the liability of such person.

(c) No such lease or related agreement shall obligate the bank to maintain, repair or service the personal property, or unconditionally obligate the bank to restore or replace the same, or in effect unconditionally place on the bank the risk of such restoration or replacement, in the event of loss, theft or destruction of or damage to such property from any cause other than a wilful act of the bank.

The limitations and restrictions set forth in paragraphs (a), (b) and (c) above shall apply and be complied with even though such owning and leasing is carried on by the bank, in whole or in part, through the medium of a subsidiary as permitted by paragraph (12) of Section 5 of this Act.

In the event a state bank acquires by purchase or discount a lease, or the sums due and to become due thereunder, of personal property made by a lessor other than the bank or such a subsidiary, paragraph (b) of this Section 35.1 shall also apply to the obligation of the lessee under such lease.

(Source: P.A. 88-546.)

(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

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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;

(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.

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(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

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the financial records or information of a customer without the consent of the customer.

(18) The disclosure of financial records or information as necessary to protect against actual or potential fraud, unauthorized transactions, claims, or other liability.

(19) The furnishing of information when the matters involve foreign intelligence or counterintelligence, as defined in Section 3 of the federal National Security Act of 1947, or when the matters involve foreign intelligence information, as defined in Section 203(d)(2) of the federal USA PATRIOT ACT of 2001, to any federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his or her official duties.

(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:

(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 21 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. 91-330, eff. 7-29-99; 91-929, eff. 12-15-00; 92-483, eff. 8-23-01.)

Section 10. The Illinois Savings and Loan Act of 1985 is amended by changing Section 3-8 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

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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.).

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(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 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.

(16) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(17) The furnishing of information when the matters involve foreign intelligence or counterintelligence, as defined in Section 3 of the federal National Security Act of 1947, or when the matters involve foreign intelligence information, as defined in Section 203(d)(2) of the federal USA PATRIOT ACT of 2001, to any federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his or her official duties.

(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, 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. 91-929, eff. 12-15-00; 92-483, eff. 8-23-01.)

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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 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.

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(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 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

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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.

(16) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(17) The furnishing of information when the matters involve foreign intelligence or counterintelligence, as defined in Section 3 of the federal National Security Act of 1947, or when the matters involve foreign intelligence information, as defined in Section 203(d)(2) of the federal USA PATRIOT ACT of 2001, to any federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his or her official duties.

(d) A savings bank 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 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

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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. 91-929, eff. 12-15-00; 92-483, eff. 8-23-01.)

Section 20. The Illinois Credit Union Act is amended by changing Section 10 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 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

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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.

(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 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.

(15) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(16) The furnishing of information when the matters involve foreign intelligence or counterintelligence, as defined in Section 3 of the federal National Security Act of 1947, or when the matters involve foreign intelligence information, as defined in Section 203(d)(2) of the federal USA PATRIOT ACT of 2001, to any federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his or her official duties.

(c) Except as otherwise provided by this Act, a credit union may not disclose to any person, except to the member or his duly 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 21 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

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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. 91-929, eff. 12-15-00; 92-293, eff. 8-9-01; 92-483, eff. 8-23-01.)

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

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1903, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 11, line 17, by changing "Section 3-8" to "Sections 3-8 and 7-19.1"; and

on page 17 by inserting immediately below line 24 the following:

"(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.)"

#### AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 1903, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 10 by inserting immediately below line 3 the following:

"(20) (a) The disclosure of financial records or information related to that private label credit program between a financial

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institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(b) (1) For purposes of this paragraph (20) of subsection (b) of Section 48.1, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (20) of subsection (b) of Section 48.1, a "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider."; and on page 16 by inserting immediately below line 10 the following:

"(18) (a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(b) (1) For purposes of this paragraph (18) of subsection (c) of Section 3-8, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (18) of subsection (c) of Section 3-8, a "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider."; and on page 22 by inserting immediately below line 14 the following:

"(18) (a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(b) (1) For purposes of this paragraph (18) of subsection (c) of Section 4013, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (18) of subsection (c) of Section 4013, a "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider."; and on page 28 by inserting immediately below line 27 the following:

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"(17) (a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(b) (1) For purposes of this paragraph (17) of subsection (b) of Section 10, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (17) of subsection (b) of Section 10, a "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider."

#### AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 1903 by replacing all of Section 5 of the bill with the following:

"Section 5. The Illinois Banking Act is amended by changing Sections 32 and 35.1 as follows:

(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% 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% 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 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 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

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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 ~~25%~~ 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. 92-336, eff. 8-10-01.)

(205 ILCS 5/35.1) (from Ch. 17, par. 344)

Sec. 35.1. Lease limitations. In exercise of the power conferred by paragraph (14) of Section 5 of this Act to own and lease personal property, a state bank shall be subject to the following limitations and restrictions in addition to those contained in that paragraph:

(a) The unamortized investment of the bank in personal property subject to any lease or series of leases which is or are the responsibility of a person shall not, when added to any liability of such person for money borrowed, exceed ~~25%~~ 20% of the unimpaired

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capital and unimpaired surplus of the bank. The term "unamortized investment" means the total cost of such property to the bank less so much of the payments theretofore received by the bank from the lessee and other sources, which under generally accepted principles of accounting are applicable to amortization of the investment.

(b) The amount of unamortized investment of the bank in personal property subject to a lease or leases which are the responsibility of a person shall for the purpose of computing the total permitted amount of liability of such person to the bank for money borrowed or otherwise under Section 32 of this Act be treated as the liability of such person.

(c) No such lease or related agreement shall obligate the bank to maintain, repair or service the personal property, or unconditionally obligate the bank to restore or replace the same, or in effect unconditionally place on the bank the risk of such restoration or replacement, in the event of loss, theft or destruction of or damage to such property from any cause other than a wilful act of the bank.

The limitations and restrictions set forth in paragraphs (a), (b) and (c) above shall apply and be complied with even though such owning and leasing is carried on by the bank, in whole or in part, through the medium of a subsidiary as permitted by paragraph (12) of Section 5 of this Act.

In the event a state bank acquires by purchase or discount a lease, or the sums due and to become due thereunder, of personal property made by a lessor other than the bank or such a subsidiary, paragraph (b) of this Section 35.1 shall also apply to the obligation of the lessee under such lease.

(Source: P.A. 88-546.)".

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

On motion of Senator Philip, House Bill No. 2077 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 House Bill 2077 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 27-3 as follows:

(105 ILCS 5/27-3) (from Ch. 122, par. 27-3)

Sec. 27-3. Patriotism and principles of representative government - Proper use of flag - Method of voting - Pledge of Allegiance. American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag, shall be taught in all public schools and other educational institutions supported or maintained in whole or in part by public funds. No student shall receive a certificate of graduation without passing a satisfactory examination upon such subjects.

Instruction shall be given in all such schools and institutions in the method of voting at elections by means of the Australian Ballot system and the method of the counting of votes for candidates.

The Pledge of Allegiance shall be recited each school day by pupils in elementary and secondary educational institutions supported

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or maintained in whole or in part by public funds.  
(Source: P.A. 81-959.)

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

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

On motion of Senator Watson, House Bill No. 3017 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 House Bill 3017 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by changing Section 605-705 as follows:

(20 ILCS 605/605-705) (was 20 ILCS 605/46.6a)

Sec. 605-705. Grants to local tourism and convention bureaus.

(a) To establish a grant program for local tourism and convention bureaus. The Department will develop and implement a program for the use of funds, as authorized under this Act, by local tourism and convention bureaus. For the purposes of this Act, bureaus eligible to receive funds are those local tourism and convention bureaus that are (i) either units of local government or incorporated as not-for-profit organizations; (ii) in legal existence for a minimum of 2 years before July 1, 2001; (iii) operating with a paid, full-time staff whose sole purpose is to promote tourism in the designated service area; and (iv) affiliated with one or more municipalities or counties that support the bureau with local hotel-motel taxes. After July 1, 2001, bureaus requesting certification in order to receive funds for the first time must be local tourism and convention bureaus that are (i) either units of local government or incorporated as not-for-profit organizations; (ii) in legal existence for a minimum of 2 years before the request for certification; (iii) operating with a paid, full-time staff whose sole purpose is to promote tourism in the designated service area; and (iv) affiliated with multiple municipalities or counties that support the bureau with local hotel-motel taxes. Each bureau receiving funds under this Act will be certified by the Department as the designated recipient to serve an area of the State. Notwithstanding the criteria set forth in this subsection (a), or any rule adopted under this subsection (a), the Director of the Department may provide for the award of grant funds to one or more entities if in the Department's judgment that action is necessary in order to prevent a loss of funding critical to promoting tourism in a designated geographic area of the State.

(b) To distribute grants to local tourism and convention bureaus from appropriations made from the Local Tourism Fund for that purpose. Of the amounts appropriated annually to the Department for expenditure under this Section, one-third of those monies shall be used for grants to convention and tourism bureaus in cities with a population greater than 500,000. The remaining two-thirds of the annual appropriation shall be used for grants to convention and tourism bureaus in the remainder of the State, in accordance with a formula based upon the population served. The Department may reserve up to 10% of the total appropriated to conduct audits of grants, to provide incentive funds to those bureaus that will conduct

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promotional activities designed to further the Department's statewide advertising campaign, to fund special statewide promotional activities, and to fund promotional activities that support an increased use of the State's parks or historic sites. (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-38, eff. 6-28-01.)

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

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

On motion of Senator O'Malley, House Bill No. 3162 was taken up, read by title a second time and ordered to a third reading.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

Senator Petka, from the Committee appointed on the part of the Senate to adjust the differences between the two Houses on Senate Amendment No. 1 to House Bill No. 1840, submitted the following Report of the First Conference Committee and moved its adoption:

#### 92ND GENERAL ASSEMBLY CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1840

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to Senate Amendment No. 1 to House Bill 1840, recommend the following:

(1) that the Senate recede from Senate Amendment No. 1; and  
(2) that House Bill 1840 be amended by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 7-31 and changing Sections 10-21.9 and 34-18.5 as follows:

(105 ILCS 5/7-31 new)

Sec. 7-31. Annexation of contiguous portion of elementary or high school district.

(a) In this Section:

"Contiguous" means having a common border of not less than 100 linear feet.

"Specially qualified professional land surveyor" means a professional land surveyor whose credentials include serving or having served as a paid advisor or consultant to at least 2 of the following: any department, board, commission, authority, or other agency of the State of Illinois.

(b) Notwithstanding any other provision of this Code, any contiguous portion of an elementary school district must be detached from that district and annexed to an adjoining elementary school district to which the portion is also contiguous and any contiguous portion of a high school district must be detached from that district and annexed to an adjoining school district to which the portion is also contiguous (herein referred to as "the Territory") upon a petition or petitions filed under this Section if all of the following conditions are met with respect to each petition:

(1) The Territory is to be detached from a school district that is located predominantly (meaning more than 50% of the district's area) in a county of not less than 2,000,000 and is to be annexed into a school district located overwhelmingly

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(meaning more than 75% of its area) in a county of not less than 750,000 and not more than 1,500,000, and, on the effective date of this amendatory Act of the 92nd General Assembly, the Territory consists of not more than 500 acres of which not more than 300 acres is vacant land and of which not more than 200 acres is either platted for or improved with residences and is located predominately (meaning more than 50% of its area) within a municipality that is (i) located predominantly (meaning more than 50% of the area of the municipality) outside the elementary or high school district from which the Territory is to be detached and (ii) located partly or wholly within the territorial boundaries of the adjoining elementary or high school district to which the Territory is to be annexed. Conclusive proof of the boundaries of each school district and the municipality is a document or documents setting forth the boundaries and certified by the county clerk of each county or by the clerk of the municipality as being a correct copy of records on file with the county clerk or the clerk of the municipality as of a date not more than 60 days before the filing of a petition under this Section. If the records of the respective clerks show boundaries as of different dates, those records are deemed contemporaneous for purposes of this Section.

(2) The equalized assessed valuation of the taxable property of the Territory constitutes less than 5% of the equalized assessed valuation of the taxable property of the school district from which it is to be detached. Conclusive proof of the equalized assessed valuation of each district is a document or documents stating the equalized assessed valuation and certified, by the county clerk of a county of not less than 2,000,000 and by the county assessor or township assessor in a county of not less than 750,000 and not more than 1,500,000, as correct by the certifying office as of a date not more than 60 days before the filing of a petition under this Section. If the records from the 2 counties show equalized assessed valuation as of different dates, those records are deemed contemporaneous for purposes of this Section.

(3) The Territory is predominately (meaning more than 50% of its area) within a municipality that is predominantly (meaning more than 50% of the area of the municipality) within a county of not less than 750,000 and not more than 1,500,000. Conclusive proof of boundaries of the municipality is a document or documents setting forth the boundaries and certified by the county clerk of the county in which the municipality is located or by the clerk of the municipality as correct as of a date not more than 60 days before the filing of a petition under this Section.

(4) The Territory, as of a date not more than 60 days before the filing of a petition, has not been developed with structures for commercial, office, or industrial uses, except for temporary buildings or structures constructed pursuant to a permit or permits by the applicable permitting authority for an initial term of not more than 15 years. Conclusive proof of the development of the land is a notarized statement, as of a date not more than 60 days before the filing of a petition under this Section, by a specially qualified professional land surveyor licensed by the State of Illinois.

(5) The area of the Territory is 5% or less of the area of the school district from which it is to be detached. Conclusive proof of the areas is a notarized written statement by a specially qualified professional land surveyor licensed by the

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State of Illinois.

(6) Travel on public roads within 5 miles from the Territory to schools in the school district from which the Territory is to be detached requires crossing an interstate highway. Travel on public roads within 5 miles from the Territory to schools in the school district to which the Territory is to be annexed does not require crossing an interstate highway. Conclusively proof of the facts in this paragraph (6) is a notarized written statement by a specially qualified professional land surveyor licensed by the State of Illinois.

(c) No school district may lose more than 5% of its equalized assessed valuation nor more than 5% of its territory through petitions filed under this Section. If a petition seeks to detach territory that would result in a cumulative total of more than 5% of the district's equalized assessed valuation or more than 5% of the district's territory being detached under this Section, the petition shall be denied without prejudice to its being filed pursuant to Section 7-6 of this Code.

(d) Conclusively proof of the population of a county is the most recent federal decennial census.

(e) A petition filed under this Section with respect to the Territory must be filed with the regional board of school trustees of the county where the Territory is located (herein referred to as the Regional Board) at its regular offices not later than the 24 months after the effective date of this amendatory Act of the 92nd General Assembly and (i) in the case of any portion of the Territory not developed with residences, signed by or on behalf of the taxpayers of record of properties constituting 60% or more of the land not so developed and (ii) in the case of any portion of the Territory developed by residences, signed by 60% or more of registered voters residing in the residences. Conclusively proof of who are the taxpayers of record is a document certified by the assessor of the county or township in which the property is located as of a date not more than 60 days before the filing of a petition under this Section. Conclusively proof of who are registered voters is a document certified by the board of election commissioners for the county in which the registered voters reside as of a date not earlier than 60 days before the filing of the petition. Conclusively proof of the area of the Territory and the area of properties within the Territory is a survey or notarized statement, as of a date not more than 60 days before the filing of the petition, by a specially qualified professional land surveyor licensed by the State of Illinois.

(f) The Regional Board must (1) hold a hearing on each petition at its regular offices within 90 days after the date of filing; (2) render a decision granting or denying the petition within 30 days after the hearing; and (3) within 14 days after the decision, serve a copy of the decision by certified mail, return receipt requested, upon the petitioners and upon the school boards of the school districts from which the territory described in the petition is sought to be detached and to which the territory is sought to be annexed. If petitions are filed pertaining to an elementary school district and a high school district described in this Section, if the petitions pertain to land not developed with residences, and if the 2 petitions are filed within 28 days of each other, the petitions must be consolidated for hearing and heard at the same hearing. If petitions are filed pertaining to an elementary school district and a high school district described in this Section, if the petitions pertain to land developed with residences, and if the petitions are filed within 28 days of each other, the 2 petitions must be consolidated for hearing and heard at the same hearing. If the

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Regional Board does not serve a copy of the decision within the time and in the manner required, any petitioner has the right to obtain, in the circuit court of the county in which the petition was filed, a mandamus requiring the Regional Board to serve the decision immediately to the parties in the manner required. Upon proof that the Regional Board has not served the decision to the parties or in the manner required, the circuit court must immediately issue the order.

The Regional Board has no authority or discretion to hear any evidence or consider any issues at the hearing except those that may be necessary to determine whether the conditions and limitations of this Section have been met. If the Regional Board finds that such conditions and limitations have been met, the Regional Board must grant the petition.

The Regional Board must (i) give written notice of the time and place of the hearing not less than 30 days prior to the date of the hearing to the school board of the school district from which the territory described in the petition is to be detached and to the school board of the school district to which the territory is to be annexed and (ii) publish notice of the hearing in a newspaper that is circulated within the county in which the territory described in the petition is located and is circulated within the school districts whose school boards are entitled to notice.

(g) If the granting of a petition filed under this Section has become final either through failure to seek administrative review or by the final decision of a court on review, the change in boundaries becomes effective forthwith and for all purposes, except that if granting of the petition becomes final between September 1 of any year and June 30 of the following year, the administration of and attendance at the schools are not affected until July 1 of the following year, at which time the change becomes effective for all purposes. After the granting of the petition becomes final, the date when the change becomes effective for purposes of administration and attendance may, in the case of land improved with residences, be accelerated or postponed either (i) by stipulation of the school boards of the school districts from which the territory described in the petition is detached and to which the territory is annexed or (ii) by stipulation of the registered voters who signed the petition. Their stipulation may be contained in the petition or a separate document signed by them. Their stipulation must be filed with the Regional Board not later than 120 days after approval of their petition.

(h) The decision of the Regional Board is a final "administrative decision" as defined in Section 3-101 of the Code of Civil Procedure, and any petitioner or the school board of the school district from which the land is to be detached or of the school district to which the land is to be annexed may, within 35 days after a copy of the decision sought to be reviewed was served by certified mail upon the affected party thereby or upon an attorney of record for such party, apply for a review of the decision in accordance with the Administrative Review Law and the rules adopted pursuant to the Administrative Review Law. Standing to apply for or in any manner seek review of the decision is limited exclusively to a petitioner or school district described in this Section.

The commencement of any action for review operates as a supersedeas, and no further proceedings are allowed until final disposition of the review. The circuit court of the county in which the petition is filed with the Regional Board has sole jurisdiction to entertain a complaint for review.

(i) This Section (i) is not limited by and operates

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independently of all other provisions of this Article and (ii) constitutes complete authority for the granting or denial by the Regional Board of a petition filed under this Section when the conditions prescribed by this Section for the filing of that petition are met or not met as the case may be.

(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

Sec. 10-21.9. Criminal background investigations.

(a) Except as otherwise provided in subsection (a-5) of this Section After--August-17-1985, certified and noncertified applicants for employment with a school district, (except school bus driver applicants) and student teachers assigned to the district, are required, as a condition of employment or student teaching in that district, to authorize an investigation to determine if such applicants or student teachers have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district or of being assigned as a student teacher to that district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant or student teacher to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the investigation to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's or student teacher's name, sex, race, date of birth and social security number to the Department of State Police on forms prescribed by the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the investigation of the applicant has been requested. The Department of State Police shall conduct an investigation to ascertain if the applicant being considered for employment or student teacher has been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has been convicted, within 7 years of the application for employment with the school district or of being assigned as a student teacher to that district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant or student teacher shall not be charged a fee for such investigation by the school district or by the regional superintendent. The regional superintendent may seek reimbursement

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from the State Board of Education or the appropriate school district or districts for fees paid by the regional superintendent to the Department for the criminal background investigations required by this Section.

(a-5) If a student teacher has undergone a criminal background investigation under this Section and, within 18 months after the investigation is conducted, that former student teacher is hired as a full-time employee with the school district, then the former student teacher shall not be required to undergo another criminal background investigation under this Section.

(b) The Department shall furnish, pursuant to positive identification, records of convictions, until expunged, to the president of the school board for the school district which requested the investigation, or to the regional superintendent who requested the investigation. Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the investigation was requested by the school district, the presidents of the appropriate school boards if the investigation was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment or assigning the student teacher to a school district. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment or student teacher. If an investigation of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon investigation ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute teacher in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own investigation of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment or student teacher shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

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(c) No school board shall knowingly employ a person or knowingly allow a person to student teach who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the "Criminal Code of 1961"; (ii) those defined in the "Cannabis Control Act" except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the "Illinois Controlled Substances Act"; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no school board shall knowingly employ a person or knowingly allow a person to student teach who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) No school board shall knowingly employ a person or knowingly allow a person to student teach for whom a criminal background investigation has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the appropriate regional superintendent of schools or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After January 1, 1990 the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal background investigations on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for investigation prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

Sec. 34-18.5. Criminal background investigations.

(a) Except as otherwise provided in subsection (a-5) of this Section After--August-17-1985, certified and noncertified applicants for employment with the school district and student teachers assigned to the district are required, as a condition of employment or student teaching in that district, to authorize an investigation to determine if such applicants or student teachers have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district or of being assigned as a student teacher to that district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished

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by the applicant or student teacher to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, or a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the investigation to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's or student teacher's name, sex, race, date of birth and social security number to the Department of State Police on forms prescribed by the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the investigation of the applicant has been requested. The Department of State Police shall conduct an investigation to ascertain if the applicant being considered for employment or student teacher has been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has been convicted, within 7 years of the application for employment with the school district or of being assigned as a student teacher to that district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant or student teacher shall not be charged a fee for such investigation by the school district or by the regional superintendent. The regional superintendent may seek reimbursement from the State Board of Education or the appropriate school district or districts for fees paid by the regional superintendent to the Department for the criminal background investigations required by this Section.

(a-5) If a student teacher has undergone a criminal background investigation under this Section and, within 18 months after the investigation is conducted, that former student teacher is hired as a full-time employee with the school district, then the former student teacher shall not be required to undergo another criminal background investigation under this Section.

(b) The Department shall furnish, pursuant to positive identification, records of convictions, until expunged, to the president of the board of education for the school district which requested the investigation, or to the regional superintendent who requested the investigation. Any information concerning the record of convictions obtained by the president of the board of education or the regional superintendent shall be confidential and may only be transmitted to the general superintendent of the school district or his designee, the appropriate regional superintendent if the investigation was requested by the board of education for the school district, the presidents of the appropriate board of education or school boards if the investigation was requested from the Department

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of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment or assigning the student teacher to a school district. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment or student teacher. If an investigation of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon investigation ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own investigation of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment or student teacher shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The board of education shall not knowingly employ a person or knowingly allow a person to student teach who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, the board of education shall not knowingly employ a person or knowingly allow a person to student teach who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) The board of education shall not knowingly employ a person or knowingly allow a person to student teach for whom a criminal

background investigation has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the board of education or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After March 19, 1990, the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal background investigations on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for investigation prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

Section 99. Effective date. This Act takes effect upon becoming law, except that the changes to Sections 10-21.9 and 34-18.5 of the School Code take effect on July 1, 2002."

Submitted on November 15, 2001.

s/Sen. Edward Petka  
s/Sen. Dan Cronin  
s/Sen. Peter Roskam  
s/Sen. Lisa Madigan  
s/Sen. Vince Demuzio  
 Committee for the Senate

s/Rep. Calvin L. Giles  
s/Rep. Barbara Flynn Currie  
Rep. Gary Hannig  
Rep. Arthur Tenhouse  
Rep. Dan Rutherford  
 Committee for the House

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

Yeas 2; Nays 51.

The following voted in the affirmative:

Bowles  
 Welch

The following voted in the negative:

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

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Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Madigan  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Silverstein  
 Smith  
 Stone  
 Syverson  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Woolard  
 Mr. President

The motion lost.

Senator Petka moved that a Second Conference Committee be appointed to adjust the differences between the two Houses on Senate Amendment No. 1 to House Bill No. 1840.

The motion prevailed.

Senator Philip, President of the Senate, appointed as such Committee on the part of the Senate, the following: Senators Cronin, Petka, Roskam, Demuzio and Madigan.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 2:15 o'clock p.m., Senator Donahue presiding.

**READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME**

On motion of Senator Karpel, House Bill No. 2535 was taken up, read by title a second time and ordered to a third reading.

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## COMMITTEE MEETING ANNOUNCEMENT

Senator Cronin, Chairperson of the Committee on Education announced that the Education Committee will meet Wednesday, November 28, 2001 in Room 212, Capitol Building, at 9:00 o'clock a.m.

## MOTIONS IN WRITING

Senator Donahue submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to House Bill 1696 in manner and form as follows:

## AMENDMENT TO HOUSE BILL 1696

## IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1696 as follows:

on page 1, line 20, after "hold", by inserting "(i) a 2-year degree and 3 consecutive years of experience as a police officer with the same law enforcement agency or (ii)".

Date: November 27, 2001

Laura Kent Donahue  
Senator

Senator Karpziel submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to House Bill 3172 in manner and form as follows:

## AMENDMENT TO HOUSE BILL 3172

## IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 3172 as follows:

on page 2, by replacing lines 15 through 17 with the following:  
"collection kits. A sexual assault nurse examiner may conduct examinations using the sexual assault evidence collection kits, without the presence or participation of a physician. The Department of Public Health"; and

on page 2, by inserting after line 27 the following:

"Section 99. Effective date. This Act takes effect January 1, 2002.".

Date: November 27, 2001

Doris Karpziel  
Senator

The foregoing Motions in Writing were filed with the Secretary and placed on the Senate Calendar.

READING BILL FROM THE HOUSE OF REPRESENTATIVES  
A FIRST TIME

House Bill No. 2691, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

At the hour of 2:26 o'clock p.m., Senator Karpziel presiding.

## LEGISLATIVE MEASURES FILED

The following floor amendment to the Senate Bill listed below

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have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Bill 1233

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

Senate Amendment No. 1 to House Bill 2296

Senate Amendment No. 4 to House Bill 2299

At the hour of 2:27 o'clock p.m., on motion of Senator Shadid, the Senate stood adjourned until Wednesday, November 28, 2001 at 10:00 o'clock a.m.

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