

1 AMENDMENT TO SENATE BILL 633

2 AMENDMENT NO. _____. Amend Senate Bill 633 on page 1, by
3 deleting lines 9 through 12; and

4 on page 1, line 13, by changing "(3)" to "(1)"; and

5 on page 1, line 15, by changing "(4)" to "(2)"; and

6 on page 1, line 17, by changing "(5)" to "(3)"; and

7 on page 3, line 14, before the comma, by inserting
8 "(including amounts awarded)"; and

9 on page 4, after line 19, by inserting the following:

10 "(7) Provide documentation that funds were requested
11 from other sources, including, but not limited to, units of
12 local government, local donors, local Area Agencies on Aging,
13 or private or religious foundations.

14 (8) Include letters of support for the awarding of the
15 grant, from sources such as local government officials,
16 community leaders, other human service providers, the local
17 Area Agency on Aging, private or religious foundations, or
18 local membership-based organizations."; and

19 on page 5, lines 2 and 4, by changing "12" to "14" each time
20 it appears; and

1 on page 5, between lines 20 and 21, by inserting the
2 following:

3 "(7) Two members who are directors of Area Agencies on
4 Aging."; and

5 on page 5, line 24, by changing "4" to "5" each time it
6 appears; and

7 on page 6, after line 26, by inserting the following:

8 "Section 85. The Deposit of State Moneys Act is amended
9 by changing Section 7 as follows:

10 (15 ILCS 520/7) (from Ch. 130, par. 26)

11 Sec. 7. (a) Proposals made may either be approved or
12 rejected by the State Treasurer. A bank or savings and loan
13 association whose proposal is approved shall be eligible to
14 become a State depository for the class or classes of funds
15 covered by its proposal. A bank or savings and loan
16 association whose proposal is rejected shall not be so
17 eligible. The State Treasurer shall seek to have at all times
18 a total of not less than 20 banks or savings and loan
19 associations which are approved as State depositories for
20 time deposits.

21 (b) The State Treasurer may, in his discretion, accept a
22 proposal from an eligible institution which provides for a
23 reduced rate of interest provided that such institution
24 documents the use of deposited funds for community
25 development projects.

26 (b-5) The State Treasurer may, in his or her discretion,
27 accept a proposal from an eligible institution that provides
28 for a reduced rate of interest, provided that such
29 institution agrees to expend an amount of money equal to the
30 amount of the reduction for the preservation of Cahokia
31 Mounds.

1 (b-10) The State Treasurer may, in his or her
2 discretion, accept a proposal from an eligible institution
3 that provides for a reduced rate of interest, provided that
4 the institution agrees to expend an amount of money equal to
5 the amount of the reduction for senior centers.

6 (c) The State Treasurer may, in his or her discretion,
7 accept a proposal from an eligible institution that provides
8 for interest earnings on deposits of State moneys to be held
9 by the institution in a separate account that the State
10 Treasurer may use to secure up to 10% of any (i) home loans
11 to Illinois citizens purchasing a home in Illinois in
12 situations where the participating financial institution
13 would not offer the borrower a home loan under the
14 institution's prevailing credit standards without the
15 incentive of a reduced rate of interest on deposits of State
16 moneys, (ii) existing home loans of Illinois citizens who
17 have failed to make payments on a home loan as a result of a
18 financial hardship due to circumstances beyond the control of
19 the borrower where there is a reasonable prospect that the
20 borrower will be able to resume full mortgage payments, and
21 (iii) loans in amounts that do not exceed the amount of
22 arrearage on a mortgage and that are extended to enable a
23 borrower to become current on his or her mortgage obligation.

24 The following factors shall be considered by the
25 participating financial institution to determine whether the
26 financial hardship is due to circumstances beyond the control
27 of the borrower: (i) loss, reduction, or delay in the receipt
28 of income because of the death or disability of a person who
29 contributed to the household income, (ii) expenses actually
30 incurred related to the uninsured damage or costly repairs to
31 the mortgaged premises affecting its habitability, (iii)
32 expenses related to the death or illness in the borrower's
33 household or of family members living outside the household
34 that reduce the amount of household income, (iv) loss of

1 income or a substantial increase in total housing expenses
2 because of divorce, abandonment, separation from a spouse, or
3 failure to support a spouse or child, (v) unemployment or
4 underemployment, (vi) loss, reduction, or delay in the
5 receipt of federal, State, or other government benefits, and
6 (vii) participation by the homeowner in a recognized labor
7 action such as a strike. In determining whether there is a
8 reasonable prospect that the borrower will be able to resume
9 full mortgage payments, the participating financial
10 institution shall consider factors including, but not
11 necessarily limited to the following: (i) a favorable work
12 and credit history, (ii) the borrower's ability to and
13 history of paying the mortgage when employed, (iii) the lack
14 of an impediment or disability that prevents reemployment,
15 (iv) new education and training opportunities, (v) non-cash
16 benefits that may reduce household expenses, and (vi) other
17 debts.

18 For the purposes of this Section, "home loan" means a
19 loan, other than an open-end credit plan or a reverse
20 mortgage transaction, for which (i) the principal amount of
21 the loan does not exceed 50% of the conforming loan size
22 limit for a single-family dwelling as established from time
23 to time by the Federal National Mortgage Association, (ii)
24 the borrower is a natural person, (iii) the debt is incurred
25 by the borrower primarily for personal, family, or household
26 purposes, and (iv) the loan is secured by a mortgage or deed
27 of trust on real estate upon which there is located or there
28 is to be located a structure designed principally for the
29 occupancy of no more than 4 families and that is or will be
30 occupied by the borrower as the borrower's principal
31 dwelling.

32 (d) If there is an agreement between the State Treasurer
33 and an eligible institution that details the use of deposited
34 funds, the agreement may not require the gift of money,

1 goods, or services to a third party; this provision does not
 2 restrict the eligible institution from contracting with third
 3 parties in order to carry out the intent of the agreement or
 4 restrict the State Treasurer from placing requirements upon
 5 third-party contracts entered into by the eligible
 6 institution.

7 (Source: P.A. 92-482, eff. 8-23-01; 92-531, eff. 2-8-02;
 8 92-625, eff. 7-11-02; revised 8-26-02.)"; and

9 on page 6, after line 31, by inserting the following:

10 "Section 92. The Public Funds Investment Act is amended
 11 by adding Section 2.10 as follows:

12 (30 ILCS 235/2.10 new)

13 Sec. 2.10. Unit of local government; deposit at reduced
 14 rate of interest. The treasurer of a unit of local government
 15 may, in his or her discretion, deposit public moneys of that
 16 unit of local government in a financial institution pursuant
 17 to an agreement that provides for a reduced rate of interest,
 18 provided that the institution agrees to expend an amount of
 19 money equal to the amount of the reduction for senior
 20 centers.

21 Section 95. The Consumer Fraud and Deceptive Business
 22 Practices Act is amended by changing Section 7 as follows:

23 (815 ILCS 505/7) (from Ch. 121 1/2, par. 267)

24 Sec. 7. Injunctive relief; restitution; and civil
 25 penalties.

26 (a) Whenever the Attorney General or a State's Attorney
 27 has reason to believe that any person is using, has used, or
 28 is about to use any method, act or practice declared by this
 29 Act to be unlawful, and that proceedings would be in the
 30 public interest, he or she may bring an action in the name of

1 the People of the State against such person to restrain by
2 preliminary or permanent injunction the use of such method,
3 act or practice. The Court, in its discretion, may exercise
4 all powers necessary, including but not limited to:
5 injunction; revocation, forfeiture or suspension of any
6 license, charter, franchise, certificate or other evidence of
7 authority of any person to do business in this State;
8 appointment of a receiver; dissolution of domestic
9 corporations or association suspension or termination of the
10 right of foreign corporations or associations to do business
11 in this State; and restitution.

12 (b) In addition to the remedies provided herein, the
13 Attorney General or State's Attorney may request and the
14 Court may impose a civil penalty in a sum not to exceed
15 \$50,000 against any person found by the Court to have engaged
16 in any method, act or practice declared unlawful under this
17 Act. In the event the court finds the method, act or
18 practice to have been entered into with the intent to
19 defraud, the court has the authority to impose a civil
20 penalty in a sum not to exceed \$50,000 per violation.

21 (c) In addition to any other civil penalty provided in
22 this Section, if a person is found by the court to have
23 engaged in any method, act, or practice declared unlawful
24 under this Act, and the violation was committed against a
25 person 65 years of age or older, the court may impose an
26 additional civil penalty not to exceed \$10,000 for each
27 violation.

28 A civil penalty imposed under this subsection (c) shall
29 be paid to the State Treasurer who shall deposit the money in
30 the State treasury in a special fund designated the Elderly
31 Victim Fund. The Treasurer shall deposit such moneys into
32 the Fund monthly. All of the moneys deposited into the Fund
33 shall be appropriated to the Department on Aging for grants
34 to senior centers in Illinois. Fifty-percent-of--all--moneys

1 deposited--in--the-Fund-shall-be-appropriated-to-the-Attorney
2 General-for--the--investigation--and--prosecution--of--frauds
3 against--persons--65--years--of--age--or--older-and-50%-of-all
4 moneys-in-the-Fund-shall--be--appropriated--to--the--Attorney
5 General---to---develop--and--implement--State-wide--education
6 initiatives-to-inform-persons-65-years-of-age-or--older,--law
7 enforcement--agencies,--the--judicial--system,--social-service
8 professionals,--and-the-general--public--about--prevention--of
9 consumer-crimes-against-persons-65-years-of-age-or-older,--and
10 about--the--provisions--of--this--Section,--the-penalties-for
11 violations-of-this-Section,--and-the--remedies--available--for
12 victims-of-these-violations.

13 An award of restitution under subsection (a) has priority
14 over a civil penalty imposed by the court under this
15 subsection.

16 In determining whether to impose a civil penalty under
17 this subsection and the amount of any penalty, the court
18 shall consider the following:

19 (1) Whether the defendant's conduct was in willful
20 disregard of the rights of the person 65 years of age or
21 older.

22 (2) Whether the defendant knew or should have known
23 that the defendant's conduct was directed to a person 65
24 years of age or older.

25 (3) Whether the person 65 years of age or older was
26 substantially more vulnerable to the defendant's conduct
27 because of age, poor health, infirmity, impaired
28 understanding, restricted mobility, or disability, than
29 other persons.

30 (4) Any other factors the court deems appropriate.

31 (d) This Section applies if: (i) a court orders a party
32 to make payments to the Attorney General and the payments are
33 to be used for the operations of the Office of the Attorney
34 General or (ii) a party agrees, in an Assurance of Voluntary

1 Compliance under this Act, to make payments to the Attorney
2 General for the operations of the Office of the Attorney
3 General.

4 (e) Moneys paid under any of the conditions described in
5 subsection (d) shall be deposited into the Attorney General
6 Court Ordered and Voluntary Compliance Payment Projects Fund,
7 which is created as a special fund in the State Treasury.
8 Moneys in the Fund shall be used, subject to appropriation,
9 for the performance of any function pertaining to the
10 exercise of the duties of the Attorney General including but
11 not limited to enforcement of any law of this State and
12 conducting public education programs; however, any moneys in
13 the Fund that are required by the court or by an agreement to
14 be used for a particular purpose shall be used for that
15 purpose.
16 (Source: P.A. 90-414, eff. 1-1-98.)".