

August 12, 2011

To the Honorable Members of the
Illinois House of Representatives
97th General Assembly

I hereby return House Bill 1712 with my specific recommendations for change.

I would like to thank the sponsors for their hard work on this legislation. Last year, I signed into law Public Act 96-1195, which made important changes to the Illinois Power of Attorney Act. That bill provides greater consumer protections for persons that have entered into a power of attorney, especially our State's senior citizens who are often at greater risk of abuse from those that they have entrusted. That piece of legislation was negotiated for months by many of the stakeholders, and resulted in a piece of legislation that passed both chambers of the General Assembly unanimously before receiving my approval.

That legislation inadvertently included a provision which has the effect of terminating all powers of attorney for property as soon as a principal enters into a subsequent statutory short form power of attorney for property. As the sponsors and the supporters of this legislation rightly point out, there are many powers of attorney entered into for various financial and transactional purposes that are not intended to expire upon the creation of a new power of attorney. This bill seeks to correct that.

However, there are other portions of this legislation that I believe limit the State's ability to protect the vulnerable and the elderly from abuse and financial exploitation. While, I acknowledge that it is not the sponsors' intent to relax provisions to protect seniors, I believe this bill, as written, creates a loophole that allows those who would do financial harm to the vulnerable from being properly investigated. My recommendation for change addresses this gap in the legislation.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 1712, entitled "AN ACT concerning civil law", with the following specific recommendations for change:

- on page 1, line 5, by deleting "2-4,"; and
- on page 2, by deleting lines 21 through 24; and
- on page 2, line 25, by replacing "(3)" with "(1)"; and
- on page 3, line 4, by replacing "(4)" with "(2)"; and
- on page 3, line 8, by replacing "(5)" with "(3)"; and
- on page 3, line 11, by replacing "(6)" with "(4)"; and
- on page 3, line 15, by replacing "(7)" with "(5)"; and
- on page 3, line 19, by replacing "(8)" with "(6)"; and
- on page 4, line 1, by replacing "(9)" with "(7)"; and
- on page 4, line 10, by replacing "(10)" with "(8)"; and
- on page 4, line 20, by replacing "(11)" with "(9)"; and
- on page 4, line 24, by replacing "(12)" with "(10)"; and

on page 5, line 1, by replacing "(13)" with "(11)"; and

on page 5, by deleting lines 3 through 6; and

by deleting line 25 on page 5 through line 5 on page 7; and

on page 8, line 20, by deleting "An excluded power of attorney is not revoked by a"; and

on page 8, by deleting lines 21 through 23; and

on page 21, by replacing lines 13 through 15 with the following:

"principal) hereby revoke all prior statutory short form powers of attorney for property executed by me and appoint:".

With these changes, House Bill 1712 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor