

State of Illinois  
OFFICE OF THE GOVERNOR  
Springfield, Illinois 62706

George H. Ryan  
GOVERNOR

August 9, 2002

To the Honorable Members of  
The Illinois Senate  
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 Senate Bill 1583 entitled "AN ACT in relation to persons in military service," with my specific recommendations for change.

Senate Bill 1583 extends to Illinois National Guard personnel activated by the Governor, similar protections already provided to U.S. Armed Forces personnel under the federal Soldiers' and Sailors' Civil Relief Act of 1940. In addition, Senate Bill 1583 provides that both (i) members of the National guard activated by the Governor, and (ii) members of the U.S. Armed Forces activated by the federal government, shall also provide written notice within 30 days of the termination of active duty to those whom notice was provided originally.

Senate Bill 1583 serves a well-deserved purpose by including the State activation of the National Guard within the protections already received by the U.S. Armed Forces. For this laudable intent, the spirit of this legislation has my full support. I am concerned, however, with the provisions of the Bill that purport to place additional notice requirements upon members of the U.S. Armed Forces who are activated by the federal government. As stated previously, the civil-relief protections for these soldiers is drawn directly from the federal Soldiers' and Sailors' Civil Relief Act of 1940, but this Bill purports to impose a notice requirement upon these soldiers that is not mandated by that federal law. As a result, the Bill conflicts with the federal law that is supreme on the matter, and the entire State statute may be jeopardized. Rather than risk the protections granted to members of the National Guard under this Bill, I believe the conflicting provisions should be removed.

I am also concerned with the placement of the amendatory text within the Service Men's Employment Tenure Act, which primarily concerns veterans. Because the legislation specifically impacts current members of the Illinois National Guard, I believe it is better to place the language in the Military Code of Illinois that directly regulates these members of the Guard.

For these reasons, I hereby return Senate Bill 1583 with the following recommendations for change:

On page 1, by replacing lines 4 through 14 with the following:

"Section 5. The Military Code of Illinois is amended by adding Section 100.5 as follows:

(20 ILCS 1805/100.5 new)

Sec. 100.5. Illinois National Guard; Soldiers and Sailors Civil Relief Action of 1940."; and

On page 1, by deleting lines 25 through 30; and

On page 2, by deleting lines 1 and 2; and

On page 2, line 3, by replacing "(c)" with "(b)"; and

On page 2, lines 4 and 7, by deleting "or (b)" each time it appears; and

On page 2, line 8, by replacing "(d)" with "(c)"; and

On page 2, by deleting lines 18 through 32; and

On page 3, by deleting lines 1 through 31.

With these changes, Senate Bill 1583 will have my approval. I respectfully request your concurrence.

Sincerely,  
George H. Ryan  
GOVERNOR