



Sen. Heather A. Steans

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09800SB1047sam001

LRB098 05332 WGH 57367 a

1 AMENDMENT TO SENATE BILL 1047

2 AMENDMENT NO. _____. Amend Senate Bill 1047 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Findings. The General Assembly finds:

5 (1) "An Act to create the Rosehill Cemetery Company",
6 approved February 11, 1859 (hereinafter "the 1859 Act"),
7 created the Rosehill Cemetery Company and constituted its
8 charter. The 1859 Act appears on pages 29 through 33 of the
9 "Private Laws" portion of the volume "Laws of the State of
10 Illinois, Passed by the Twenty-first General Assembly,
11 Convened January 3, 1859". (The pages of that volume are not
12 numbered in a single sequence. The portions labeled "Public
13 Laws" and "Private Laws" have separate page numbering.)

14 (2) "An Act to amend "An act to create the Rosehill
15 Cemetery Company," approved February 11, 1859", approved
16 February 13, 1863 (hereinafter "the 1863 Act"), amended the
17 charter of the Rosehill Cemetery Company as set forth in the

1 1859 Act. The 1863 Act appears on pages 174 through 177 of the
2 volume "Private Laws of the State of Illinois, Passed by the
3 Twenty-third General Assembly, Convened January 5, 1863".
4 Among other things, the 1863 Act: required 10% of the proceeds
5 received from the sale of lots by the Rosehill Cemetery Company
6 to be reserved and set apart until the sum reserved and set
7 apart amounted to \$100,000; required that sum to be kept as a
8 fund (hereinafter "the reserve fund") for the preservation,
9 maintenance, and ornamentation of the cemetery; created the
10 Board of Trustees of the Rosehill Cemetery; required the
11 Rosehill Cemetery Company to pay the amounts reserved and set
12 apart to the Board of Trustees of the Rosehill Cemetery;
13 imposed various requirements upon the investment of funds by
14 the Board of Trustees of the Rosehill Cemetery; and imposed
15 various requirements regarding the composition and selection
16 of the Board of Trustees of the Rosehill Cemetery.

17 (3) On September 15, 1983, a decree was entered by the
18 Circuit Court of Cook County in Rosehill Cemetery Company et
19 al. v. Chicago Title and Trust Company et al., No. 83 CH 339,
20 which dealt with various matters involving the successor to the
21 Rosehill Cemetery Company as well as 4 funds dedicated to the
22 care and upkeep of the Rosehill Cemetery, including the reserve
23 fund. Regarding the reserve fund, the Court found:

24 "4. On July 6, 1894, a decree was entered by the
25 Circuit Court of Cook County in Case No. 120206, Lunt and
26 Farwell vs. The Rosehill Cemetery Company et. al., which

1 found that the Reserve Fund had reached \$100,000, and
2 ordered that it be administered by lot owner trustees
3 pursuant to the Amendment to Charter, with The Northern
4 Trust Company of Chicago, Illinois acting as custodian of
5 the securities in which said Reserve Fund is invested."

6 Regarding the reserve fund, the Court ordered:

7 "5. That, upon the purchase of the assets of Rosehill
8 Cemetery Company, the dissolution of Rosehill Cemetery
9 Company, and the commencement of the operation of Rosehill
10 Cemetery in perpetuity by Rosehill Memorial, Inc., the
11 Reserve Fund and the trustees thereof shall continue to
12 operate in the manner provided, since 1863, by Section 7 of
13 the Charter of Rosehill Cemetery Company as amended by the
14 Special Act approved February 13, 1863 and pursuant to the
15 provisions of the first paragraph of Paragraph Second of
16 the decree entered on July 6, 1894 by the Circuit Court of
17 Cook County in Case No. 120206, Lunt and Farwell vs. The
18 Rosehill Cemetery Company et. al., and said trustees shall
19 continue to expend the income therefrom with the advice of
20 Rosehill Memorial, Inc."

21 (4) The Board of Trustees of the Rosehill Cemetery have
22 administered the reserve fund in accordance with the 1863 Act.
23 The 1863 Act must be amended to enable the Board of Trustees of
24 the Rosehill Cemetery to manage the reserve fund according to
25 modern investment principles and to ensure the continued
26 operation of the reserve fund.

1 Section 5. "An Act to amend "An act to create the Rosehill
2 Cemetery Company," approved February 11, 1859", approved
3 February 13, 1863, is amended by adding Sections 14.1 and 14.2
4 as follows:

5 (Private Laws 1863, p. 174-177, Sec. 14.1 new)

6 Sec. 14.1. Notwithstanding any other provision of law, as
7 an alternative to the investment provisions of Sections 3
8 through 7 of this Act, the Board of Trustees of the Rosehill
9 Cemetery may invest assets of the fund created under Section 2
10 of this Act in accordance with Section 5 of the Trusts and
11 Trustees Act or any successor provision.

12 (Private Laws 1863, p. 174-177, Sec. 14.2 new)

13 Sec. 14.2. Notwithstanding any other provision of law, as
14 an alternative to the provisions of Sections 3 and 10 of this
15 Act concerning the number of trustees and the manner of
16 electing trustees, the Board of Trustees of the Rosehill
17 Cemetery may adopt bylaws establishing procedures for the
18 governance of the Board, including, but not limited to, the
19 number of trustees and the manner of electing trustees.

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