



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB2484

Introduced 2/17/2005, by Rep. Constance A. Howard - Monique D. Davis - Lovana Jones

#### SYNOPSIS AS INTRODUCED:

|                      |                             |
|----------------------|-----------------------------|
| 5 ILCS 490/115 new   |                             |
| 10 ILCS 5/1-6        |                             |
| 10 ILCS 5/17-25      | from Ch. 46, par. 17-25     |
| 20 ILCS 5/5-635      | was 20 ILCS 5/18            |
| 20 ILCS 3205/3       | from Ch. 17, par. 453       |
| 55 ILCS 5/3-2007     | from Ch. 34, par. 3-2007    |
| 105 ILCS 5/24-2      | from Ch. 122, par. 24-2     |
| 110 ILCS 70/45a      | from Ch. 24 1/2, par. 381.1 |
| 205 ILCS 630/17      | from Ch. 17, par. 2201      |
| 30 ILCS 805/8.29 new |                             |

Amends the State Commemorative Dates Act, the School Code, and the Promissory Note and Bank Holiday Act. Makes the date of the general election a legal and school holiday known as General Election Day. Rephrases the current authorization for banks to close on the date of the general election. Prohibits requiring officers and employees of the State, units of local government, and school districts to work on General Election Day except as necessary for the conduct of the election, for law enforcement, for fire protection, and for public health and safety. Requires courts to designate General Election Day as a court holiday. Preempts home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Amends the Election Code, the Civil Administrative Code of Illinois, the Office of Banks and Real Estate Act, the Counties Code, and the Universities Civil Service Act to make conforming changes.

LRB094 09996 JAM 40254 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning State holidays.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Commemorative Dates Act is amended by  
5 adding Section 115 as follows:

6 (5 ILCS 490/115 new)

7 Sec. 115. General Election Day.

8 (a) The date established by the Election Code as the date  
9 of the general election is a legal holiday to be known as  
10 General Election Day. No officer or employee of the State, a  
11 unit of local government including a home rule unit, or a  
12 school district may be required to work on General Election  
13 Day, except those persons necessary for (i) the conduct of the  
14 general election, (ii) law enforcement, (iii) fire protection,  
15 and (iv) public health and safety. The courts of this State  
16 shall designate General Election Day as a court holiday.

17 (b) A home rule unit may not require its officers and  
18 employees to work on General Election Day other than as  
19 provided in this Section. This Section is a denial and  
20 limitation of home rule powers and functions under subsection  
21 (h) of Section 6 of Article VII of the Illinois Constitution.

22 Section 10. The Election Code is amended by changing  
23 Sections 1-6 and 17-25 as follows:

24 (10 ILCS 5/1-6)

25 Sec. 1-6. Computing dates of various acts; Saturday,  
26 Sunday, and holidays.

27 (a) If the first or last day fixed by law to do any act  
28 required or allowed by this Code falls on a State holiday or a  
29 Saturday or a Sunday, the period shall extend through the first  
30 business day next following the day otherwise fixed as the

1 first or last day, irrespective of whether any election  
2 authority or local election official conducts business on the  
3 State holiday, Saturday, or Sunday.

4 (b) For the purposes of this Section, "State holiday" means  
5 New Year's Day, Dr. Martin Luther King, Jr.'s Birthday,  
6 Lincoln's Birthday, President's Day, Casimir Pulaski's  
7 Birthday, Good Friday, Memorial Day, Independence Day, Labor  
8 Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas  
9 Day, and any other day from time to time declared by the  
10 President of the United States or the Governor of Illinois to  
11 be a day during which the agencies of the State of Illinois  
12 that are ordinarily open to do business with the public shall  
13 be closed for business. In this Section, however, "State  
14 holiday" does not include General Election Day.

15 (c) Notwithstanding any other provision of this Code,  
16 nominating papers, petitions of objection to nominating  
17 papers, certificates of withdrawal of candidacy, and reports of  
18 political committees actually received by election authorities  
19 and local election officials on a State holiday, a Saturday, or  
20 a Sunday shall not be deemed invalid or defective for that  
21 reason alone.

22 (Source: P.A. 89-653, eff. 8-14-96; 90-672, eff. 7-31-98.)

23 (10 ILCS 5/17-25) (from Ch. 46, par. 17-25)

24 Sec. 17-25. General Election Day holiday. As provided in  
25 the State Commemorative Dates Act, General Election Day ~~The~~  
26 ~~days upon which the general elections for members of the House~~  
27 ~~of Representatives of this State shall hereafter be held~~ shall  
28 be a holiday ~~holidays~~, and shall for all purposes whatever as  
29 regards the presenting for payment or acceptance and of  
30 protesting and giving notice of the dishonor of bills of  
31 exchange, bank checks and promissory notes and as regards days  
32 of grace upon commercial paper, be treated and considered as is  
33 the first day of the week, commonly called Sunday; provided,  
34 that no other election day shall be treated and considered as a  
35 holiday.

1 (Source: Laws 1943, vol. 2, p. 253.)

2 Section 15. The Civil Administrative Code of Illinois is  
3 amended by changing Section 5-635 as follows:

4 (20 ILCS 5/5-635) (was 20 ILCS 5/18)

5 Sec. 5-635. Department office hours. Each department shall  
6 be open for the transaction of public business at least from  
7 8:30 in the morning until 5:00 in the evening of each day  
8 except Saturdays, Sundays, General Election Day as provided in  
9 the State Commemorative Dates Act, and days that may hereafter  
10 be declared by the Governor to be holidays for State employees.  
11 (Source: P.A. 91-239, eff. 1-1-00.)

12 Section 20. The Office of Banks and Real Estate Act is  
13 amended by changing Section 3 as follows:

14 (20 ILCS 3205/3) (from Ch. 17, par. 453)

15 Sec. 3. Business hours. The Office of Banks and Real  
16 Estate shall be open for transaction of public business from  
17 8:30 a.m. to 5:00 p.m. or at such other hours as the Governor  
18 may prescribe from time to time by executive order, on each day  
19 except Saturdays, Sundays, General Election Day as provided in  
20 the State Commemorative Dates Act, and days declared by the  
21 Governor to be holidays for State employees.  
22 (Source: P.A. 89-508, eff. 7-3-96.)

23 Section 25. The Counties Code is amended by changing  
24 Section 3-2007 as follows:

25 (55 ILCS 5/3-2007) (from Ch. 34, par. 3-2007)

26 Sec. 3-2007. Office quarters and hours; violation. The  
27 county clerk shall keep his office at the court house of his  
28 county, or at such other place as may be provided for him by  
29 the authorities of such county seat and shall keep his office  
30 open and attend to the duties thereof:

1 (a) In counties of 500,000 or more population from 9 a. m.  
2 to 5 p. m. of each working day except Saturday afternoons and  
3 legal holidays, subject to Section 115 of the State  
4 Commemorative Dates Act, but the clerk may open the office at 8  
5 a. m. on each working day:

6 (b) In counties of less than 500,000 population from 8 a.  
7 m. to 5 p. m. of each working day except Saturdays and legal  
8 holidays, subject to Section 115 of the State Commemorative  
9 Dates Act, but in such counties the office shall remain open  
10 until noon the Saturday before general, primary or special  
11 election days.

12 Provided, that the days on which such office shall be open  
13 and the hours of opening and closing of the office of the  
14 county clerk may be changed and otherwise fixed and determined  
15 by the county board of any county. Any such action taken by the  
16 county board shall be by an appropriate resolution passed at a  
17 regular meeting.

18 Notwithstanding any other provision of this Section, when  
19 any election is held and the results of such election are  
20 required by law to be returned to the county clerk, the office  
21 of the county clerk shall remain open for the purpose of  
22 receiving such results from the time of opening of the polls  
23 until the returns from each precinct have been received.

24 Any county clerk who fails to keep his office open for the  
25 purpose of receiving election returns as required by this  
26 Section commits a business offense, and shall be fined not less  
27 than \$500 nor more than \$5,000.

28 (Source: P.A. 86-962.)

29 Section 30. The School Code is amended by changing Section  
30 24-2 as follows:

31 (105 ILCS 5/24-2) (from Ch. 122, par. 24-2)

32 Sec. 24-2. Holidays. Teachers shall not be required to  
33 teach on Saturdays; nor shall teachers or other school  
34 employees, other than noncertified school employees whose

1 presence is necessary because of an emergency or for the  
2 continued operation and maintenance of school facilities or  
3 property, be required to work on legal school holidays, which  
4 are January 1, New Year's Day; the third Monday in January, the  
5 Birthday of Dr. Martin Luther King, Jr.; February 12, the  
6 Birthday of President Abraham Lincoln; the first Monday in  
7 March (to be known as Casimir Pulaski's birthday); Good Friday;  
8 the day designated as Memorial Day by federal law; July 4,  
9 Independence Day; the first Monday in September, Labor Day; the  
10 second Monday in October, Columbus Day; the date established by  
11 the Election Code as the date of the general election, General  
12 Election Day; November 11, Veteran's Day; the Thursday in  
13 November commonly called Thanksgiving Day; and December 25,  
14 Christmas Day. School boards may grant special holidays  
15 whenever in their judgment such action is advisable, ~~except~~  
16 ~~that no school board or board of education may designate or~~  
17 ~~observe as a special holiday on which teachers or other school~~  
18 ~~employees are not required to work the days on which general~~  
19 ~~elections for members of the Illinois House of Representatives~~  
20 ~~are held~~. No deduction shall be made from the time or  
21 compensation of a school employee on account of any legal or  
22 special holiday.

23 Commemorative holidays, which recognize specified  
24 patriotic, civic, cultural or historical persons, activities,  
25 or events, are regular school days. Commemorative holidays are:  
26 January 28 (to be known as Christa McAuliffe Day and observed  
27 as a commemoration of space exploration), February 15 (the 37th  
28 day of Susan B. Anthony), March 29 (Vietnam War Veterans Day),  
29 September 11 (September 11th Day of Remembrance), the school  
30 day immediately preceding Veteran's Day (Korean War Veterans  
31 Day), October 1 (Recycling Day), December 7 (Pearl Harbor  
32 Veterans Day) and any day so appointed by the President or  
33 Governor. School boards may establish commemorative holidays  
34 whenever in their judgment such action is advisable. School  
35 boards shall include instruction relative to commemorated  
36 persons, activities, or events on the commemorative holiday or

1 at any other time during the school year and at any point in  
2 the curriculum when such instruction may be deemed appropriate.  
3 The State Board of Education shall prepare and make available  
4 to school boards instructional materials relative to  
5 commemorated persons, activities, or events which may be used  
6 by school boards in conjunction with any instruction provided  
7 pursuant to this paragraph.

8 City of Chicago School District 299 shall observe March 4  
9 of each year as a commemorative holiday. This holiday shall be  
10 known as Mayors' Day which shall be a day to commemorate and be  
11 reminded of the past Chief Executive Officers of the City of  
12 Chicago, and in particular the late Mayor Richard J. Daley and  
13 the late Mayor Harold Washington. If March 4 falls on a  
14 Saturday or Sunday, Mayors' Day shall be observed on the  
15 following Monday.

16 (Source: P.A. 92-704, eff. 7-19-02.)

17 Section 35. The State Universities Civil Service Act is  
18 amended by changing Section 45a as follows:

19 (110 ILCS 70/45a) (from Ch. 24 1/2, par. 381.1)

20 Sec. 45a. Except as provided in the second sentence of this  
21 Section, all officers and employees subject to this Act, shall  
22 have the following days as holidays, for which they shall  
23 receive their usual compensation: New Year's Day, January 1,  
24 Memorial Day, as determined by the law of the State of  
25 Illinois, Independence Day, July 4, Labor Day, the first Monday  
26 in September, General Election Day as provided in the State  
27 Commemorative Dates Act, Thanksgiving Day, the fourth Thursday  
28 of November, Christmas Day, December 25, and five holidays to  
29 be designated by each college, university, agency and community  
30 college subject to this Act. Craft and trade employees subject  
31 to this Act shall be paid for all paid holidays included in  
32 their area agreement, and will be paid for all five holidays  
33 designated by their employer pursuant to this section.

34 (Source: P.A. 79-1186.)

1 Section 40. The Promissory Note and Bank Holiday Act is  
2 amended by changing Section 17 as follows:

3 (205 ILCS 630/17) (from Ch. 17, par. 2201)

4 Sec. 17. Holidays.

5 (a) The following days shall be legal holidays in the State  
6 of Illinois upon which day a bank may, but is not required to,  
7 remain closed:

8 the first day of January (New Year's Day);

9 the third Monday in January (observance of Martin Luther  
10 King, Jr.'s birthday);

11 the twelfth day in February (Abraham Lincoln's birthday);

12 the third Monday in February (Presidents Day);

13 the first Monday in March (observance of Casimir Pulaski's  
14 birthday);

15 the Friday preceding Easter Sunday (Good Friday);

16 the last Monday of May (Memorial Day);

17 the fourth day of July (Independence Day);

18 the first Monday in September (Labor Day);

19 the second Monday in October (Columbus Day);

20 the date established by the Election Code as the date of  
21 the general election (General Election Day);

22 the eleventh day of November (Veterans' Day);

23 the fourth Thursday in November (Thanksgiving Day);

24 the twenty-fifth day in December (Christmas Day);

25 ~~the days upon which the general elections for members of~~  
26 ~~the House of Representatives are held, and any day proclaimed~~

27 by the Governor of this State as a legal holiday. From 12  
28 o'clock noon to 12 o'clock midnight of each Saturday shall be  
29 considered a half holiday. In addition to such holidays and  
30 half-holidays, a bank may select one day of the week to remain  
31 closed, as provided in subsection (b) of this Section.

32 (b) Any bank doing business within this State may select  
33 any one day of the week to remain closed on a regular basis  
34 upon adoption of a resolution by the board of directors of such



1 bank designating the day selected and upon filing and  
2 publishing a copy of such resolution as hereinafter required.  
3 Any such resolution shall be deemed effective for the purpose  
4 of this Section only when a copy thereof, certified by an  
5 officer having charge of the records of such bank, is filed  
6 with the Recorder of the county in which such bank is located  
7 and published once each week for 3 successive weeks in a  
8 newspaper of general circulation in such county. Such  
9 publication shall be accomplished by, and at the expense of,  
10 the bank, and the bank shall submit to the Commissioner of  
11 Banks and Real Estate such evidence of the publication as the  
12 Commissioner shall deem appropriate. Any such selection shall  
13 remain in full force and effect until a copy of the later  
14 resolution of the board of directors of such bank, certified in  
15 like manner, terminating or altering any such prior selection  
16 shall be filed and published in the same manner as such prior  
17 resolution.

18 (c) If an occasion arises when a state bank wishes to  
19 remain closed on a particular day, other than a day on which  
20 the bank has selected to remain closed on a regular basis as  
21 provided in this Section, such state bank may remain closed on  
22 such an occasion after first sending to the Commissioner a copy  
23 of a resolution adopted by the board of directors authorizing  
24 the bank to remain closed on such occasion and notice of the  
25 intent to remain closed on such occasion shall be conspicuously  
26 posted in the lobby of the main banking office and any branches  
27 of such bank for at least 3 weeks in advance of such occasion.  
28 Any day which any bank doing business within the State shall  
29 select to remain closed pursuant to this Section shall, with  
30 respect to such bank, be treated and considered as a Sunday.

31 (d) All legal holidays, the half holidays and any day  
32 selected by a bank doing business within the State to remain  
33 closed, shall, for all purposes whatsoever, as regards the  
34 presenting for payment or acceptance, the maturity and  
35 protesting and giving of notice of the dishonor of bills of  
36 exchange, bank checks and promissory notes and other negotiable

1 or commercial paper or instrument, be treated and considered as  
2 a Sunday. When any such holidays fall on Sunday, the Monday  
3 next following shall be held and considered such holiday. All  
4 notes, bills, drafts, checks or other evidence of indebtedness,  
5 falling due or maturing on either of such days, shall be deemed  
6 as due or maturing upon the day following, and when 2 or more  
7 of these days come together, or immediately succeeding each  
8 other, then such instruments, paper or indebtedness shall be  
9 deemed as due or having matured on the day following the last  
10 of such days.

11 (e) Any act authorized, required or permitted to be  
12 performed at or by or with respect to any bank doing business  
13 within the State on a day which it has selected to remain  
14 closed under this Section may be so performed on the next  
15 succeeding business day and no liability or loss of rights of  
16 any kind shall result from such delay.

17 (f) Nothing in this Act shall in any manner affect the  
18 validity of, or render void or voidable, the payment,  
19 certification, or acceptance of a check or other negotiable  
20 instrument, or any other transaction by a bank in this State,  
21 because done or performed on any Saturday, Sunday, holiday, or  
22 any day selected by a bank to remain closed, or during any time  
23 other than regular banking hours; but no bank in this State,  
24 which by law or custom is entitled to remain open or to close  
25 for the whole or any part of any day selected by it to remain  
26 open or to close, is compelled to close, or to remain open for  
27 the transaction of business or to perform any of the acts or  
28 transactions aforesaid except at its own option.

29 (Source: P.A. 89-508, eff. 7-3-96; 89-567, eff. 7-26-96; 90-14,  
30 eff. 7-1-97.)

31 Section 90. The State Mandates Act is amended by adding  
32 Section 8.29 as follows:

33 (30 ILCS 805/8.29 new)

34 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the  
2 implementation of any mandate created by this amendatory Act of  
3 the 94th General Assembly.