



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0756

Introduced 2/7/2007, by Rep. Constance A. Howard

SYNOPSIS AS INTRODUCED:

5 ILCS 490/116 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 805/8.31 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.

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FISCAL NOTE ACT
MAY APPLY

HOME RULE 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 116 as follows:

6 (5 ILCS 490/116 new)

7 Sec. 116. 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

1 Sections 1-6 and 17-25 as follows:

2 (10 ILCS 5/1-6)

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

5 (a) If the first or last day fixed by law to do any act
6 required or allowed by this Code falls on a State holiday or a
7 Saturday or a Sunday, the period shall extend through the first
8 business day next following the day otherwise fixed as the
9 first or last day, irrespective of whether any election
10 authority or local election official conducts business on the
11 State holiday, Saturday, or Sunday.

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

23 (c) Notwithstanding any other provision of this Code,
24 nominating papers, petitions of objection to nominating
25 papers, certificates of withdrawal of candidacy, and reports of

1 political committees actually received by election authorities
2 and local election officials on a State holiday, a Saturday, or
3 a Sunday shall not be deemed invalid or defective for that
4 reason alone.

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

6 (10 ILCS 5/17-25) (from Ch. 46, par. 17-25)

7 Sec. 17-25. General Election Day holiday. As provided in
8 the State Commemorative Dates Act, General Election Day ~~The~~
9 ~~days upon which the general elections for members of the House~~
10 ~~of Representatives of this State shall hereafter be held~~ shall
11 be a holiday ~~holidays~~, and shall for all purposes whatever as
12 regards the presenting for payment or acceptance and of
13 protesting and giving notice of the dishonor of bills of
14 exchange, bank checks and promissory notes and as regards days
15 of grace upon commercial paper, be treated and considered as is
16 the first day of the week, commonly called Sunday; provided,
17 that no other election day shall be treated and considered as a
18 holiday.

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

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

22 (20 ILCS 5/5-635) (was 20 ILCS 5/18)

23 Sec. 5-635. Department office hours. Each department shall

1 be open for the transaction of public business at least from
2 8:30 in the morning until 5:00 in the evening of each day
3 except Saturdays, Sundays, General Election Day as provided in
4 the State Commemorative Dates Act, and days that may hereafter
5 be declared by the Governor to be holidays for State employees.
6 (Source: P.A. 91-239, eff. 1-1-00.)

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

9 (20 ILCS 3205/3) (from Ch. 17, par. 453)

10 Sec. 3. Business hours. The Office of Banks and Real
11 Estate shall be open for transaction of public business from
12 8:30 a.m. to 5:00 p.m. or at such other hours as the Governor
13 may prescribe from time to time by executive order, on each day
14 except Saturdays, Sundays, General Election Day as provided in
15 the State Commemorative Dates Act, and days declared by the
16 Governor to be holidays for State employees.
17 (Source: P.A. 89-508, eff. 7-3-96.)

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

20 (55 ILCS 5/3-2007) (from Ch. 34, par. 3-2007)

21 Sec. 3-2007. Office quarters and hours; violation. The
22 county clerk shall keep his office at the court house of his

1 county, or at such other place as may be provided for him by
2 the authorities of such county seat and shall keep his office
3 open and attend to the duties thereof:

4 (a) In counties of 500,000 or more population from 9 a. m.
5 to 5 p. m. of each working day except Saturday afternoons and
6 legal holidays, subject to Section 116 of the State
7 Commemorative Dates Act, but the clerk may open the office at 8
8 a. m. on each working day:

9 (b) In counties of less than 500,000 population from 8 a.
10 m. to 5 p. m. of each working day except Saturdays and legal
11 holidays, subject to Section 116 of the State Commemorative
12 Dates Act, but in such counties the office shall remain open
13 until noon the Saturday before general, primary or special
14 election days.

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

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

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

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

6 Section 30. The School Code is amended by changing Section
7 24-2 as follows:

8 (105 ILCS 5/24-2) (from Ch. 122, par. 24-2)

9 Sec. 24-2. Holidays. Teachers shall not be required to
10 teach on Saturdays; nor shall teachers or other school
11 employees, other than noncertified school employees whose
12 presence is necessary because of an emergency or for the
13 continued operation and maintenance of school facilities or
14 property, be required to work on legal school holidays, which
15 are January 1, New Year's Day; the third Monday in January, the
16 Birthday of Dr. Martin Luther King, Jr.; February 12, the
17 Birthday of President Abraham Lincoln; the first Monday in
18 March (to be known as Casimir Pulaski's birthday); Good Friday;
19 the day designated as Memorial Day by federal law; July 4,
20 Independence Day; the first Monday in September, Labor Day; the
21 second Monday in October, Columbus Day; the date established by
22 the Election Code as the date of the general election, General
23 Election Day; November 11, Veteran's Day; the Thursday in
24 November commonly called Thanksgiving Day; and December 25,

1 Christmas Day. School boards may grant special holidays
2 whenever in their judgment such action is advisable, ~~except~~
3 ~~that no school board or board of education may designate or~~
4 ~~observe as a special holiday on which teachers or other school~~
5 ~~employees are not required to work the days on which general~~
6 ~~elections for members of the Illinois House of Representatives~~
7 ~~are held.~~ No deduction shall be made from the time or
8 compensation of a school employee on account of any legal or
9 special holiday.

10 Commemorative holidays, which recognize specified
11 patriotic, civic, cultural or historical persons, activities,
12 or events, are regular school days. Commemorative holidays are:
13 January 28 (to be known as Christa McAuliffe Day and observed
14 as a commemoration of space exploration), February 15 (the 37th
15 day of Susan B. Anthony), March 29 (Vietnam War Veterans Day),
16 September 11 (September 11th Day of Remembrance), the school
17 day immediately preceding Veteran's Day (Korean War Veterans
18 Day), October 1 (Recycling Day), December 7 (Pearl Harbor
19 Veterans Day) and any day so appointed by the President or
20 Governor. School boards may establish commemorative holidays
21 whenever in their judgment such action is advisable. School
22 boards shall include instruction relative to commemorated
23 persons, activities, or events on the commemorative holiday or
24 at any other time during the school year and at any point in
25 the curriculum when such instruction may be deemed appropriate.
26 The State Board of Education shall prepare and make available

1 to school boards instructional materials relative to
2 commemorated persons, activities, or events which may be used
3 by school boards in conjunction with any instruction provided
4 pursuant to this paragraph.

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

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

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

16 (110 ILCS 70/45a) (from Ch. 24 1/2, par. 381.1)

17 Sec. 45a. Except as provided in the second sentence of this
18 Section, all officers and employees subject to this Act, shall
19 have the following days as holidays, for which they shall
20 receive their usual compensation: New Year's Day, January 1,
21 Memorial Day, as determined by the law of the State of
22 Illinois, Independence Day, July 4, Labor Day, the first Monday
23 in September, General Election Day as provided in the State
24 Commemorative Dates Act, Thanksgiving Day, the fourth Thursday

1 of November, Christmas Day, December 25, and five holidays to
2 be designated by each college, university, agency and community
3 college subject to this Act. Craft and trade employees subject
4 to this Act shall be paid for all paid holidays included in
5 their area agreement, and will be paid for all five holidays
6 designated by their employer pursuant to this section.

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

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

10 (205 ILCS 630/17) (from Ch. 17, par. 2201)

11 Sec. 17. Holidays.

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

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

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

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

19 the third Monday in February (Presidents Day);

20 the first Monday in March (observance of Casimir Pulaski's
21 birthday);

22 the Friday preceding Easter Sunday (Good Friday);

23 the last Monday of May (Memorial Day);

24 the fourth day of July (Independence Day);

1 the first Monday in September (Labor Day);
2 the second Monday in October (Columbus Day);
3 the date established by the Election Code as the date of
4 the general election (General Election Day);
5 the eleventh day of November (Veterans' Day);
6 the fourth Thursday in November (Thanksgiving Day);
7 the twenty-fifth day in December (Christmas Day);
8 ~~the days upon which the general elections for members of~~
9 ~~the House of Representatives are held, and~~ any day proclaimed
10 by the Governor of this State as a legal holiday. From 12
11 o'clock noon to 12 o'clock midnight of each Saturday shall be
12 considered a half holiday. In addition to such holidays and
13 half-holidays, a bank may select one day of the week to remain
14 closed, as provided in subsection (b) of this Section.

15 (b) Any bank doing business within this State may select
16 any one day of the week to remain closed on a regular basis
17 upon adoption of a resolution by the board of directors of such
18 bank designating the day selected and upon filing and
19 publishing a copy of such resolution as hereinafter required.
20 Any such resolution shall be deemed effective for the purpose
21 of this Section only when a copy thereof, certified by an
22 officer having charge of the records of such bank, is filed
23 with the Recorder of the county in which such bank is located
24 and published once each week for 3 successive weeks in a
25 newspaper of general circulation in such county. Such
26 publication shall be accomplished by, and at the expense of,

1 the bank, and the bank shall submit to the Commissioner of
2 Banks and Real Estate such evidence of the publication as the
3 Commissioner shall deem appropriate. Any such selection shall
4 remain in full force and effect until a copy of the later
5 resolution of the board of directors of such bank, certified in
6 like manner, terminating or altering any such prior selection
7 shall be filed and published in the same manner as such prior
8 resolution.

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

22 (d) All legal holidays, the half holidays and any day
23 selected by a bank doing business within the State to remain
24 closed, shall, for all purposes whatsoever, as regards the
25 presenting for payment or acceptance, the maturity and
26 protesting and giving of notice of the dishonor of bills of

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

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

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

1 open or to close, is compelled to close, or to remain open for
2 the transaction of business or to perform any of the acts or
3 transactions aforesaid except at its own option.

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

6 Section 90. The State Mandates Act is amended by adding
7 Section 8.31 as follows:

8 (30 ILCS 805/8.31 new)

9 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
10 of this Act, no reimbursement by the State is required for the
11 implementation of any mandate created by this amendatory Act of
12 the 95th General Assembly.