



Rep. Frank J. Mautino

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09700HB0301ham001

LRB097 06676 RLJ 52435 a

1 AMENDMENT TO HOUSE BILL 301

2 AMENDMENT NO. _____. Amend House Bill 301 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Human Skeletal Remains Protection Act is
5 amended by adding Section 4.7 as follows:

6 (20 ILCS 3440/4.7 new)

7 Sec. 4.7. Cemetery removal; conflicts with the Illinois
8 Municipal Code. Nothing in this Act limits the authority of a
9 municipality to exercise its powers and perform its functions
10 in a lawful manner in accordance with Division 51 of Article 11
11 of the Illinois Municipal Code nor shall anything in this Act
12 be construed to require a municipality exercising its powers
13 and performing its functions in a lawful manner in accordance
14 with Division 51 of Article 11 of the Illinois Municipal Code
15 to obtain a permit under this Act. If there is a conflict
16 between the provisions of this Act and Division 51 of Article

1 11 of the Illinois Municipal Code, the provisions of Division
2 51 of Article 11 of the Illinois Municipal Code shall prevail.
3 The changes made by this amendatory Act of the 97th General
4 Assembly are declarative of existing law.

5 Section 10. The Illinois Municipal Code is amended by
6 changing Section 11-51-1 as follows:

7 (65 ILCS 5/11-51-1) (from Ch. 24, par. 11-51-1)

8 Sec. 11-51-1. Cemetery removal. Whenever any cemetery is
9 embraced within the limits of any city, village, or
10 incorporated town, the corporate authorities thereof, if, in
11 their opinion, any good cause exists why such cemetery should
12 be removed, may cause the remains of all persons interred
13 therein to be removed to some other suitable place. However,
14 the corporate authorities shall first obtain the assent of the
15 trustees or other persons having the control or ownership of
16 such cemetery, or a majority thereof, except if the cemetery
17 has been abandoned. When such cemetery is owned by one or more
18 private parties, or private corporation or chartered society,
19 the corporate authorities of such city may require the removal
20 of such cemetery to be done at the expense of such private
21 parties, or private corporation or chartered society, if such
22 removal be based upon their application. Nothing in this
23 Section limits the powers of the City of Chicago to acquire
24 property or otherwise exercise its powers under Section 15 of

1 the O'Hare Modernization Act. If there is a conflict between
2 the provisions of this Section and the Human Skeletal Remains
3 Protection Act, the provisions of this Section shall prevail.
4 The changes made by this amendatory Act of the 97th General
5 Assembly are declarative of existing law.

6 (Source: P.A. 93-450, eff. 8-6-03.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".