

1 AMENDMENT TO HOUSE BILL 1769

2 AMENDMENT NO. _____. Amend House Bill 1769 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Commemorative Dates Act is amended
5 by 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
9 date of the general election is a legal holiday to be known
10 as General Election Day. No officer or employee of the State,
11 a 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
14 the general election, (ii) law enforcement, (iii) fire
15 protection, and (iv) public health and safety. The courts of
16 this State shall designate General Election Day as a court
17 holiday.

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

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

3 (10 ILCS 5/1-6)

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

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

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

24 (c) Notwithstanding any other provision of this Code,
25 nominating papers, petitions of objection to nominating
26 papers, certificates of withdrawal of candidacy, and reports
27 of political committees actually received by election
28 authorities and local election officials on a State holiday,
29 a Saturday, or a Sunday shall not be deemed invalid or
30 defective for that reason alone.

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

32 (10 ILCS 5/17-25) (from Ch. 46, par. 17-25)

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

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

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

16 (20 ILCS 5/5-635) (was 20 ILCS 5/18)

17 Sec. 5-635. Department office hours. Each department
 18 shall be open for the transaction of public business at least
 19 from 8:30 in the morning until 5:00 in the evening of each
 20 day except Saturdays, Sundays, General Election Day as
 21 provided in the State Commemorative Dates Act, and days that
 22 may hereafter be declared by the Governor to be holidays for
 23 State employees.

24 (Source: P.A. 91-239, eff. 1-1-00.)

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

27 (20 ILCS 3205/3) (from Ch. 17, par. 453)

28 Sec. 3. Business hours. The Office of Banks and Real
 29 Estate shall be open for transaction of public business from
 30 8:30 a.m. to 5:00 p.m. or at such other hours as the Governor

1 may prescribe from time to time by executive order, on each
2 day except Saturdays, Sundays, General Election Day as
3 provided in the State Commemorative Dates Act, and days
4 declared by the Governor to be holidays for State employees.
5 (Source: P.A. 89-508, eff. 7-3-96.)

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

8 (55 ILCS 5/3-2007) (from Ch. 34, par. 3-2007)

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

14 (a) In counties of 500,000 or more population from 9 a.
15 m. to 5 p. m. of each working day except Saturday afternoons
16 and legal holidays, subject to Section 115 of the State
17 Commemorative Dates Act, but the clerk may open the office at
18 8 a. m. on each working day:

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

25 Provided, that the days on which such office shall be
26 open and the hours of opening and closing of the office of
27 the county clerk may be changed and otherwise fixed and
28 determined by the county board of any county. Any such action
29 taken by the county board shall be by an appropriate
30 resolution passed at a regular meeting.

31 Notwithstanding any other provision of this Section, when
32 any election is held and the results of such election are

1 required by law to be returned to the county clerk, the
 2 office of the county clerk shall remain open for the purpose
 3 of receiving such results from the time of opening of the
 4 polls until the returns from each precinct have been
 5 received.

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

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

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

13 (105 ILCS 5/24-2) (from Ch. 122, par. 24-2)

14 Sec. 24-2. Holidays. Teachers shall not be required to
 15 teach on Saturdays; nor shall teachers or other school
 16 employees, other than noncertificated school employees whose
 17 presence is necessary because of an emergency or for the
 18 continued operation and maintenance of school facilities or
 19 property, be required to work on legal school holidays, which
 20 are January 1, New Year's Day; the third Monday in January,
 21 the Birthday of Dr. Martin Luther King, Jr.; February 12, the
 22 Birthday of President Abraham Lincoln; the first Monday in
 23 March (to be known as Casimir Pulaski's birthday); Good
 24 Friday; the day designated as Memorial Day by federal law;
 25 July 4, Independence Day; the first Monday in September,
 26 Labor Day; the second Monday in October, Columbus Day; the
 27 date established by the Election Code as the date of the
 28 general election, General Election Day; November 11,
 29 Veteran's Day; the Thursday in November commonly called
 30 Thanksgiving Day; and December 25, Christmas Day. School
 31 boards may grant special holidays whenever in their judgment
 32 such action is advisable, ~~except that no school board or~~

1 board--of--education--may--designate--or--observe--as--a--special
2 holiday--on--which--teachers--or--other--school--employees--are--not
3 required--to--work--the--days--on--which--general--elections--for
4 members--of--the--Illinois--House--of--Representatives--are--held. No
5 deduction shall be made from the time or compensation of a
6 school employee on account of any legal or special holiday.

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

28 City of Chicago School District 299 shall observe March 4
29 of each year as a commemorative holiday. This holiday shall
30 be known as Mayors' Day which shall be a day to commemorate
31 and be reminded of the past Chief Executive Officers of the
32 City of Chicago, and in particular the late Mayor Richard J.
33 Daley and the late Mayor Harold Washington. If March 4 falls
34 on a Saturday or Sunday, Mayors' Day shall be observed on the

1 following Monday.

2 (Source: P.A. 89-610, eff. 8-6-96; 89-622, eff. 8-9-96;
3 90-14, eff. 7-1-97.)

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

6 (110 ILCS 70/45a) (from Ch. 24 1/2, par. 381.1)

7 Sec. 45a. Except as provided in the second sentence of
8 this Section, all officers and employees subject to this
9 Act, shall have the following days as holidays, for which
10 they shall receive their usual compensation: New Year's Day,
11 January 1, Memorial Day, as determined by the law of the
12 State of Illinois, Independence Day, July 4, Labor Day, the
13 first Monday in September, General Election Day as provided
14 in the State Commemorative Dates Act, Thanksgiving Day, the
15 fourth Thursday of November, Christmas Day, December 25, and
16 five holidays to be designated by each college, university,
17 agency and community college subject to this Act. Craft and
18 trade employees subject to this Act shall be paid for all
19 paid holidays included in their area agreement, and will be
20 paid for all five holidays designated by their employer
21 pursuant to this section.

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

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

25 (205 ILCS 630/17) (from Ch. 17, par. 2201)

26 Sec. 17. Holidays.

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

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

1 the third Monday in January (observance of Martin Luther
2 King, Jr.'s birthday);
3 the twelfth day in February (Abraham Lincoln's birthday);
4 the third Monday in February (Presidents Day);
5 the first Monday in March (observance of Casimir
6 Pulaski's birthday);
7 the Friday preceding Easter Sunday (Good Friday);
8 the last Monday of May (Memorial Day);
9 the fourth day of July (Independence Day);
10 the first Monday in September (Labor Day);
11 the second Monday in October (Columbus Day);
12 the date established by the Election Code as the date of
13 the general election (General Election Day);
14 the eleventh day of November (Veterans' Day);
15 the fourth Thursday in November (Thanksgiving Day);
16 the twenty-fifth day in December (Christmas Day);
17 ~~the--days-upon-which-the-general-elections-for-members-of~~
18 ~~the-House-of-Representatives-are-held,-and~~ any day proclaimed
19 by the Governor of this State as a legal holiday. From 12
20 o'clock noon to 12 o'clock midnight of each Saturday shall be
21 considered a half holiday. In addition to such holidays and
22 half-holidays, a bank may select one day of the week to
23 remain closed, as provided in subsection (b) of this Section.

24 (b) Any bank doing business within this State may select
25 any one day of the week to remain closed on a regular basis
26 upon adoption of a resolution by the board of directors of
27 such bank designating the day selected and upon filing and
28 publishing a copy of such resolution as hereinafter required.
29 Any such resolution shall be deemed effective for the purpose
30 of this Section only when a copy thereof, certified by an
31 officer having charge of the records of such bank, is filed
32 with the Recorder of the county in which such bank is located
33 and published once each week for 3 successive weeks in a
34 newspaper of general circulation in such county. Such

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

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

24 (d) All legal holidays, the half holidays and any day
25 selected by a bank doing business within the State to remain
26 closed, shall, for all purposes whatsoever, as regards the
27 presenting for payment or acceptance, the maturity and
28 protesting and giving of notice of the dishonor of bills of
29 exchange, bank checks and promissory notes and other
30 negotiable or commercial paper or instrument, be treated and
31 considered as a Sunday. When any such holidays fall on
32 Sunday, the Monday next following shall be held and
33 considered such holiday. All notes, bills, drafts, checks or
34 other evidence of indebtedness, falling due or maturing on

1 either of such days, shall be deemed as due or maturing upon
2 the day following, and when 2 or more of these days come
3 together, or immediately succeeding each other, then such
4 instruments, paper or indebtedness shall be deemed as due or
5 having matured on the day following the last of such days.

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

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

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

27 Section 95. The State Mandates Act is amended by adding
28 Section 8.25 as follows:

29 (30 ILCS 805/8.25 new)

30 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
31 and 8 of this Act, no reimbursement by the State is required
32 for the implementation of any mandate created by this

1 amendatory Act of the 92nd General Assembly.".