



Rep. Daniel Didech

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LRB104 06306 JRC 22958 a

1 AMENDMENT TO HOUSE BILL 1083

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1083 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Downstate Forest Preserve District Act is  
5 amended by changing Sections 3a, 3c, 3d, and 12 as follows:

6 (70 ILCS 805/3a) (from Ch. 96 1/2, par. 6305)

7 Sec. 3a. Except as otherwise provided in this Section, and  
8 except as provided in Section 3c, 3d, and 3.5, the affairs of  
9 the district shall be managed by a board of commissioners  
10 consisting of 5 commissioners, who shall be appointed by the  
11 presiding officer of the county board of the county in which  
12 such forest preserve district is situated, with the advice and  
13 consent of such county board. The first appointment shall be  
14 made within 90 days and not sooner than 60 days after such  
15 forest preserve district has been organized as provided  
16 herein. Each member of such board so appointed shall be a legal

1 voter in such district. The first commissioners shall be  
2 appointed to hold office for terms of one, 2, 3, 4, and 5  
3 years, and until June 30 thereafter, respectively, as  
4 determined and fixed by lot. Thereafter, successor  
5 commissioners shall be appointed in the same manner no later  
6 than the first day of the month in which the term of a  
7 commissioner expires. Except as provided in Section 3c and 3d,  
8 a vacancy occurring otherwise than by expiration of term shall  
9 be filled for the unexpired term by appointment of a  
10 commissioner by the county board chairman with the advice and  
11 consent of the members of the county board. In the one district  
12 in existence on July 1, 1977, that is managed by an appointed  
13 board of commissioners, the incumbent 5 commissioners shall  
14 complete their respective terms as originally prescribed in  
15 this Act. However, upon the expiration of the terms of 2 of the  
16 incumbent commissioners on January 1, 1978, they or their  
17 successors shall be appointed to hold office for terms of 3 and  
18 5 years, and until June 30 thereafter, respectively, as  
19 determined and fixed by lot. Furthermore, upon the expiration  
20 of the terms of the remaining incumbent commissioners on  
21 January 1, 1980, they or their successors shall be appointed  
22 to hold office for terms of 2, 4, and 5 years, and until June  
23 30 thereafter, respectively, as determined and fixed by lot.  
24 Thereafter, each successor commissioner shall be appointed for  
25 a term of 5 years. Each member of the board before entering  
26 upon the duties of the ~~his~~ office shall take the oath

1 prescribed by the constitution. From the time of the  
2 appointment of the first board of commissioners, such forest  
3 preserve district shall be construed in all courts to be a body  
4 corporate and politic by the name and style determined as  
5 aforesaid and by such name may sue and be sued, contract and be  
6 contracted with, acquire and hold real and personal estate  
7 necessary for its corporate purposes and adopt a seal and  
8 alter the same at its pleasure.

9 In case the boundaries of a district are co-extensive with  
10 the boundaries of any county, city, village, incorporated town  
11 or sanitary district, the corporate authorities of such county  
12 (until the commissioners elected under Section 3c and 3d take  
13 office), city, village, incorporated town or sanitary district  
14 shall have and exercise the powers and privileges and perform  
15 the duties and functions of the commissioners provided for in  
16 this Act and in that case no commissioner shall be appointed  
17 for that district. The corporate authorities, other than  
18 members of a county board in counties under township  
19 organization having a population of less than 3,000,000 and  
20 members of a county board in a county not under township  
21 organization who were elected prior to July 1, 1965, shall act  
22 without any other pay than that already provided by law. The  
23 members of a county board of a county under township  
24 organization and members of a county board of a county not  
25 under township organization who were elected prior to July 1,  
26 1965, who also act as commissioners of a forest preserve

1 district in counties having a population of less than  
2 3,000,000 may receive for their services as commissioners of a  
3 forest preserve district a per diem fee to be fixed by such  
4 board, but not to exceed \$36 per day, which shall be in full  
5 for all services rendered on such day, or an annual salary to  
6 be fixed by such board, but not to exceed \$3,000, plus mileage  
7 expenses at a rate not more than the amount allowed for members  
8 of the county board of such county, as fixed by the board, for  
9 each mile necessarily traveled in attending meetings of the  
10 board of such district, plus any expense incurred while, or in  
11 connection with, carrying out the business of such district  
12 outside the boundaries of such district, payable from the  
13 forest preserve district treasury. The president of the Board  
14 of Commissioners of the Forest Preserve District in counties  
15 of less than 3 million may receive in lieu of a per diem fee an  
16 annual salary to be fixed by such board. No Forest Preserve  
17 Commissioner shall file for a per diem payment for services  
18 rendered on the same day for which the commissioner ~~he~~ filed  
19 for a per diem payment as a county supervisor. When the county  
20 board also acts as such commissioners, a member of the county  
21 board of a county under township organization and a member of  
22 the county board of a county not under township organization,  
23 who is elected prior to July 1, 1965 may, with the permission  
24 of the county board, work alone as such a commissioner and be  
25 paid in the usual manner.

26 Unless otherwise qualified, the term "board", when used in

1 this Act, means the board of commissioners of any forest  
2 preserve district, or the corporate authorities of any county,  
3 city, village, incorporated town, or sanitary district, when  
4 acting as the governing body of a forest preserve district.

5 (Source: P.A. 96-239, eff. 8-11-09.)

6 (70 ILCS 805/3c)

7 Sec. 3c. Elected board of commissioners in certain  
8 counties. If the boundaries of a district are co-extensive  
9 with the boundaries of a county having a population of more  
10 than 800,000 but less than 3,000,000, all commissioners of the  
11 forest preserve district shall be elected from the number of  
12 districts as determined by the forest preserve district board  
13 of commissioners. Such a forest preserve district is a  
14 separate and distinct legal entity, and its board members are  
15 elected separate and apart from the elected county  
16 commissioners. Upon its formation, or as a result of decennial  
17 reapportionment, such a forest preserve district shall adopt a  
18 district map determining the boundary lines of each district.  
19 That map shall be adjusted and reapportioned subject to the  
20 same decennial reapportionment process stated in Section 3c-1.  
21 No more than one commissioner shall be elected from each  
22 district. At their first meeting after election in 2022 and at  
23 their first meeting after election next following each  
24 subsequent decennial reapportionment of the county under  
25 Section 3c-1, the elected commissioners shall publicly, by

1 lot, divide themselves into 2 groups, as equal in size as  
2 possible. Commissioners from the first group shall serve for  
3 terms of 2, 4, and 4 years, and commissioners from the second  
4 group shall serve terms of 4, 4, and 2 years. The president of  
5 the board of commissioners of the forest preserve district  
6 shall be elected by the voters of the county, rather than by  
7 the commissioners. The president shall be a resident of the  
8 county and shall be elected throughout the county for a 4-year  
9 term without having been first elected as commissioner of the  
10 forest preserve district. Each commissioner shall be a  
11 resident of the forest preserve board district from which the  
12 commissioner ~~he or she~~ was elected not later than the date of  
13 the commencement of the term of office. The term of office for  
14 the president and commissioners elected under this Section  
15 shall commence on the first Monday of the month following the  
16 month of election. Neither a commissioner nor the president of  
17 the board of commissioners of that forest preserve district  
18 shall serve simultaneously as member or chairman of the county  
19 board. No person shall seek election to both the forest  
20 preserve commission and the county board at the same election,  
21 nor shall they be eligible to hold both offices at the same  
22 time. The president, with the advice and consent of the board  
23 of commissioners shall appoint a secretary, treasurer, and  
24 such other officers as deemed necessary by the board of  
25 commissioners, which officers need not be members of the board  
26 of commissioners. The president shall have the powers and

1 duties as specified in Section 12 of this Act.

2 Candidates for president and commissioner shall be  
3 candidates of established political parties.

4 If a vacancy in the office of president or commissioner  
5 occurs, other than by expiration of the president's or  
6 commissioner's term, the forest preserve district board of  
7 commissioners shall declare that a vacancy exists and  
8 notification of the vacancy shall be given to the county  
9 central committee of each established political party within 3  
10 business days after the occurrence of the vacancy. If the  
11 vacancy occurs in the office of forest preserve district  
12 commissioner, the president of the board of commissioners  
13 shall, within 60 days after the date of the vacancy, with the  
14 advice and consent of other commissioners then serving,  
15 appoint a person to serve for the remainder of the unexpired  
16 term. The appointee shall be affiliated with the same  
17 political party as the commissioner in whose office the  
18 vacancy occurred and be a resident of such district. If a  
19 vacancy in the office of president occurs, other than by  
20 expiration of the president's term, the remaining members of  
21 the board of commissioners shall, within 60 days after the  
22 vacancy, appoint one of the commissioners to serve as  
23 president for the remainder of the unexpired term. In that  
24 case, the office of the commissioner who is appointed to serve  
25 as president shall be deemed vacant and shall be filled within  
26 60 days by appointment of the president with the advice and

1 consent of the other forest preserve district commissioners.  
2 The commissioner who is appointed to fill a vacancy in the  
3 office of president shall be affiliated with the same  
4 political party as the person who occupied the office of  
5 president prior to the vacancy. A person appointed to fill a  
6 vacancy in the office of president or commissioner shall  
7 establish the appointee's ~~his or her~~ party affiliation by the  
8 appointee's ~~his or her~~ record of voting in primary elections  
9 or by holding or having held an office in an established  
10 political party organization before the appointment. If the  
11 appointee has not voted in a party primary election or is not  
12 holding or has not held an office in an established political  
13 party organization before the appointment, the appointee shall  
14 establish the appointee's ~~his or her~~ political party  
15 affiliation by the appointee's ~~his or her~~ record of  
16 participating in an established political party's nomination  
17 or election caucus. If, however, more than 28 months remain in  
18 the unexpired term of a commissioner or the president, the  
19 appointment shall be until the next general election, at which  
20 time the vacated office of commissioner or president shall be  
21 filled by election for the remainder of the term.  
22 Notwithstanding any law to the contrary, if a vacancy occurs  
23 after the last day provided in Section 7-12 of the Election  
24 Code for filing nomination papers for the office of president  
25 of a forest preserve district where that office is elected as  
26 provided for in this Section, or as set forth in Section 7-61

1 of the Election Code, a vacancy in nomination shall be filled  
2 by the passage of a resolution by the nominating committee of  
3 the affected political party within the time periods specified  
4 in the Election Code. The nominating committee shall consist  
5 of the chairman of the county central committee and the  
6 township chairmen of the affected political party. All other  
7 vacancies in nomination shall be filled in accordance with the  
8 provisions of the Election Code.

9 The president and commissioners elected under this Section  
10 may be reimbursed for their reasonable expenses actually  
11 incurred in performing their official duties under this Act in  
12 accordance with the provisions of Section 3a. The  
13 reimbursement paid under this Section shall be paid by the  
14 forest preserve district.

15 Compensation for the president and the forest preserve  
16 commissioners elected under this Section shall be established  
17 by the board of commissioners of the forest preserve district.

18 This Section does not apply to a forest preserve district  
19 created under Section 18.5 of the Conservation District Act.

20 (Source: P.A. 102-668, eff. 11-15-21; 103-600, eff. 7-1-24.)

21 (70 ILCS 805/3d)

22 Sec. 3d. Elected board of commissioners in certain other  
23 counties. If the boundaries of a district are co-extensive  
24 with the boundaries of a county having a population of more  
25 than 200,000 but less than 800,000, bordering the State of

1 Wisconsin but not adjoining any county with a population of  
2 over 2,000,000, all commissioners of the forest preserve  
3 district shall be elected at large by the voters of the county,  
4 beginning with the general election held in 2010 and each  
5 succeeding general election. Nomination of candidates for the  
6 office of commissioner at the initial and each succeeding  
7 election shall be made by petition signed in the aggregate for  
8 each candidate by not less than 100 qualified voters of the  
9 forest preserve district. Seven commissioners shall be  
10 elected, with candidates receiving the highest,  
11 second-highest, and third-highest number of votes being  
12 elected for 6-year terms. Candidates receiving the  
13 fourth-highest and fifth-highest number of votes shall be  
14 elected for 4-year terms. Candidates receiving the  
15 sixth-highest and seventh-highest number of votes shall be  
16 elected for 2-year terms. Thereafter, each commissioner shall  
17 be elected for a 6-year term.

18 After each general election, the forest preserve district  
19 commissioners shall elect a president from among their members  
20 for a 2-year term.

21 Each commissioner shall be a resident of the county from  
22 which the commissioner ~~he or she~~ was elected no later than the  
23 date of the commencement of the term of office. The term of  
24 office for the president and commissioners elected under this  
25 Section shall commence on the first Monday of the month  
26 following the month of election.

1           Neither a commissioner nor the president of the board of  
2 commissioners shall serve simultaneously in any other elective  
3 or appointive office in the county. The president, with the  
4 advice and consent of the board of commissioners, shall  
5 appoint a secretary, treasurer, and any other officer deemed  
6 necessary by the board of commissioners. The officers need not  
7 be members of the board of commissioners. The president shall  
8 have the powers and duties as set forth in Section 12 of this  
9 Act.

10           Candidates for commissioner shall not be candidates of  
11 established political parties, but shall be non-partisan.

12           If a vacancy in the office of president or commissioner  
13 occurs, other than by expiration of the president's or a  
14 commissioner's term, the forest preserve district board of  
15 commissioners shall declare that a vacancy exists, and the  
16 board of commissioners shall, within 60 days after the date of  
17 the vacancy, upon the majority vote of the commissioners then  
18 serving, elect a person to serve for the remainder of the  
19 unexpired term. If, however, more than 28 months remain in the  
20 unexpired term of a commissioner, at the time of appointment,  
21 the appointment shall be until the next general election, at  
22 which time the vacated office of commissioner shall be filled  
23 by election for the remainder of the term. All other vacancies  
24 in nomination shall be filled in accordance with the  
25 provisions of the Election Code.

26           The president and commissioners elected under this Section

1 shall serve without compensation. The president and  
2 commissioners may be reimbursed for their reasonable expenses  
3 actually incurred in performing their official duties under  
4 this Act in accordance with the provisions of Section 3a. The  
5 cost of reimbursement under this Section shall be paid by the  
6 forest preserve district.

7 This Section does not apply to a forest preserve district  
8 created under Section 18.5 of the Conservation District Act.

9 (Source: P.A. 96-239, eff. 8-11-09.)

10 (70 ILCS 805/12) (from Ch. 96 1/2, par. 6322)

11 Sec. 12. The president of the board of any district  
12 organized hereunder, shall preside at all meetings of the  
13 board, be the executive officer of the district, and be a  
14 member of the board. The president ~~He~~ shall sign all  
15 ordinances, resolutions and other papers necessary to be  
16 signed and shall execute all contracts entered into by the  
17 district and perform other duties as may be prescribed by  
18 ordinance. The president ~~He~~ may veto any ordinance and any  
19 orders, resolutions and actions, or any items therein  
20 contained, of the board which provide for the purchase of real  
21 estate, or for the construction of improvements within the  
22 preserves of the district. Such veto shall be filed with the  
23 secretary of the board within 5 days after the passage of the  
24 ordinance, order, resolution or action and when so vetoed the  
25 ordinance, order, resolution or action or any item therein

1 contained is not effective unless it is again passed by  
2 two-thirds vote of all the members of the board. The president  
3 may vote in the same manner as the other members of the board.  
4 In the temporary absence or inability of the president, the  
5 members of the board may elect from their own number a  
6 president, pro tem.

7 The "Yeas" and "Nays" shall be taken, and entered on the  
8 journal of the board's proceedings, upon the passage of all  
9 ordinances and all proposals to create any liability, or for  
10 the expenditure or appropriation of money. The concurrence of  
11 a majority of all the members elected or appointed to the board  
12 is necessary to the passage of any such ordinance or proposal.  
13 In all other cases the "Yeas" and "Nays" shall be taken at the  
14 request of any member of the board and shall be entered on the  
15 journal of the board's proceedings.

16 (Source: P.A. 91-933, eff. 12-30-00.)

17 Section 10. The Rights of Married Persons Act is amended  
18 by changing Sections 1, 2, 5, 9, 10, 11, 12, 13, 14, 15, 16,  
19 17, and 22 as follows:

20 (750 ILCS 65/1) (from Ch. 40, par. 1001)

21 Sec. 1. Rights to sue and be sued. A married person may, in  
22 all cases, sue and be sued without joining the married  
23 person's ~~his or her~~ spouse as if unmarried. Either spouse ~~A~~  
24 ~~husband or wife~~ may sue the other for a tort committed during

1 the marriage. No finding by any court under Section 401 of the  
2 Illinois Marriage and Dissolution of Marriage Act shall be  
3 admissible or be used as prima facie evidence of a tort in any  
4 civil action brought under this Act. An attachment or judgment  
5 in an action may be enforced by or against a married person as  
6 if unmarried.

7 (Source: P.A. 87-286.)

8 (750 ILCS 65/2) (from Ch. 40, par. 1002)

9 Sec. 2. Defending in own right or for other. If a married  
10 couple ~~husband and wife~~ are sued together, either may defend  
11 individually ~~for his or her own right~~ and, if either neglects  
12 to defend, the other may defend for both.

13 (Source: P.A. 87-286.)

14 (750 ILCS 65/5) (from Ch. 40, par. 1005)

15 Sec. 5. Neither spouse in a marriage ~~husband or wife~~ shall  
16 be liable for the debts or liabilities of the other incurred  
17 before marriage, and (except as herein otherwise provided)  
18 they shall not be liable for the separate debts of each other,  
19 nor shall the wages, earnings or property of either, nor the  
20 rent or income of such property, be liable for the separate  
21 debts of the other.

22 (Source: R.S. 1874, p. 576.)

23 (750 ILCS 65/9) (from Ch. 40, par. 1009)

1           Sec. 9. Property. A married person may own in the married  
2 person's ~~his or her~~ own right real and personal property  
3 obtained by descent, gift, or purchase and may manage, sell,  
4 and convey that property to the same extent and in the same  
5 manner as an unmarried person. When the spouses ~~husband and~~  
6 ~~wife~~ live together, however, no transfer or conveyance of  
7 goods and chattels between the spouses ~~husband and wife~~ shall  
8 be valid as against the rights and interests of any third  
9 person unless the transfer or conveyance is in writing and  
10 filed in the same manner as security interests are required to  
11 be filed by the laws of this State in cases where the  
12 possession of the property is to remain with the person giving  
13 the security.

14       (Source: P.A. 87-286.)

15           (750 ILCS 65/10) (from Ch. 40, par. 1010)

16           Sec. 10. Should either spouse ~~the husband or wife~~  
17 unlawfully obtain or retain possession or control of property  
18 belonging to the other, either before or after marriage, the  
19 owner of the property may maintain an action therefor, or for  
20 any right growing out of the same, in the same manner and to  
21 the same extent as if they were unmarried.

22       (Source: R.S. 1874, p. 576.)

23           (750 ILCS 65/11) (from Ch. 40, par. 1011)

24           Sec. 11. In case one spouse ~~the husband or wife~~ abandons

1 the other and leaves the state, and is absent therefrom for one  
2 year, without providing for the maintenance and support of the  
3 absent spouse's ~~his or her~~ family, or is imprisoned in the  
4 penitentiary, the circuit court in the county where the  
5 abandoned spouse or the spouse who is ~~the husband or wife so~~  
6 ~~abandoned or,~~ not confined, resides, may, on application by  
7 petition, setting forth fully the facts, if the court is  
8 satisfied of the necessity by the evidence, authorize the  
9 abandoned spouse ~~him or her~~ to manage, control, sell or  
10 incumber the property of the other, as shall be necessary, in  
11 the judgment of the court, for the support and maintenance of  
12 the family, and for the purpose of paying debts of the other,  
13 or debts contracted for the support of the family. Notice of  
14 such proceedings shall be given as in other civil actions, and  
15 anything done under or by virtue of the order or judgment of  
16 the court, shall be valid to the same extent as if the same  
17 were done by the party owning the property.

18 (Source: P.A. 84-1308.)

19 (750 ILCS 65/12) (from Ch. 40, par. 1012)

20 Sec. 12. All contracts, sales or incumbrances made by one  
21 spouse to a marriage ~~either the husband or wife,~~ by virtue of  
22 the power contemplated in the preceding section, shall be  
23 binding on both, and during such absence or confinement, the  
24 person acting under such power may sue and be sued thereon; and  
25 for all acts done the property of both shall be liable, and

1 execution may be levied or attachment issued accordingly. No  
2 suit or proceeding shall abate, or be in anywise affected, by  
3 the return or release of the person absent or confined, but the  
4 person ~~he or she~~ shall be permitted to prosecute or defend  
5 jointly with the other.

6 (Source: R.S. 1874, p. 576.)

7 (750 ILCS 65/13) (from Ch. 40, par. 1013)

8 Sec. 13. The spouse ~~husband or wife~~ affected by the  
9 proceedings contemplated in the 2 preceding sections may have  
10 the order or judgment of the court set aside or annulled, by  
11 filing a petition therefor and serving a notice on the person  
12 in whose favor the same was granted, as in other civil actions.  
13 But the setting aside of such judgment or order shall in nowise  
14 affect any act done thereunder.

15 (Source: P.A. 84-1308.)

16 (750 ILCS 65/14) (from Ch. 40, par. 1014)

17 Sec. 14. Either spouse ~~A husband or wife~~ may constitute  
18 the other the other spouse's ~~his or her~~ attorney in fact, to  
19 control and dispose of ~~his or her~~ property for their mutual  
20 benefit or otherwise, and may revoke the same to the same  
21 extent and in the same manner as other persons.

22 (Source: R.S. 1874, p. 576.)

23 (750 ILCS 65/15) (from Ch. 40, par. 1015)

1           Sec. 15. (a)(1) The expenses of the family and of the  
2 education of the children shall be chargeable upon the  
3 property of both spouses ~~husband and wife~~, or of either of  
4 them, in favor of creditors therefor, and in relation thereto  
5 they may be sued jointly or separately.

6           (2) No creditor, who has a claim against a spouse or former  
7 spouse for an expense incurred by that spouse or former spouse  
8 which is not a family expense, shall maintain an action  
9 against the other spouse or former spouse for that expense  
10 except:

11           (A) an expense for which the other spouse or former  
12 spouse agreed, in writing, to be liable; or

13           (B) an expense for goods or merchandise purchased by  
14 or in the possession of the other or former spouse for the  
15 other or former spouse's costs, expenses ~~other spouse or~~  
16 ~~former spouse, or for services ordered by the other spouse~~  
17 ~~or former spouse.~~

18           (3) Any creditor who maintains an action in violation of  
19 this subsection (a) for an expense other than a family expense  
20 against a spouse or former spouse other than the spouse or  
21 former spouse who incurred the expense, shall be liable to the  
22 other spouse or former spouse for the other spouse's ~~his or her~~  
23 costs, expenses and attorney's fees incurred in defending the  
24 action.

25           (4) No creditor shall, with respect to any claim against a  
26 spouse or former spouse for which the creditor is prohibited

1 under this subsection (a) from maintaining an action against  
2 the other spouse or former spouse, engage in any collection  
3 efforts against the other spouse or former spouse, including,  
4 but not limited to, informal or formal collection attempts,  
5 referral of the claim to a collector or collection agency for  
6 collection from the other spouse or former spouse, or making  
7 any representation to a credit reporting agency that the other  
8 spouse or former spouse is any way liable for payment of the  
9 claim.

10 (b) (Blank).

11 (c) (Blank).

12 (Source: P.A. 101-13, eff. 6-12-19.)

13 (750 ILCS 65/16) (from Ch. 40, par. 1016)

14 Sec. 16. Neither spouse ~~the husband nor wife~~ can remove  
15 the other or their children from their homestead without the  
16 consent of the other, unless the owner of the property shall,  
17 in good faith, provide another homestead suitable to the  
18 condition in life of the family; and if one spouse abandons the  
19 other, the abandoned spouse ~~he abandons her, she~~ is entitled  
20 to the custody of their minor children, unless a court of  
21 competent jurisdiction, upon application for that purpose,  
22 shall otherwise direct.

23 (Source: R.S. 1874, p. 576.)

24 (750 ILCS 65/17) (from Ch. 40, par. 1017)

1           Sec. 17. When one spouse ~~the husband or wife~~ is under legal  
2 disability and therefore incapable of executing a deed or  
3 mortgage, and relinquishing or conveying the incapable  
4 spouse's ~~his or her~~ right to homestead in the real property of  
5 the other, such other person may present the other person's  
6 ~~his or her~~ petition to the circuit court in the county where  
7 the petitioner resides, or where the real estate to be  
8 affected is situated, setting forth the facts, and  
9 particularly describing the real estate sought to be conveyed  
10 or mortgaged, and asking for an order authorizing the  
11 petitioner, or some other person, to execute a deed or  
12 mortgage for the person who is under legal disability, and  
13 thereby relinquish the incapable person's ~~his or her~~ right of  
14 homestead in the real estate.

15           (Source: P.A. 83-706.)

16           (750 ILCS 65/22) (from Ch. 40, par. 1022)

17           Sec. 22. Nothing in this Act abolishes or prevents the  
18 creation and enjoyment of the estate of tenancy by the  
19 entirety with respect to any devise, conveyance, assignment,  
20 or other transfer of property, including a beneficial interest  
21 in a land trust, maintained or intended for maintenance as a  
22 homestead by ~~both~~ spouses married to each other together  
23 during marriage ~~husband and wife during coverture~~ made or  
24 executed on or after October 1, 1990.

25           This amendatory Act of 1995 is declarative of existing

1 law.

2 (Source: P.A. 89-88, eff. 6-30-95; 89-438, eff. 12-15-95.)

3 Section 15. The Illinois Religious Freedom Protection and  
4 Civil Union Act is amended by changing Section 10 as follows:

5 (750 ILCS 75/10)

6 Sec. 10. Definitions. As used in this Act:

7 "Certificate" means a document that certifies that the  
8 persons named on the certificate have established a civil  
9 union in this State in compliance with this Act.

10 "Civil union" means a legal relationship between 2  
11 persons, of either the same or opposite sex, established  
12 pursuant to this Act.

13 "Department" means the Department of Public Health.

14 "Officiant" means the person authorized to certify a civil  
15 union in accordance with Section 40.

16 "Party to a civil union" means a person who has  
17 established a civil union pursuant to this Act. "Party to a  
18 civil union" means, and shall be included in, any definition  
19 or use of the terms "spouse", "family", "immediate family",  
20 "dependent", "next of kin", "marriage", "married", "married to  
21 each other", "husband", "wife", "bride", "groom", "wedlock",  
22 and other terms that refer to or denote the spousal  
23 relationship, as those terms are used throughout the law,  
24 regardless of whether the parties to a civil union are of the

1 same sex or different sexes.

2 (Source: P.A. 96-1513, eff. 6-1-11.)

3 Section 20. The Conveyances Act is amended by changing  
4 Sections 10, 19, and 27 as follows:

5 (765 ILCS 5/10) (from Ch. 30, par. 9)

6 Sec. 10. Quitclaim deeds may be, in substance, in the  
7 following form:

8 The grantor (here insert grantor's name or names and place  
9 of residence), for the consideration of (here insert  
10 consideration), convey and quit claim to (here insert  
11 grantee's name or names) all interest in the following  
12 described real estate (here insert description), situated in  
13 the County of ....., in the State of Illinois.

14 Dated (insert date).

15 (signature of grantor or grantors)

16 The names of the parties shall be typed or printed below  
17 the signatures. Such form shall have a blank space of 3 1/2  
18 inches by 3 1/2 inches for use by the recorder. However, the  
19 failure to comply with the requirement that the names of the  
20 parties be typed or printed below the signatures and that the  
21 form have a blank space of 3 1/2 inches by 3 1/2 inches for use  
22 by the recorder shall not affect the validity and effect of  
23 such form.

1 Every deed in substance in the form described in this  
2 Section, when otherwise duly executed, shall be deemed and  
3 held a good and sufficient conveyance, release and quit claim  
4 to the grantee, his heirs and assigns, in fee of all the then  
5 existing legal or equitable rights of the grantor, in the  
6 premises therein described, but shall not extend to after  
7 acquired title unless words are added expressing such  
8 intention.

9 Notwithstanding any provision of law to the contrary, the  
10 recording of a quitclaim deed is exempt from all recording  
11 fees if executed for the sole purpose of reflecting a legal  
12 name change, and the grantor and grantee are the same  
13 individual or individuals.

14 (Source: P.A. 91-357, eff. 7-29-99.)

15 (765 ILCS 5/19) (from Ch. 30, par. 18)

16 Sec. 19. The acknowledgment or proof of any deed,  
17 mortgage, conveyance, power of attorney, or other writing of  
18 or relating to the sale, conveyance, or other disposition of  
19 lands or real estate, or any interest therein, by a married  
20 person ~~woman~~, may be made and certified the same as if that  
21 person was unmarried ~~she were a feme sole~~, and shall have the  
22 same effect.

23 (Source: P.A. 77-435.)

24 (765 ILCS 5/27) (from Ch. 30, par. 26)

1           Sec. 27. No deed or other instrument shall be construed as  
2 releasing or waiving the right of homestead, unless the same  
3 shall contain a clause expressly releasing or waiving such  
4 right. And no release or waiver of the right of homestead by  
5 one spouse ~~the husband or wife~~ shall bind the other spouse  
6 unless such other spouse joins in such release or waiver.

7 (Source: P.A. 80-346.)

8           Section 25. The Joint Tenancy Act is amended by changing  
9 Sections 1 and 1c as follows:

10           (765 ILCS 1005/1) (from Ch. 76, par. 1)

11           Sec. 1. No estate in joint tenancy in any lands, tenements  
12 or hereditaments, or in any parts thereof or interest therein,  
13 shall be held or claimed under any grant, legacy or conveyance  
14 whatsoever heretofore or hereafter made, other than to  
15 executors and trustees, unless the premises therein mentioned  
16 shall expressly be thereby declared to pass not in tenancy in  
17 common but in joint tenancy; and every such estate other than  
18 to executors and trustees (unless otherwise expressly declared  
19 as aforesaid, or unless, as to a devise or conveyance of  
20 homestead property, expressly declared to pass to individuals  
21 married to each other ~~a husband and wife~~ as tenants by the  
22 entirety in the manner provided by Section 1c), shall be  
23 deemed to be in tenancy in common and all conveyances  
24 heretofore made, or which hereafter may be made, wherein the

1 premises therein mentioned were or shall be expressly declared  
2 to pass not in tenancy in common but in joint tenancy, are  
3 hereby declared to have created an estate in joint tenancy  
4 with the accompanying right of survivorship the same as it  
5 existed prior to the passage of "An Act to amend Section 1 of  
6 an Act entitled: 'An Act to revise the law in relation to joint  
7 rights and obligations,' approved February 25, 1874, in force  
8 July 1, 1874," approved June 26, 1917.

9 (Source: P.A. 86-966.)

10 (765 ILCS 1005/1c) (from Ch. 76, par. 1c)

11 Sec. 1c. Whenever a devise, conveyance, assignment, or  
12 other transfer of property, including a beneficial interest in  
13 a land trust, maintained or intended for maintenance as a  
14 homestead is made by both spouses during marriage or a civil  
15 union ~~husband and wife together during coverture shall be made~~  
16 and the instrument of devise, conveyance, assignment, or  
17 transfer expressly declares that the devise or conveyance is  
18 made to tenants by the entirety, or if the beneficial interest  
19 in a land trust is to be held as tenants by the entirety, the  
20 estate created shall be deemed to be in tenancy by the  
21 entirety. Where the homestead is held in the name or names of a  
22 trustee or trustees of a revocable inter vivos trust or of  
23 revocable inter vivos trusts made by the settlors of such  
24 trust or trusts who are married to each other or in a civil  
25 union ~~husband and wife~~, and the spouses ~~husband and wife~~ are

1 the primary beneficiaries of one or both of the trusts so  
2 created, and the deed or deeds conveying title to the  
3 homestead to the trustee or trustees of the trust or trusts  
4 specifically state that the interests of both spouses ~~the~~  
5 ~~husband and wife~~ to the homestead property are to be held as  
6 tenants by the entirety, the estate created shall be deemed to  
7 be a tenancy by the entirety. Subject to the provisions of  
8 paragraph (d) of Section 2 and unless otherwise assented to in  
9 writing by both tenants by the entirety, the estate in tenancy  
10 by the entirety so created shall exist only if, and as long as,  
11 the tenants are and remain married to each other, and upon the  
12 death of either such tenant the survivor shall retain the  
13 entire estate; provided that, upon a judgment of dissolution  
14 of marriage or of declaration of invalidity of marriage, the  
15 estate shall, by operation of law, become a tenancy in common  
16 until and unless the court directs otherwise; provided further  
17 that the estate shall, by operation of law, become a joint  
18 tenancy upon the creation and maintenance by both spouses  
19 together of other property as a homestead. A devise,  
20 conveyance, assignment, or other transfer to 2 grantees who  
21 are not in fact married to each other or in a civil union  
22 ~~husband and wife~~ that purports to create an estate by the  
23 entirety shall be construed as having created an estate in  
24 joint tenancy. An estate in tenancy by the entirety may be  
25 created notwithstanding the fact that a grantor is or the  
26 grantors are also named as a grantee or the grantees in a deed.

1 No deed, contract for deed, mortgage, or lease of homestead  
2 property held in tenancy by the entirety shall be effective  
3 unless signed by both tenants. This Section shall not apply to  
4 nor operate to change the effect of any devise or conveyance.

5 Except for the changes made to Section 10 of the  
6 Conveyances Act, this amendatory Act of the 104th General  
7 Assembly and the ~~This~~ amendatory Act of 1995 are ~~is~~  
8 declarative of existing law.

9 (Source: P.A. 96-1145, eff. 1-1-11.)".