



Sen. Dale Fowler

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10300SB1098sam001

LRB103 05533 AWJ 59548 a

1 AMENDMENT TO SENATE BILL 1098

2 AMENDMENT NO. _____. Amend Senate Bill 1098 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The River Conservancy Districts Act is amended
5 by changing Section 4a and by adding Section 4c as follows:

6 (70 ILCS 2105/4a) (from Ch. 42, par. 386a)

7 Sec. 4a. Every conservancy district so established shall
8 be governed by a board of trustees. In the statement finding
9 the results of the election to be favorable to the
10 establishment of the district, the circuit court shall
11 determine and name each municipality within the district
12 having 5,000 or more population according to the last
13 preceding federal census.

14 (1) In case there is one or more municipalities having
15 a population of 5,000 or more within the district, the
16 trustees shall be appointed as follows:

1 (a) In districts organized prior to July 1, 1961,
2 where there is only one such municipality, 3 trustees
3 shall be appointed from such municipality, and one
4 trustee shall be appointed from the area within the
5 district outside of such municipality, and one trustee
6 shall be appointed at large. In districts organized on
7 and after July 1, 1961, where there is only one such
8 municipality one trustee shall be appointed from such
9 municipality, and one trustee shall be appointed from
10 each county in the district, except that where the
11 district is wholly contained within a single county,
12 one trustee shall be appointed from that county and
13 one additional trustee shall be appointed from the
14 municipality, and, in any case, 2 trustees shall be
15 appointed at large. A trustee appointed from a county
16 in the district shall be appointed from the area
17 outside any such municipality. If the district is
18 located wholly within the corporate limits of such
19 municipality, 3 of the trustees of the district shall
20 be appointed from such municipality, and 2 trustees
21 shall be appointed at large. In a district wholly
22 contained within a single county of between 60,500 and
23 70,000 population and having no more than one
24 municipality of 5,000 or more population, regardless
25 of the date of organization, 3 trustees shall be
26 appointed from that municipality, 2 trustees shall be

1 appointed from the district outside that municipality,
2 and 2 trustees shall be appointed at large. No more
3 than 2 appointments by each appointing authority may
4 be from the same political party.

5 In the case of the Saline Valley Conservancy
6 District, in addition to the other trustees as
7 provided in this subsection (a), the mayor of each
8 municipality with a population of 2,000 to 4,999 that
9 purchases water from the District may appoint one
10 member to the Board of Trustees beginning July 1, 2023
11 for a 5-year term, and the member shall serve until the
12 trustee's successor is appointed and qualified or the
13 municipality no longer purchases water from the
14 District. A vacancy shall be filled by the mayor of the
15 municipality for the remainder of the term.

16 (b) Where there are 2 or more such municipalities,
17 one trustee shall be appointed from each such
18 municipality, one trustee shall be appointed from each
19 county in the district for each 50,000 population or
20 part thereof within the district in such county
21 according to the last preceding federal census, and 2
22 trustees shall be appointed at large. A trustee
23 appointed from a county in the district shall be
24 appointed from the area outside any such municipality.
25 If the district is located wholly within the corporate
26 limits of such municipalities, 2 trustees shall be

1 appointed from the one of such municipalities having
2 the largest population, and one trustee shall be
3 appointed from each of the other such municipalities,
4 and 2 trustees shall be appointed at large.

5 (c) Trustees representing the area within the
6 district located outside of any municipality having
7 5,000 or more population and trustees appointed at
8 large when the district is wholly contained within a
9 single county shall be appointed by the presiding
10 officer of the county board with the advice and
11 consent of the county board and any trustee
12 representing the area within any such municipality
13 shall be appointed by its presiding officer. If
14 however the district is located in more than one
15 county, any trustee representing the area within a
16 district located outside of any municipality having
17 5,000 or more population and any trustee at large
18 shall be appointed by a majority vote of the presiding
19 officers of the county boards of the counties which
20 encompass any part of the district, except that no
21 such appointment shall affect the term of any trustee
22 in office on the effective date of this amendatory Act
23 of 1977. Any trustee representing the area within any
24 such municipality shall be appointed by its presiding
25 officer.

26 (d) A trustee representing the area within any

1 such municipality shall reside within its corporate
2 limits. A trustee representing the area within the
3 district and located outside of any such municipality
4 shall reside within such area. A trustee appointed at
5 large may reside either within or without any such
6 municipality but must reside within the territory of
7 the district. Should any trustee cease to reside
8 within that part of the territory he represents, then
9 his office shall be deemed vacated, and shall be
10 filled by appointment for the remainder of the term as
11 hereinafter provided.

12 (2) In case there are no municipalities having a
13 population of 5,000 or more within such district located
14 wholly within a single county, the statement required by
15 Section 1 shall include such finding, and in such case the
16 Board shall consist of 5 trustees who shall be appointed
17 at large by the presiding officer of the county board with
18 the advice and consent of the county board. If however the
19 district is located in more than one county, the trustees
20 at large shall be appointed by a majority vote of the
21 presiding officers of the county boards of the counties
22 which encompass any portion of the district, but any
23 trustee in office on the effective date of this amendatory
24 Act of 1977 shall be permitted to serve out the remainder
25 of his term. Each such trustee shall reside within the
26 district and shall continue to reside therein.

1 (3) All initial appointments of trustees shall be made
2 within 60 days after the determination of the result of
3 the election. Each appointment shall be in writing and
4 shall be filed and made a matter of record in the office of
5 the county clerk wherein the organization proceedings were
6 filed. A trustee shall qualify within 10 days after
7 appointment by acceptance and the taking of the
8 constitutional oath of office, both to be in writing and
9 similarly filed for record in the office of such county
10 clerk. Members initially appointed to the board of
11 trustees of such district shall serve from date of
12 appointment for 1, 2, 3, 4 and 5 years and shall draw lots
13 to determine the periods for which they each shall serve.
14 In case there are more than 5 trustees, lots shall be drawn
15 so that 5 trustees shall serve initial terms of 1, 2, 3, 4
16 and 5 years and the other trustees shall serve terms of 1,
17 2, 3, 4 or 5 years as the number of trustees shall require
18 and the drawing of lots shall determine. The successors of
19 all such initial members of the board of trustees of a
20 river conservancy district shall serve for terms of 5
21 years, all such appointments and appointments to fill
22 vacancies shall be made in like manner as in the case of
23 the initial trustees. A trustee having been duly appointed
24 shall continue to serve after the expiration of his term
25 until his successor has been appointed. Each trustee
26 initially appointed in accordance with this amendatory Act

1 of 1995 shall serve a term of 3 or 5 years as determined by
2 lot.

3 (4) Should a municipality which is wholly within a
4 district attain, or should such a municipality be
5 established, having a population of 5,000 or more after
6 the entry of the statement by the circuit court, the
7 presiding officer of such municipality may petition the
8 circuit court of the county in which such municipality
9 lies for an order finding and determining the population
10 of such municipality and, if it is found and determined
11 upon the hearing of such petition that the population of
12 such municipality is 5,000 or more, the board of trustees
13 of such district as previously established shall be
14 increased by one trustee who shall reside within the
15 corporate limits of such municipality and shall be
16 appointed by its presiding officer. The initial trustee so
17 appointed shall serve for a term of 1, 2, 3, 4 or 5 years,
18 as may be determined by lot, and his successors shall be
19 similarly appointed and shall serve for terms of 5 years.
20 All provisions of this Section applicable to trustees
21 representing municipal areas shall apply to any such
22 trustee, including paragraph 5.

23 (5) Should the foregoing provisions respecting the
24 appointment of trustees representing the area within any
25 municipality of 5,000 or more population be invalid when
26 applied to any situation, then as to such situation any

1 such provision shall be deemed to be excised from this
2 Act, and the trustee whose appointment is thus affected
3 shall be appointed at large by the presiding officer of
4 the county board with the advice and consent of the county
5 board except if the district embraces more than one county
6 in which case the trustees shall be appointed at large by a
7 majority vote of the presiding officers of the county
8 boards of the counties which encompass any portion of the
9 district.

10 (6) In the case of a board representing a district
11 that embraces Franklin and Jefferson counties, a trustee
12 may be removed for incompetence, neglect of duty, or
13 malfeasance in office by the appropriate appointing
14 presiding officer or officers, without the advice and
15 consent of the corporate authorities, by filing a written
16 order of removal with the appropriate county or municipal
17 clerk or clerks.

18 (7) Notwithstanding any other provision of law to the
19 contrary, in the case of a board representing a district
20 that embraces Franklin and Jefferson counties, the terms
21 of all trustees shall end on the effective date of this
22 amendatory Act of the 94th General Assembly. Beginning on
23 that date, the board shall consist of 7 trustees. The 7
24 trustees initially appointed pursuant to this amendatory
25 Act of the 94th General Assembly shall be appointed in the
26 same manner as otherwise provided in this Section by the

1 appropriate appointing authority and shall serve the
2 following terms, as determined by lot: (i) 2 trustees
3 shall serve until July 1, 2006; (ii) 2 trustees shall
4 serve until July 1, 2007; (iii) one trustee shall serve
5 until July 1, 2008; (iv) one trustee shall serve until
6 July 1, 2009; and (v) one trustee shall serve until July 1,
7 2010. Upon expiration of the terms of the trustees
8 initially appointed under this amendatory Act of the 94th
9 General Assembly, their respective successors shall be
10 appointed for terms of 5 years, beginning on July 1 of the
11 year in which the previous term expires and until their
12 respective successors are appointed and qualified. After
13 the appointment of the trustees initially appointed
14 pursuant to this amendatory Act of the 94th General
15 Assembly, the number of trustees on the board may be
16 increased in accordance with subsection (4).

17 (Source: P.A. 94-64, eff. 6-21-05.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."