



Local Government Committee

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LRB095 11196 HLH 31596 a

1 AMENDMENT TO HOUSE BILL 365

2 AMENDMENT NO. _____. Amend House Bill 365 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Conservation District Act is amended by
5 changing Sections 5 and 6 and adding Section 18.1 as follows:

6 (70 ILCS 410/5) (from Ch. 96 1/2, par. 7105)

7 Sec. 5. Board of trustees.

8 (a) The affairs of a conservation district shall be managed
9 by a board consisting ~~which shall consist~~ of 5 trustees, except
10 as otherwise provided in this Section. If the boundaries of the
11 district are coextensive with the boundaries of one county, the
12 trustees shall be residents of that county. If the district
13 embraces 2 counties, 3 trustees shall be residents of the
14 county with the larger population and 2 trustees shall be
15 residents of the other county. If the district embraces 3
16 counties, one trustee shall be a resident of the county with

1 the smallest population and each of the other counties shall
2 have 2 resident trustees. If the district embraces 4 counties,
3 2 trustees shall be residents of the county with the largest
4 population and each of the other counties shall have one
5 resident trustee. If the district embraces 5 counties, each
6 county shall have one resident trustee.

7 (b) A district that is entirely within a county of under
8 750,000 inhabitants and contiguous to a county of more than
9 2,000,000 inhabitants and that is authorized by referendum as
10 provided in subsection (d) of Section 15 to incur indebtedness
11 over 0.575% but not to exceed 1.725% shall have a board
12 consisting of 7 trustees, all of whom shall be residents of the
13 county. The additional 2 trustees shall be appointed by the
14 chairman of the county board, with the consent of the county
15 board, and shall hold office for terms expiring on June 30 as
16 follows: one trustee after 4 years and one trustee after 5
17 years from the date of the referendum. Successor trustees shall
18 be appointed in the same manner no later than June 1 before the
19 commencement of the term of the trustee.

20 (c) Trustees shall be qualified voters of the ~~such~~ district
21 who do not hold any other public office and are not officers of
22 any political party. Trustees, if nominated by the county board
23 chairman as hereinafter provided, shall be selected on the
24 basis of their demonstrated interest in the purpose of
25 conservation districts.

26 (d) If the trustees are appointed, the ~~The~~ chairman of the

1 county board for the county of which the trustee is a resident
2 shall, with the consent of the county board of that county,
3 appoint the first trustees who shall hold office for terms
4 expiring on June 30 after one, 2, 3, 4, and 5 year periods
5 respectively as determined and fixed by lot. Thereafter,
6 successor appointed trustees shall be appointed for a term of 5
7 years in the same manner no later than June 1 prior to the
8 commencement of term of the trustee. If the term of office of
9 any appointed trustee expires before the first election of
10 trustees under subsection (i) after referendum approval of
11 elected trustees, the chairman of the county board who
12 appointed that trustee under this subsection shall appoint a
13 successor to serve until a successor is elected and has
14 qualified.

15 (e) When a vacancy occurs in the office of trustee, whether
16 by death, resignation, refusal to qualify, no longer being a
17 qualified voter of the district, or for any other reason, the
18 board of trustees shall declare that a vacancy exists. The
19 vacancy shall be filled within 60 days. ~~Each successor trustee~~
20 ~~shall serve for a term of 5 years.~~ A vacancy occurring
21 otherwise than by expiration of term, for appointed trustees,
22 shall be filled for the unexpired term by appointment of a
23 trustee by the county board chairman of the county of which the
24 trustee shall be a resident, with the approval of the county
25 board of that county. An appointed A trustee who has served a
26 full term of 5 years is ineligible to serve as a trustee for a

1 period of one year following the expiration of his or her term.
2 In the case of an elected trustee, appointment of an eligible
3 person shall be by the president of the board of trustees with
4 the advice and consent of the other trustees. The appointee
5 shall serve the remainder of the unexpired term. If, however,
6 more than 28 months remain in the term of the elected trustee
7 and the vacancy occurs at least 182 days before the next
8 general election, the appointment shall be until the next
9 general election, at which time the vacated office of the
10 elected trustee shall be filled by election for the remainder
11 of the term.

12 If a vacancy occurs in the office of president of the board
13 of trustees, the remaining trustees shall select one of their
14 number to serve as president for the balance of the unexpired
15 term of the president in whose office the vacancy occurred.

16 When any trustee during his or her term of office shall
17 cease to be a bona fide resident of the district, or shall move
18 from one township or congressional township in the district to
19 another so that the township residency requirements of this
20 Section are no longer met, then he is disqualified as a trustee
21 and his office becomes vacant. If the district has decided to
22 elect or appoint trustees from single member subdistricts under
23 subsection (i), then when any trustee during his or her term of
24 office shall cease to be a bona fide resident of the
25 subdistrict he or she is disqualified as a trustee and the
26 office becomes vacant.

1 (f) Trustees shall serve without compensation, but may be
2 paid their actual and necessary expenses incurred in the
3 performance of their official duties.

4 (g) An appointed ~~A~~ trustee may be removed for cause by the
5 county board chairman for the county of which the trustee is a
6 resident, with the approval of the county board of that county,
7 but every ~~such~~ removal shall be by a written order and ~~which~~
8 shall be filed with the county clerk.

9 (h) A conservation district with 5 trustees may determine
10 by majority vote of the board to increase the size of the board
11 to 7 trustees. With respect to a 7-member board, no more than 3
12 members may be residents of any township in a county under
13 township organization or of any congressional township in a
14 county not under township organization. In the case of a
15 7-member board representing a district that embraces 2
16 counties, 4 trustees shall be residents of the county with the
17 larger population and 3 trustees shall be residents of the
18 other county. If the district embraces 3 counties, 2 trustees
19 shall be residents of each of the 2 counties with the smallest
20 population and the largest county shall have 3 resident
21 trustees. If the district embraces 4 counties, one trustee
22 shall be a resident of the county with the smallest population
23 and each of the other counties shall have 2 resident trustees.
24 If the district embraces 5 counties, the 2 counties with the
25 largest population shall each have 2 resident trustees and each
26 of the other counties shall have one resident trustee. The

1 pertinent appointing authorities shall appoint the additional
2 trustees to initial terms as equally staggered as possible
3 from the terms of the trustees already appointed from that
4 township or county so that 2 trustees representing the same
5 area shall not be succeeded in the same year.

6 (i) Except as provided in subsection (b), a conservation
7 district in a county adjacent to a county with more than
8 3,000,000 inhabitants may determine by referendum (i) to have
9 an elected or appointed board of trustees, (ii) to have a board
10 of trustees with 5 or 7 members, and (iii) to have trustees
11 chosen at large or from single member subdistricts. If the
12 boundaries of the district are coextensive with the boundaries
13 of a single county, the county board may determine by ordinance
14 to hold the referendum; or if the boundaries of the district
15 are embraced by more than one county, the county boards of each
16 county in the district, jointly, may determine by ordinance to
17 hold the referendum; or a petition signed by not less than 5%
18 of the electors of the entire district who voted in the last
19 gubernatorial election may be submitted to the board of
20 trustees requiring the district to hold the referendum.

21 The secretary of the board of trustees shall certify the
22 proposition to the appropriate election authorities who shall
23 submit the proposition at a consolidated or general election
24 according to the Election Code. The Election Code shall apply
25 to and govern the election. The proposition shall be in
26 substantially the following form:

1 Shall the (insert name) Conservation District have an
2 (insert "elected" or "appointed") board of trustees with
3 (insert "5" or "7") trustees chosen (insert "at large" or
4 "from single member subdistricts")?

5 The votes shall be recorded as "Yes" or "No".

6 If a majority of the votes cast on the proposition are in
7 the affirmative, the trustees of the district shall thereafter
8 be chosen as provided in this paragraph. At the next
9 consolidated election, a district that has decided by
10 referendum to have its trustees elected rather than appointed
11 shall elect 5 or 7 trustees as provided in the ordinance or
12 petition and in the proposition. The trustees shall be elected
13 on a nonpartisan basis. The provisions of the general election
14 law shall apply to and govern the nomination and election of
15 the trustees.

16 (1) If the district has decided to elect or appoint at
17 large trustees, then with respect to a 5-member board, the
18 residency of members shall be the same as prescribed in
19 subsection (a).

20 With respect to a 7-member board, no more than 3
21 members may be residents of any township in a county under
22 township organization or of any congressional township in a
23 county not under township organization. In the case of a
24 7-member board representing a district that embraces 2
25 counties, 4 trustees shall be residents of the county with
26 the larger population and 3 trustees shall be residents of

1 the other county. If the district embraces 3 counties, 2
2 trustees shall be residents of each of the 2 counties with
3 the smaller populations and the county with the largest
4 population shall have 3 resident trustees. If the district
5 embraces 4 counties, one trustee shall be a resident of the
6 county with the smallest population and each of the other
7 counties shall have 2 resident trustees. If the district
8 embraces 5 counties, the 2 counties with the largest
9 populations shall each have 2 resident trustees and each of
10 the other counties shall have one resident trustee.

11 (2) If the district has decided to elect or appoint
12 trustees from single member subdistricts, then with
13 respect to a 5-member board of a district embracing a
14 single county, the county board shall apportion the
15 district into 5 subdistricts. One trustee shall be a
16 resident of and elected or appointed from each of the 5
17 subdistricts. In the case of a 5-member board of a district
18 embracing more than one county, the members of each county
19 board shall, jointly, apportion the district into 5
20 subdistricts. One trustee shall be a resident of and
21 elected or appointed from each of the 5 subdistricts. The
22 initial subdistricts shall be apportioned within 90 days
23 after the referendum is approved, and the subdistricts
24 shall be reapportioned after each decennial census.

25 With respect to a 7-member board of a district
26 embracing a single county, the county board shall apportion

1 the district into 7 subdistricts. One trustee shall be a
2 resident of and elected or appointed from each of the 7
3 subdistricts. In the case of a 7-member board of a district
4 embracing more than one county, the members of each county
5 board shall, jointly, apportion the district into 7
6 subdistricts. One trustee shall be a resident of and
7 elected or appointed from each of the 7 subdistricts. The
8 initial subdistricts shall be apportioned within 90 days
9 after the referendum is approved, and the subdistricts
10 shall be reapportioned after each decennial census.

11 (j) When a conservation district determines to elect or
12 appoint trustees as provided in subsection (i), the terms of
13 these trustees shall commence on the first Monday of December
14 following the election. The terms of all trustees previously
15 appointed or elected under this Section shall expire on the
16 first Monday of December following the first election.

17 (1) If the district has decided to elect or appoint
18 at-large trustees, then the initial elected board of
19 trustees shall, no later than 45 days after taking office,
20 divide themselves publicly by lot as equally as possible
21 into 2 groups. Trustees or their successors from the larger
22 group shall serve for terms of 4 years; the initial elected
23 trustees from the second group shall serve for terms of 2
24 years, and their successors shall be elected for terms of 4
25 years.

26 (2) If the district has decided to elect or appoint

1 trustees from single member subdistricts, then the members
2 of the initial elected board of trustees and each
3 subsequent board elected prior to the first decennial
4 census following the initial apportionment shall be
5 elected to a term of 2 years. In the year following the
6 first decennial census occurring after the initial
7 apportionment and in the year following each subsequent
8 decennial census, the 5 or 7 subdistricts shall be
9 reapportioned to reflect the results of the census. The
10 board of trustees elected in the first election following a
11 decennial census shall, no later than 45 days after taking
12 office, divide themselves publicly by lot as equally as
13 possible into 3 groups. Trustees or their successors from
14 one group shall be elected to terms of 4 years, 4 years,
15 and 2 years. Trustees or their successors from the second
16 group shall be elected to terms of 4 years, 2 years, and 4
17 years. The trustee or successors from the third group shall
18 be elected to terms of 2 years, 4 years, and 4 years.

19 (Source: P.A. 94-617, eff. 8-18-05.)

20 (70 ILCS 410/6) (from Ch. 96 1/2, par. 7106)

21 Sec. 6. Officers and employees. As soon as possible after
22 the initial election or the initial appointments, as the case
23 may be ~~Within 60 days after their selection,~~ the trustees shall
24 organize by selecting from their members a president,
25 secretary, treasurer, and ~~such~~ other officers as are deemed

1 necessary, who shall hold office for 2 years in the case of an
2 elected board, or the fiscal year in which elected in the case
3 of an appointed board, and until their successors are selected
4 and qualify. Three trustees shall constitute a quorum of the
5 board for the transaction of business if the district has 5
6 trustees. If the district has 7 trustees, 4 trustees shall
7 constitute a quorum of the board for the transaction of
8 business. The board shall hold regular monthly meetings.
9 Special meetings may be called by the president and shall be
10 called on the request of a majority of members, as may be
11 required.

12 The board shall provide for the proper and safe keeping of
13 its permanent records and for the recording of the corporate
14 action of the district. It shall keep a proper system of
15 accounts showing a true and accurate record of its receipts and
16 disbursements, and it shall cause an annual audit to be made of
17 its books, records, and accounts.

18 The records of the district shall be subject to public
19 inspection at all reasonable hours and under ~~such~~ regulations
20 as the board may prescribe.

21 The district shall annually make a full and complete report
22 to the county board of each county within the district and to
23 the Department of Natural Resources of its transactions and
24 operations for the preceding year. The ~~Such~~ report shall
25 contain a full statement of its receipts, disbursements, and
26 the program of work for the period covered, and may include

1 ~~such~~ recommendations as may be deemed advisable.

2 Executive or ministerial duties may be delegated to one or
3 more trustees or to an authorized officer, employee, agent,
4 attorney, or other representative of the district.

5 All officers and employees authorized to receive or retain
6 the custody of money or to sign vouchers, checks, warrants, or
7 evidences of indebtedness binding upon the district shall
8 furnish surety bond for the faithful performance of their
9 duties and the faithful accounting for all moneys that may come
10 into their hands in an amount to be fixed and in a form to be
11 approved by the board.

12 All contracts for supplies, material, or work involving an
13 expenditure in excess of \$20,000 shall be let to the lowest
14 responsible bidder, after due advertisement, excepting work
15 requiring personal confidence or necessary supplies under the
16 control of monopolies, where competitive bidding is
17 impossible. All contracts for supplies, material, or work shall
18 be signed by the president of the board and by any ~~such~~ other
19 officer as the board in its discretion may designate.

20 (Source: P.A. 94-454, eff. 8-4-05.)

21 (70 ILCS 410/18.1 new)

22 Sec. 18.1. Organization as a forest preserve district. The
23 voters of a conservation district that is entirely within one
24 county may, by a single referendum proposition, dissolve the
25 conservation district under Section 18 of this Act and

1 incorporate as a forest preserve district under Section 1 the
2 Downstate Forest Preserve District Act. The referendum may be
3 placed on the ballot upon either of the following:

4 (1) An ordinance by the county board of the county in
5 which the district lies requiring the referendum.

6 (2) The filing of a petition with the board of trustees
7 signed by the electors of the district equal in number to
8 8% or more of the total number of votes cast for Governor
9 district-wide in the most recent gubernatorial election
10 asking that the question of whether the district shall be
11 dissolved and organized as a forest preserve district.

12 The Secretary of the board of trustees of the county board
13 or the board of trustees, as appropriate, shall certify the
14 proposition to the appropriate election authorities who shall
15 submit the proposition at a consolidated or general election
16 according to the Election Code. The Election code shall apply
17 to and govern the election.

18 The proposition shall be in substantially the following
19 form:

20 Shall (insert name) Conservation District be dissolved
21 under the provisions of Section 18 of the Conservation
22 District Act and be organized as a forest preserve district
23 under the provisions of the Downstate Forest Preserve
24 District Act?

25 The votes shall be recorded as "Yes" or "No".

26 If a majority of the votes cast on the proposition are in

1 the affirmative, the conservation district shall be deemed to
2 be dissolved under Section 18 of the Conservation District Act
3 and the territory shall be incorporated as a forest preserve
4 district under Section 1 of the Downstate Forest Preserve
5 District Act. The resulting forest preserve district shall not
6 be deemed to be the legal successor or assign of the dissolved
7 conservation district.

8 Section 10. The Downstate Forest Preserve District Act is
9 amended by changing Section 1 as follows:

10 (70 ILCS 805/1) (from Ch. 96 1/2, par. 6302)

11 Sec. 1. Whenever any area of contiguous territory lying
12 wholly within one county contains one or more natural forests
13 or parks thereof and one or more cities, towns or villages,
14 such territory may be incorporated as a forest preserve
15 district by a referendum passed under Section 18.1 of the
16 Conservation District Act or in the following manner, to wit:

17 Any 500 legal voters residing within the limits of such
18 proposed district may petition the circuit court of the county
19 in which such proposed district lies, to order the question to
20 be submitted to the legal voters of such proposed district
21 whether or not it shall be organized as a forest preserve
22 district under this act. Such petition shall be addressed to
23 the circuit court of the county in which such proposed forest
24 preserve district is situated and shall contain a definite

1 description of the territory intended to be embraced in such
2 district, and the name of such district. Upon the filing of
3 such petition in the office of the clerk of the circuit court
4 of the county in which such territory is situated, it shall be
5 the duty of such circuit court to fix a day and hour for the
6 public consideration thereof, which shall not be less than 15
7 days after the filing of such petition. Such circuit court
8 shall cause a notice of the time and place of such public
9 consideration to be published 3 successive days in some
10 newspaper having a general circulation in the territory
11 proposed to be placed in such district. The date of the last
12 publication of such notice shall not be less than 5 days prior
13 to the time set for such public hearing. At the time and place
14 fixed for such public hearing the circuit court shall hear any
15 person owning property in such proposed district who desires to
16 be heard, and if the circuit judge finds that all of the
17 provisions of this act have been complied with, the court shall
18 enter an order fixing and defining the boundaries and the name
19 of such proposed district in accordance with the prayer of the
20 petition. In the event that any other petition or petitions for
21 the organization of a forest preserve district or districts in
22 the same county is filed under this act before the time fixed
23 for the public hearing of the first petition, the circuit court
24 shall postpone the public consideration of the first petition
25 so that the hearing of all petitions shall be set for the same
26 day and hour. In any county where there are 2 or more judges

1 sitting at the time of filing such first petitions the clerk of
2 the circuit court shall cause all petitions filed subsequent to
3 the first petition to be assigned to the judge to whom the
4 first petition is assigned so that all such petitions may be
5 heard by the same judge.

6 Should 2 or more petitions be filed under this act and come
7 on for hearing at the same time and it shall be found by the
8 circuit court that any of the territory embraced in any one of
9 the petitions is included in or contiguous with the territory
10 embraced in any other petition or petitions, the circuit court
11 may include all of the territory described in such petitions in
12 one district and shall fix the name proposed in the petition
13 first filed as the name for the district. After the entry of
14 the order fixing and defining the boundaries and the name of
15 such proposed district, it shall be the duty of the circuit
16 court to order to be submitted to the legal voters of such
17 proposed district at any election, the question of the
18 organization of such proposed district. The clerk of the
19 circuit court shall certify the order and the question to the
20 proper election officials who shall submit the question to the
21 voters of the proposed district in accordance with the general
22 election law. Notice of the referendum shall contain a definite
23 description of the territory intended to be embraced in such
24 district, and the name of such district.

25 (Source: P.A. 83-1362.)".

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".