



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5236

Introduced 2/8/2012, by Rep. Mike Bost

SYNOPSIS AS INTRODUCED:

| | |
|-----------------|-----------------------|
| 70 ILCS 1820/15 | from Ch. 19, par. 865 |
| 70 ILCS 1820/16 | from Ch. 19, par. 866 |
| 70 ILCS 1820/17 | from Ch. 19, par. 867 |
| 70 ILCS 1820/19 | from Ch. 19, par. 869 |

Amends the Jackson-Union Counties Regional Port District Act. Provides that on the effective date of the amendatory Act, the terms of the current members of the Jackson-Union Counties Regional Port District Board shall terminate. Provides that the reconstituted Board shall consist of 7 members, rather than 23 members who are currently appointed to the Board. Sets forth procedures concerning the appointment of new Board members. Provides that 4 (now, 12) members of the Board shall constitute a quorum for the transaction of business. Makes corresponding changes. Effective immediately.

LRB097 19235 KMW 64477 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Jackson-Union Counties Regional Port
5 District Act is amended by changing Sections 15, 16, 17, and 19
6 as follows:

7 (70 ILCS 1820/15) (from Ch. 19, par. 865)

8 Sec. 15. On the effective date of this amendatory Act of
9 the 97th General Assembly, the terms of office of the members
10 of the Board appointed pursuant to this Act shall terminate and
11 the board reconstituted. After the effective date of this
12 amendatory Act of the 97th General Assembly, the ~~The~~ governing
13 and administrative body of the Port District shall be a Board
14 consisting of 7 ~~23~~ members, to be known as the Jackson-Union
15 Counties Regional Port District Board. All members of the Board
16 appointed by the Governor shall be residents of the District.
17 Every member of the Board appointed by a unit of local
18 government after the effective date of this amendatory Act of
19 1981 shall be a resident of the appointing unit of local
20 government. The members of the Board shall serve without
21 compensation but shall be reimbursed for actual expenses
22 incurred by them in the performance of their duties. However,
23 any member of the Board who is appointed to the office of

1 secretary or treasurer may receive compensation for his
2 services as such officer. No member of the Board or employee of
3 the District shall have any private financial interest, profit
4 or benefit in any contract, work or business of the District
5 nor in the sale or lease of any property to or from the
6 District.

7 (Source: P.A. 82-388.)

8 (70 ILCS 1820/16) (from Ch. 19, par. 866)

9 Sec. 16. Appointment; vacancies. The Governor shall
10 appoint 3 ~~4~~ members of the Board, ~~each Mayor of the~~
11 ~~municipalities of Grand Tower, Jonesboro, Gorham, Murphysboro,~~
12 ~~Carbondale, Anna, Cobden, Makanda, Ava, Mill Creek, Elkhville,~~
13 ~~Alto Pass, Vergennes, Dowell, DeSoto, Campbell Hill, and~~
14 ~~Dongola shall appoint one member of the Board,~~ and each County
15 Board of Jackson County and Union County shall appoint 2
16 members ~~one member~~ of the Board. All initial appointments shall
17 be made within 60 days after this Act takes effect. Of this
18 amendatory Act of the 97th General Assembly, of ~~of~~ the 3 ~~4~~
19 members initially appointed by the Governor one ~~2~~ shall be
20 appointed for an initial term ~~terms~~ expiring June 1, 2014 ~~June~~
21 ~~1, 1978,~~ and 2 for an initial term expiring June 1, 2015 ~~June~~
22 ~~1, 1979.~~ Of the 4 members initially appointed by the County
23 Boards, 2 shall be appointed for an initial term expiring June
24 1, 2014, and 2 for an initial term expiring June 1, 2015. ~~The~~
25 ~~terms of the members initially appointed by the respective~~

1 ~~Mayors and County Boards shall expire June 1, 1979.~~ At the
2 expiration of the term of any member, his or her successor
3 shall be appointed by the Governor, ~~the respective Mayors,~~ or
4 the respective County Boards in like manner and with like
5 regard to place of residence of the appointee, as in the case
6 of appointments for the initial terms.

7 After the expiration of initial terms, each successor shall
8 hold office for the term of 3 years beginning the first day of
9 June of the year in which the term of office commences. In the
10 case of a vacancy during the term of office of any member
11 appointed by the Governor, the Governor shall make an
12 appointment for the remainder of the term vacant and until a
13 successor is appointed and qualified. ~~In case of a vacancy~~
14 ~~during the term of office of any member appointed by a Mayor,~~
15 ~~the proper Mayor shall make an appointment for the remainder of~~
16 ~~the term vacant and until a successor is appointed and~~
17 ~~qualified.~~ In case of a vacancy during the term of office of
18 any member appointed by a County Board, the proper County Board
19 shall make an appointment for the remainder of the term vacant
20 and until a successor is appointed and qualified. The Governor, ~~7~~
21 ~~each Mayor,~~ and each County Board shall certify their
22 respective appointments to the Secretary of State. Within 30
23 days after certification of his or her appointment, and before
24 entering upon the duties of his or her office, each member of
25 the Board shall take and subscribe the constitutional oath of
26 office and file it in the office of the Secretary of State.

1 ~~Notwithstanding any provision of this Section to the~~
2 ~~contrary, if there is a vacancy for 3 months or more in the~~
3 ~~office of a member appointed by a mayor, then the Board may~~
4 ~~request that the county board of the county in which the~~
5 ~~municipality is located appoint a person to fill the vacancy~~
6 ~~for the remainder of the term or until a successor is appointed~~
7 ~~and qualified. Before requesting that the county board fill the~~
8 ~~vacancy, the Board must notify the mayor authorized to fill the~~
9 ~~vacancy by first class mail. The notice must be sent no later~~
10 ~~than 30 days after the vacancy occurs. Any Board member~~
11 ~~appointed under this paragraph must be a resident of the county~~
12 ~~making the appointment to fill the vacancy.~~

13 Every person appointed to the Board after the effective
14 date of this amendatory Act of 1981 shall be a resident of the
15 unit of local government which makes the appointment. Persons
16 appointed by the Governor shall reside in the district.

17 (Source: P.A. 96-1015, eff. 7-8-10.)

18 (70 ILCS 1820/17) (from Ch. 19, par. 867)

19 Sec. 17. Members of the Board shall hold office until their
20 respective successors have been appointed and qualified. Any
21 member may resign from his office to take effect when his
22 successor has been appointed and has qualified. The Governor,
23 ~~each Mayor,~~ and each County Board, respectively, may remove any
24 member of the Board they have appointed in case of
25 incompetency, neglect of duty or malfeasance in office. They

1 shall give such member a copy of the charges against him and an
2 opportunity to be publicly heard in person or by counsel in his
3 own defense upon not less than 10 days' notice. In case of
4 failure to qualify within the time required, or of abandonment
5 of his office, or in case of death, conviction of a felony or
6 removal from office, the office of such member shall become
7 vacant. Each vacancy shall be filled for the unexpired term by
8 appointment in like manner as in case of expiration of the term
9 of a member of the Board.

10 (Source: P.A. 79-1475.)

11 (70 ILCS 1820/19) (from Ch. 19, par. 869)

12 Sec. 19. Regular meetings of the Board shall be held at
13 least once in each calendar month, the time and place of such
14 meetings to be fixed by the Board. Four ~~Twelve~~ members of the
15 Board shall constitute a quorum for the transaction of
16 business. All action of the Board shall be by ordinance or
17 resolution and the affirmative vote of at least 4 ~~12~~ members
18 shall be necessary for the adoption of any ordinance or
19 resolution. All such ordinances and resolutions before taking
20 effect shall be approved by the chairman of the Board, and if
21 he approves thereof he shall sign the same, and such as he does
22 not approve he shall return to the Board with his objections
23 thereto in writing at the next regular meeting of the Board
24 occurring after the passage thereof. But in the case the
25 chairman fails to return any ordinance or resolution with his

1 objections thereto by the time aforesaid, he shall be deemed to
2 have approved the same and it shall take effect accordingly.
3 Upon the return of any ordinance or resolution by the chairman
4 with his objections, the vote by which the same was passed
5 shall be reconsidered by the Board, and if upon such
6 reconsideration said ordinance or resolution is passed by the
7 affirmative vote of at least 5 ~~16~~ members, it shall go into
8 effect notwithstanding the veto of the chairman. All
9 ordinances, resolutions and all proceedings of the District and
10 all documents and records in its possession shall be public
11 records, and open to public inspection, except such documents
12 and records as are kept or prepared by the Board for use in
13 negotiations, legal actions or proceedings to which the
14 District is a party.

15 (Source: P.A. 79-1475.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.