



Rep. Mike Bost

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09800HB1726ham001

LRB098 05762 OMW 41225 a

1 AMENDMENT TO HOUSE BILL 1726

2 AMENDMENT NO. _____. Amend House Bill 1726 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 as follows:

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

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

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

16 (a) In districts organized prior to July 1, 1961, where

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

1 same political party.

2 (b) Where there are 2 or more such municipalities, one
3 trustee shall be appointed from each such municipality, one
4 trustee shall be appointed from each county in the district
5 for each 50,000 population or part thereof within the
6 district in such county according to the last preceding
7 federal census, and 2 trustees shall be appointed at large.
8 A trustee appointed from a county in the district shall be
9 appointed from the area outside any such municipality. If
10 the district is located wholly within the corporate limits
11 of such municipalities, 2 trustees shall be appointed from
12 the one of such municipalities having the largest
13 population, and one trustee shall be appointed from each of
14 the other such municipalities, and 2 trustees shall be
15 appointed at large.

16 (c) Trustees representing the area within the district
17 located outside of any municipality having 5,000 or more
18 population and trustees appointed at large when the
19 district is wholly contained within a single county shall
20 be appointed by the presiding officer of the county board
21 with the advice and consent of the county board and any
22 trustee representing the area within any such municipality
23 shall be appointed by its presiding officer. If however the
24 district is located in more than one county, any trustee
25 representing the area within a district located outside of
26 any municipality having 5,000 or more population and any

1 trustee at large shall be appointed by a majority vote of
2 the presiding officers of the county boards of the counties
3 which encompass any part of the district, except that no
4 such appointment shall affect the term of any trustee in
5 office on the effective date of this amendatory Act of
6 1977. Any trustee representing the area within any such
7 municipality shall be appointed by its presiding officer.

8 (d) A trustee representing the area within any such
9 municipality shall reside within its corporate limits. A
10 trustee representing the area within the district and
11 located outside of any such municipality shall reside
12 within such area. A trustee appointed at large may reside
13 either within or without any such municipality but must
14 reside within the territory of the district. Should any
15 trustee cease to reside within that part of the territory
16 he represents, then his office shall be deemed vacated, and
17 shall be filled by appointment for the remainder of the
18 term as hereinafter provided.

19 (2) In case there are no municipalities having a population
20 of 5,000 or more within such district located wholly within a
21 single county, the statement required by Section 1 shall
22 include such finding, and in such case the Board shall consist
23 of 5 trustees who shall be appointed at large by the presiding
24 officer of the county board with the advice and consent of the
25 county board. If however the district is located in more than
26 one county, the trustees at large shall be appointed by a

1 majority vote of the presiding officers of the county boards of
2 the counties which encompass any portion of the district, but
3 any trustee in office on the effective date of this amendatory
4 Act of 1977 shall be permitted to serve out the remainder of
5 his term. Each such trustee shall reside within the district
6 and shall continue to reside therein.

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

1 in like manner as in the case of the initial trustees. A
2 trustee having been duly appointed shall continue to serve
3 after the expiration of his term until his successor has been
4 appointed. Each trustee initially appointed in accordance with
5 this amendatory Act of 1995 shall serve a term of 3 or 5 years
6 as determined by lot.

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

25 (5) Should the foregoing provisions respecting the
26 appointment of trustees representing the area within any

1 municipality of 5,000 or more population be invalid when
2 applied to any situation, then as to such situation any such
3 provision shall be deemed to be excised from this Act, and the
4 trustee whose appointment is thus affected shall be appointed
5 at large by the presiding officer of the county board with the
6 advice and consent of the county board except if the district
7 embraces more than one county in which case the trustees shall
8 be appointed at large by a majority vote of the presiding
9 officers of the county boards of the counties which encompass
10 any portion of the district.

11 (6) In the case of a board representing a district that
12 embraces Franklin and Jefferson counties, a trustee may be
13 removed for incompetence, neglect of duty, or malfeasance in
14 office by the appropriate appointing presiding officer or
15 officers, without the advice and consent of the corporate
16 authorities, by filing a written order of removal with the
17 appropriate county or municipal clerk or clerks. Removal that
18 does not meet the above requirements shall require a unanimous
19 vote by all appointing authorities.

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

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

17 (8) Notwithstanding any other provision of law to the
18 contrary, in the case of a board representing a district that
19 embraces Franklin and Jefferson counties, one trustee shall be
20 appointed per 7,500 in population in each municipality, one
21 trustee shall be appointed from the area within the district
22 outside of each municipality, and one trustee shall be
23 appointed at large for each county. Trustees shall be appointed
24 in the same manner as otherwise provided in this Section by the
25 appropriate appointing authority.

26 The provisions of this subsection apply only to

1 appointments made on and after the effective date of this
2 amendatory Act of the 98th General Assembly. After the
3 appointment of the trustees initially appointed pursuant to
4 this amendatory Act of the 98th General Assembly, the number of
5 trustees on the board may be increased in accordance with
6 subsection (4) of this Section.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".