

1 AMENDMENT TO SENATE BILL 2268

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2268 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Public Officer Prohibited Activities Act  
5 is amended by changing Section 1 as follows:

6 (50 ILCS 105/1) (from Ch. 102, par. 1)

7 Sec. 1. County board. No member of a county board,  
8 during the term of office for which he or she is elected, may  
9 be appointed to, accept, or hold any office other than (i)  
10 chairman of the county board or member of the regional  
11 planning commission by appointment or election of the board  
12 of which he or she is a member or (ii) alderman of a city or  
13 member of the board of trustees of a village or incorporated  
14 town if the city, village, or incorporated town has fewer  
15 than 1,000 inhabitants and is located in a county having  
16 fewer than 50,000 inhabitants, unless he or she first resigns  
17 from the office of county board member or unless the holding  
18 of another office is authorized by law. Any such prohibited  
19 appointment or election is void. This Section shall not  
20 preclude a member of the county board or the county board  
21 chairman from being selected or from serving as a member of a  
22 County Extension Board as provided in Section 7 of the County

1 Cooperative Extension Law, as a member of an Emergency  
2 Telephone System Board as provided in Section 15.4 of the  
3 Emergency Telephone System Act, as a member of the  
4 Metropolitan Airport Authority Board of Commissioners as  
5 provided in Section 3.1 of the Airport Authorities Act, or as  
6 appointed members of the board of review as provided in  
7 Section 6-30 of the Property Tax Code. Nothing in this Act  
8 shall be construed to prohibit an elected county official  
9 from holding elected office in another unit of local  
10 government so long as there is no contractual relationship  
11 between the county and the other unit of local government.  
12 This amendatory Act of 1995 is declarative of existing law  
13 and is not a new enactment.

14 (Source: P.A. 91-732, eff. 1-1-01; 92-111, eff. 1-1-02.)

15 Section 10. The Counties Code is amended by changing  
16 Section 5-104.5 as follows:

17 (55 ILCS 5/5-1014.5)

18 Sec. 5-1014.5. County board chairman; veto; procedure. In  
19 counties with a population between 700,000 and 3,000,000, (i)  
20 each county appropriation ordinance that is passed that  
21 includes appropriations for the county or multiple-county  
22 health department and (ii) each appropriation ordinance that  
23 is passed by a Metropolitan Airport Authority located within  
24 the county shall be presented immediately to the county board  
25 chairman. If the county board chairman approves the  
26 ordinance, he or she shall sign it and it shall become law.  
27 The county board chairman may reduce or veto any item of  
28 appropriations for the county or multiple-county health  
29 department or for a Metropolitan Airport Authority in the  
30 ordinance and shall return the item vetoed or reduced with  
31 his or her objections to the county board. A copy of the veto  
32 shall also be delivered to the body for which the

1 appropriation is intended. Portions of an ordinance not  
2 reduced or vetoed shall become law. Any ordinance not so  
3 returned by the county board chairman within 30 calendar days  
4 after it is presented to him or her shall become law. If,  
5 within 30 calendar days after the veto has been delivered to  
6 the county board and the body for which the appropriation is  
7 intended, the county board restores an item that has been  
8 reduced or overrides the veto of an item by a record vote of  
9 three-fifths of the members elected, the item shall become  
10 law. If a reduced item is not so restored, it shall become  
11 law in the reduced amount. However, if the county board  
12 chairman is a commissioner of the Metropolitan Airport  
13 Authority, then the county board chairman shall not have the  
14 power to veto or reduce any line item in the Metropolitan  
15 Airport Authority's appropriation ordinance.  
16 (Source: P.A. 89-402, eff. 8-20-95.)

17 Section 15. The Airport Authorities Act is amended by  
18 changing Sections 3.1, 5, and 13 as follows:

19 (70 ILCS 5/3.1) (from Ch. 15 1/2, par. 68.3a)

20 Sec. 3.1. Boards of commissioners; Appointment. The  
21 Boards of Commissioners of Authorities shall be appointed as  
22 follows:

23 (1) In case there are one or more municipalities having  
24 a population of 5,000 or more within the Authority, the  
25 commissioners shall be appointed as follows:

26 (a) Where there is only one such municipality, 3  
27 commissioners shall be appointed from such municipality,  
28 and 2 commissioners shall be appointed at large.

29 (b) Where there are 2 or more such municipalities,  
30 one commissioner shall be appointed from each such  
31 municipality, one commissioner shall be appointed from  
32 the areas within the authority located outside of such

1 municipalities, and 2 commissioners shall be appointed at  
2 large; except that when the physical facilities of the  
3 airport of the Authority are located wholly within a  
4 single county with a population between 600,000 and  
5 3,000,000 there shall be one commissioner appointed from  
6 each municipality within the corporate limits of the  
7 Authority having 5,000 or more population and 5  
8 commissioners appointed at large. If the Authority is  
9 located wholly within the corporate limits of such  
10 municipalities, 2 commissioners shall be appointed from  
11 the one of such municipalities having the largest  
12 population, and one commissioner shall be appointed from  
13 each of the other such municipalities, and 2  
14 commissioners shall be appointed at large.

15 (c) Commissioners representing the area within an  
16 Authority located outside of any municipality having  
17 5,000 or more population and commissioners appointed at  
18 large when the authority is wholly contained within a  
19 single county shall be appointed by the presiding officer  
20 of the county board with the advice and consent of the  
21 county board, and when the physical facilities of the  
22 airport of the Authority are located wholly within a  
23 single county with a population between 600,000 and  
24 3,000,000 the commissioners appointed at large shall be  
25 appointed by the chairman of the county board of such  
26 county, and any commissioner representing the area within  
27 any such municipality shall be appointed by its mayor or  
28 the presiding officer of its governing body. If however  
29 the district is located in more than one county other  
30 than a county with a population between 600,000 and  
31 3,000,000, the members of the General Assembly whose  
32 legislative districts encompass any portion of the  
33 Authority shall appoint the commissioners representing  
34 the area within an Authority located outside of any

1           municipality having 5,000 or more population and  
2           commissioners at large but any commissioner representing  
3           the area within any such municipality shall be appointed  
4           by its mayor or the presiding officer of its governing  
5           body.

6           (d) A commissioner representing the area within any  
7           such municipality shall reside within its corporate  
8           limits. A commissioner representing the area within an  
9           authority and located outside of any such municipality  
10          shall reside within such area. A commissioner appointed  
11          at large may reside either within or without any such  
12          municipality but must reside within the territory of the  
13          authority. Should any commissioner cease to reside within  
14          that part of the territory he represents, or should the  
15          territory in which he resides cease to be a part of the  
16          authority, 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  
20          population of 5,000 or more within such authority located  
21          wholly within a single county, such order shall so find, and  
22          in such case the Board shall consist of 5 commissioners who  
23          shall be appointed at large by the presiding officer of the  
24          county board with the advice and consent of the county board.  
25          If however the district is located in more than one county,  
26          the members of the General Assembly whose legislative  
27          districts encompass any portion of the Authority shall  
28          appoint the commissioners at large.

29          (3) Should a municipality which is wholly within an  
30          authority attain, or should such a municipality be  
31          established, having a population of 5,000 or more after the  
32          entry of said order by the circuit court, the presiding  
33          officer of such municipality may petition the circuit court  
34          for an order finding and determining the population of such

1 municipality and, if it is found and determined upon the  
2 hearing of said petition that the population of such  
3 municipality is 5,000 or more, the board of commissioners of  
4 such authority as previously established shall be increased  
5 by one commissioner who shall reside within the corporate  
6 limits of such municipality and shall be appointed by its  
7 presiding officer. The initial commissioner so appointed  
8 shall serve for a term of 1, 2, 3, 4 or 5 years, as may be  
9 determined by lot, and his successors shall be similarly  
10 appointed and shall serve for terms of 5 years. All  
11 provisions of this section applicable to commissioners  
12 representing municipal areas shall apply to any such  
13 commissioner. Each such commissioner shall reside within the  
14 authority and shall continue to reside therein.

15 (4) Notwithstanding any other provision of this Section,  
16 the Board of Commissioners of a Metropolitan Airport  
17 Authority shall consist of 9 commissioners.

18 Seven commissioners shall be residents of the county with  
19 a population between 600,000 and 3,000,000 within which the  
20 Metropolitan Airport Authority was established. These  
21 commissioners shall be appointed by the county board chairman  
22 of the county with a population between 600,000 and 3,000,000  
23 within which the Metropolitan Airport Authority was  
24 established, with the advice and consent of the county board  
25 of that county. Notwithstanding any other provision of this  
26 Act, the county board chairman may appoint himself or herself  
27 as a commissioner to serve without compensation.

28 Two commissioners shall be residents of the territory of  
29 the Authority located outside the county with a population  
30 between 600,000 and 3,000,000. These commissioners shall be  
31 appointed jointly by the mayors of the municipalities having  
32 a population over 5,000 that are located outside the county  
33 with a population between 600,000 and 3,000,000, with the  
34 advice and consent of the governing bodies of those

1 municipalities.

2 The transition from the pre-existing composition of the  
3 Metropolitan Airport Authority Board of Commissioners to the  
4 composition specified in this amendatory Act of 1991 shall be  
5 accomplished as follows:

6 (A) The appointee who was required to be a  
7 resident of the area outside of the county with a  
8 population between 600,000 and 3,000,000 may serve  
9 until his or her term expires. The replacement shall  
10 be one of the 2 appointees who shall be residents of  
11 the territory of the Authority located outside the  
12 county with a population between 600,000 and  
13 3,000,000.

14 (B) The other 8 commissioners may serve until  
15 their terms expire. Upon the occurrence of the  
16 second vacancy among these 8 commissioners after the  
17 effective date of this amendatory Act of 1991, the  
18 replacement shall be the second of the 2 appointees  
19 who shall be residents of the territory of the  
20 Authority located outside of the county with a  
21 population between 600,000 and 3,000,000. Upon the  
22 expiration of the terms of the other 7  
23 commissioners, the replacements shall be residents  
24 of the county with a population between 600,000 and  
25 3,000,000.

26 (C) All commissioners appointed after the  
27 effective date of this amendatory Act of 1991, and  
28 their successors, shall be appointed in the manner  
29 set forth in this amendatory Act of 1991.

30 (Source: P.A. 87-699.)

31 (70 ILCS 5/5) (from Ch. 15 1/2, par. 68.5)

32 Sec. 5. Qualifications of commissioners and removal from  
33 office. No person shall be appointed to the Board of

1 Commissioners of any Airport Authority who has any financial  
2 interest in the establishment or continued existence thereof  
3 or who is a member of the governing body or an officer or  
4 employee of a municipality, a county, or any other unit of  
5 local government, or an elected official of State or federal  
6 government, except when the authority is wholly located  
7 within a single county with a population of less than 40,000,  
8 an individual employed by a local school district may serve  
9 as a commissioner, and except as otherwise authorized by this  
10 Act.

11 Should it appear to the Department of Transportation that  
12 any member of the Board of Commissioners of an airport  
13 authority may be disqualified, or guilty of misconduct or  
14 malfeasance in office or unwilling or unable to act, it shall  
15 notify the Board of Commissioners of that fact in writing and  
16 it shall then be the duty of the Board of Commissioners to  
17 require such board member to show cause why he should not be  
18 removed from office. Any such person shall be given a hearing  
19 by the Board of Commissioners and, after such hearing, if the  
20 Board of Commissioners finds such a charge should be  
21 sustained, it shall remove the person so charged from office,  
22 and a vacancy shall thereupon exist for the unexpired term of  
23 such office.

24 (Source: P.A. 88-109; 89-174, eff. 7-19-95.)

25 (70 ILCS 5/13) (from Ch. 15 1/2, par. 68.13)

26 Sec. 13. Annual appropriations and tax levy. Every  
27 Authority created under this Act is hereby empowered to levy  
28 and collect a general tax on all of the taxable property  
29 within the corporate limits of such Authority for the purpose  
30 of paying the cost of operating and maintaining any public  
31 airport or public airport facility of the Authority, and any  
32 other corporate expenses of the Authority. However, a tax  
33 levy imposed by a Metropolitan Airport Authority does not



1 apply to any township, municipality, or unincorporated  
2 territory that has been statutorily removed from the  
3 jurisdiction of the Authority, has opted out of the  
4 Authority, or is currently being taxed by another airport  
5 authority. The aggregate amount of such tax for one year,  
6 exclusive of the amount levied for bonded indebtedness or  
7 interest thereon, shall not exceed the rate of .075% upon the  
8 aggregate valuation of all taxable property within the  
9 Authority, as equalized or assessed by the Department of  
10 Revenue. If there is in effect in the Authority a maximum tax  
11 rate established pursuant to Section 2.1a or 13.1, the  
12 aggregate amount of such tax for one year, exclusive of the  
13 amount levied for bonded indebtedness or interest thereon,  
14 shall not exceed the maximum tax rate so established, and in  
15 no event shall such maximum tax rate exceed the rate of .075%  
16 as hereinbefore set forth.

17 The Board of Commissioners of any Airport Authority shall  
18 establish the beginning and ending of its fiscal year and  
19 annually within the first quarter of the fiscal year shall  
20 adopt an appropriation ordinance appropriating such sums of  
21 money as are deemed necessary to pay the costs of operating  
22 and maintaining any public airport or airports located within  
23 the corporate limits of the Authority and under the  
24 jurisdiction thereof and other expenses of the Authority and  
25 specifying the purpose of each appropriation made.

26 An appropriation ordinance adopted by an Authority  
27 created under this Act in a county with a population between  
28 700,000 and 3,000,000 shall be immediately presented to the  
29 county board chairman. The chairman of the county board has  
30 the power to veto or reduce any line item in the ordinance as  
31 provided in Section 5-1014.5 of the Counties Code. However,  
32 if the county board chairman is a commissioner of the  
33 Authority, then the county board chairman shall not have the  
34 power to veto or reduce any line item in the Authority's

1 appropriation ordinance.

2       After the adoption of the appropriation ordinance and on  
3 or before the second Tuesday in August of each year, the  
4 board of commissioners shall ascertain the total amount of  
5 the appropriations legally made which are to be provided for  
6 from the tax levy for that year. Then, by an ordinance  
7 specifying in detail the purposes for which such  
8 appropriations have been made and the amounts appropriated  
9 for such purposes, the board of commissioners shall levy not  
10 to exceed the total amount so ascertained upon all the  
11 property subject to taxation within the authority as the same  
12 is assessed and equalized for state and county purposes for  
13 the current year.

14       The limits of the tax rate and the authority to levy as  
15 set forth in this Section do not include the rate of or  
16 authority to levy taxes required for lease payments to any  
17 Public Building Commission. The tax rate necessary and the  
18 authority to levy taxes for such lease payments are in  
19 addition to such limits and are without limitation as to rate  
20 or amount.

21 (Source: P.A. 88-101; 89-402, eff. 8-20-95.)".