



Rep. Sam Yingling

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LRB101 08170 AWJ 59586 a

1 AMENDMENT TO HOUSE BILL 3596

2 AMENDMENT NO. _____. Amend House Bill 3596, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Property Tax Code is amended by changing
6 Section 3-5 as follows:

7 (35 ILCS 200/3-5)

8 Sec. 3-5. Supervisor of assessments. In counties with less
9 than 3,000,000 inhabitants and in which no county assessor has
10 been elected under Section 3-45, there shall be a county
11 supervisor of assessments, either appointed as provided in this
12 Section, or elected.

13 In counties with less than 3,000,000 inhabitants and not
14 having an elected county assessor or an elected supervisor of
15 assessments, the office of supervisor of assessments shall be
16 filled by appointment by the presiding officer of the county

1 board with the advice and consent of the county board.

2 To be eligible for appointment or to be eligible to file
3 nomination papers or participate as a candidate in any primary
4 or general election for, or be elected to, the office of
5 supervisor of assessments, or to enter upon the duties of the
6 office, a person must possess one of the following
7 qualifications as certified by the individual to the county
8 clerk:

9 (1) A Certified Illinois Assessing Official
10 certificate from the Illinois Property Assessment
11 Institute, plus the additional training required for
12 additional compensation under Section 4-10.

13 (2) A Certified Assessment Evaluator certificate from
14 the International Association of Assessing Officers.

15 (3) A Member of the Appraisal Institute (MAI),
16 Residential Member (RM), Senior Real Estate Analyst
17 (SREA), Senior Real Property Analyst (SRPA) or Senior
18 Residential Analyst (SRA) certificate from the Appraisal
19 Institute or its predecessor organizations.

20 (4) If the person has served as a supervisor of
21 assessments for 12 years or more, a Certified Illinois
22 Assessing Official certificate from the Illinois Property
23 Assessment Institute with a minimum of 360 additional hours
24 of successfully completed courses approved by the
25 Department if at least 180 of the course hours required a
26 written examination.

1 In addition, a person must have had at least 2 years'
2 experience in the field of property sales, assessments, finance
3 or appraisals and must have passed an examination conducted by
4 the Department to determine his or her competence to hold the
5 office. The examination may be conducted by the Department at a
6 convenient location in the county or region. Notice of the time
7 and place shall be given by publication in a newspaper of
8 general circulation in the counties, at least one week prior to
9 the exam. The Department shall certify to the county board a
10 list of the names and scores of persons who pass the
11 examination. The Department may provide by rule the maximum
12 time that the name of a person who has passed the examination
13 will be included on a list of persons eligible for appointment
14 or election. The term of office shall be 4 years from the date
15 of appointment and until a successor is appointed and
16 qualified.

17 Notwithstanding any other provision of law, in a county
18 with a population of more than 500,000 that does not have an
19 elected county board chairman or executive and has an appointed
20 supervisor of assessments, the office of supervisor of
21 assessments shall be an elected position beginning with the
22 general election held in 2020 and shall take office January 1,
23 2021. The supervisor of assessments serving on the date of the
24 election shall continue to serve until his or her successor is
25 elected and qualified.

26 (Source: P.A. 92-667, eff. 7-16-02.)

1 Section 10. The Counties Code is amended by changing
2 Sections 2-1003, 2-5009, and 3-4004 and by adding Sections
3 1-6003.5 and 6-31013 and Division 5-45 as follows:

4 (55 ILCS 5/1-6003.5 new)

5 Sec. 1-6003.5. Legal representation for county board or
6 elected official.

7 (a) The chairperson of the county board may appoint, with
8 the advice and consent of the county board, an outside attorney
9 to serve as legal counsel to the county board. The chairperson
10 may choose the State's Attorney as legal counsel.

11 (b) A countywide elected official may select an outside
12 attorney to serve as legal counsel to the countywide elected
13 official. The countywide elected official may choose the
14 State's Attorney as legal counsel.

15 (c) The county board chairperson, by written order filed
16 with the county clerk, may discontinue the appointment of the
17 outside counsel appointed under subsection (a) of this Section.
18 After discontinuance, no outside counsel filling the office
19 before the discontinuance shall have any claim against the
20 county for compensation alleged to accrue after the date of
21 discontinuance.

22 (d) Vacancies for outside counsel may be filled in the same
23 manner as appointments are made under subsection (a) or (b).

24 (e) The duty of a State's Attorney to be legal counsel

1 under this Section is in addition to the duties of the State's
2 Attorney under Division 3-9.

3 (55 ILCS 5/2-1003) (from Ch. 34, par. 2-1003)

4 Sec. 2-1003. Chairman and vice-chairman of county board.
5 The county board shall, unless the chairman is elected by the
6 voters of the county, at its first meeting in the month
7 following the month in which county board members are elected,
8 choose one of its members as chairman for a term of 2 years and
9 at the same meeting, choose one of its members as vice-chairman
10 for a term of 2 years. The chairman and vice-chairman shall be
11 elected by a majority of those elected to the board. The
12 vice-chairman shall serve in the place of the chairman at any
13 meeting of the county board in which the chairman is not
14 present. In case of the absence of the chairman and the
15 vice-chairman at any meeting, the members present shall choose
16 one of their number as temporary chairman. If the position of
17 chairman becomes vacant, the vice-chairman shall serve as
18 chairman until a new chairman is elected to fill the remainder
19 of the former chairman's term.

20 A chairman who is elected by the county board may be
21 removed, for cause or without cause, upon a motion adopted by
22 an affirmative vote of four-fifths of the county board. Upon
23 adoption of a motion to remove the chairman: (i) the position
24 of chairman becomes vacant and the former chairman's
25 compensation shall be prorated to the date the motion was

1 approved; (ii) the vice-chairman immediately assumes the
2 duties of chairman without additional compensation; and (iii) a
3 new chairman shall be elected at the next regularly scheduled
4 county board meeting. A chairman removed under this Section
5 maintains his or her status as a member of the county board.

6 (Source: P.A. 86-962.)

7 (55 ILCS 5/2-5009) (from Ch. 34, par. 2-5009)

8 Sec. 2-5009. Duties and powers of county executive. Any
9 county executive elected under this Division shall:

10 (a) see that all of the orders, resolutions and regulations
11 of the board are faithfully executed;

12 (b) coordinate and direct by executive order or otherwise
13 all administrative and management functions of the county
14 government except the offices of elected county officers;

15 (c) prepare and submit to the board for its approval the
16 annual budget for the county required by Division 6-1 of this
17 Code;

18 (d) appoint, with the advice and consent of the board,
19 persons to serve on the various boards and commissions to which
20 appointments are provided by law to be made by the board;

21 (e) appoint, with the advice and consent of the board,
22 persons to serve on various special districts within the county
23 except where appointment to serve on such districts is
24 otherwise provided by law;

25 (f) make an annual report to the board on the affairs of

1 the county, on such date and at such time as the board shall
2 designate, and keep the board fully advised as to the financial
3 condition of the county and its future financial needs;

4 (f-5) for a county executive of a county that has adopted
5 the executive form of government on or before the effective
6 date of this amendatory Act of the 96th General Assembly,
7 appoint, with the advice and consent of the board, all
8 department heads for any county departments;

9 (g) appoint, with the advice and consent of the board, such
10 subordinate deputies, employees and appointees for the general
11 administration of county affairs as considered necessary,
12 except those deputies, employees and appointees in the office
13 of an elected county officer; however, the advice and consent
14 requirement set forth in this paragraph shall not apply to: (1)
15 persons employed as a member of the immediate personal staff of
16 a county executive of a county that has adopted the executive
17 form of government on or before the effective date of this
18 amendatory Act of the 96th General Assembly, or (2) persons
19 appointed by the county executive after the approval of an
20 annual budget within the fiscal year of the approved annual
21 budget;

22 (h) remove or suspend in his discretion, after due notice
23 and hearing, anyone whom he has the power to appoint;

24 (i) require reports and examine accounts, records and
25 operations of all county administrative units;

26 (j) supervise the care and custody of all county property

1 including institutions and agencies;

2 (k) approve or veto ordinances or resolutions pursuant to
3 Section 2-5010;

4 (l) preside over board meetings; however, the county
5 executive is not entitled to vote except to break a tie vote;

6 (l-5) for a county executive of a county that has adopted
7 the executive form of government on or before the effective
8 date of this amendatory Act of the 96th General Assembly, if
9 the County Executive is temporarily not available to preside
10 over a board meeting, the County Executive shall designate a
11 board member to preside over the board meeting;

12 (m) call a special meeting of the county board, by a
13 written executive order signed by him and upon 24 hours notice
14 by delivery of a copy of such order to the residence of each
15 board member;

16 (n) with the advice and consent of the county board, enter
17 into intergovernmental agreements with other governmental
18 units;

19 (o) with the advice and consent of the county board,
20 negotiate on behalf of the county with governmental units and
21 the private sector for the purpose of promoting economic growth
22 and development;

23 (p) at his discretion, appoint a person to serve as legal
24 counsel at an annual salary established by the county board at
25 an amount no greater than the annual salary of the state's
26 attorney of the county;

1 (q) perform such other duties as shall be required of him
2 by the board.

3 (Source: P.A. 96-1540, eff. 3-7-11.)

4 (55 ILCS 5/3-4004) (from Ch. 34, par. 3-4004)

5 Sec. 3-4004. Appointment of Public Defender in counties
6 under 1,000,000.

7 (a) In counties with a population under 700,000, ~~As soon as~~
8 ~~may be after this Division becomes applicable to a county with~~
9 ~~a population under 1,000,000,~~ the judges of the Circuit Court
10 of the circuit in which the county is located shall, by a
11 majority vote of the entire number of those judges, appoint to
12 the office of Public Defender a properly qualified person, who
13 shall hold office, his or her death or resignation not
14 intervening, at the pleasure of the judges competent to
15 appoint. Whenever a vacancy occurs in the office it shall be
16 filled in the same manner, and the person appointed to fill the
17 vacancy shall have the same tenure of office.

18 (b) In counties with a population of at least 700,000 but
19 less than 1,000,000, the procedure for appointing a Public
20 Defender in subsection (a) applies unless the county board, by
21 resolution, allows the chairperson of the county board to
22 appoint a qualified person to the office of Public Defender
23 when a vacancy occurs. If the county board approves a
24 resolution for the Public Defender to be appointed by the
25 chairperson, the chairperson shall appoint the Public Defender

1 with the advice and consent of the county board.

2 (Source: P.A. 86-962; 87-111.)

3 (55 ILCS 5/6-31013 new)

4 Sec. 6-31013. Transitional audits.

5 (a) A county board must notify newly elected countywide
6 officials of the option for an auditor to conduct a
7 transitional audit at the county's expense. An elected county
8 auditor shall conduct the audit upon a request of the newly
9 elected countywide official. In a county that does not have an
10 elected county auditor, the newly elected countywide official
11 may hire a qualified auditing firm. The county board shall pay
12 all costs associated with an audit. The transitional audit
13 shall examine funds expended by the official for whom the newly
14 elected official is taking over and report if the expended
15 funds were consistent with the county board's financial
16 allocations to that official.

17 (b) A county board shall give the option for a transitional
18 financial audit to all county officials elected in or after
19 November 2016.

20 (c) A home rule county shall not regulate transitional
21 audits in a manner inconsistent with this Section. This Section
22 is a limitation under subsection (i) of Section 6 of Article
23 VII of the Illinois Constitution on the concurrent exercise by
24 home rule units of powers and functions exercised by the State.

1 (55 ILCS 5/Div. 5-45 heading new)

2 Division 5-45. Non-Home Rule County Boards

3 (55 ILCS 5/5-45001 new)

4 Sec. 5-45001. Applicability; conflict with other laws.
5 This Division applies to non-home rule counties. If there is a
6 conflict between the provisions of this Division and any other
7 provision of law as the provisions relate to non-home rule
8 counties, the provisions of this Division control.

9 (55 ILCS 5/5-45005 new)

10 Sec. 5-45005. County board chairperson; employees. In a
11 county with a county board chairperson who is unable alone to
12 perform all duties of the office, he or she may appoint
13 employees required for operation of the office. The county
14 board shall provide funding for employees necessary to assist
15 the chairperson in the fulfillment of his or her duties. The
16 board may not reclassify employees in the chairperson's office
17 or transfer employees out of the chairperson's office without
18 the chairperson's permission.

19 (55 ILCS 5/5-45010 new)

20 Sec. 5-45010. Elimination of advisory committees or
21 commissions. The county board chairperson may eliminate
22 advisory or ad hoc committees or commissions for any of the
23 following reasons or other good cause the chairperson may find:

1 (1) infrequency of committee or commission meetings; or (2)
2 lack of qualified candidates willing to serve on a committee or
3 commission.

4 (55 ILCS 5/5-45015 new)

5 Sec. 5-45015. Creation of standing committees by chairman;
6 appointment of members. With the advice and consent of a
7 majority of the county board, the county board chairman may:
8 (1) create standing committees; and (2) appoint members and
9 chairpersons to standing committees.

10 (55 ILCS 5/5-45020 new)

11 Sec. 5-45020. Meeting agendas. The county board
12 chairperson, or his or her designee, shall set the agendas for
13 all county board meetings.

14 (55 ILCS 5/5-45025 new)

15 Sec. 5-45025. Appointment of county administrator.
16 (a) The county board chairperson, with the advice and
17 consent of the county board, may appoint a county
18 administrator. The county board chairperson may remove the
19 county administrator. After removal, no county administrator
20 filling the office before his or her removal shall have any
21 claim against the county for compensation alleged to accrue
22 after the date of discontinuance. The county board chairperson
23 shall be chief operating officer of the county. The county

1 administrator shall perform duties at the direction of the
2 chairperson.

3 (b) Vacancies for an appointed county administrator may be
4 filled in the same manner as appointments are made under
5 subsection (a).

6 (c) If an appointed county administrator ceases to perform
7 the duties of or to hold the office by reason of removal,
8 resignation, death, permanent physical or mental disability,
9 conviction of a disqualifying crime, dismissal, retirement, or
10 abandonment of office, the county board chairperson may appoint
11 a temporary successor to the office until that time a permanent
12 county administrator is approved in the manner provided for
13 under subsection (a).

14 (55 ILCS 5/5-45030 new)

15 Sec. 5-45030. Reduction of county board chairperson's
16 powers. A three-fifths vote of the county board is required to
17 reduce the chairperson's powers set forth in the county board
18 rules or granted by resolution. The board may not reduce any
19 powers of the chairperson given to the chairperson in this
20 Division.

21 (55 ILCS 5/5-45035 new)

22 Sec. 5-45035. Contracts for goods and services valued at
23 more than \$30,000.

24 (a) Vendors wishing to contract with a county for goods and

1 services in an amount greater than \$30,000 shall disclose to
2 the county prior to a county board's vote on the contract any
3 familial relationship between a county elected official,
4 department director, deputy director and a manager, owner,
5 principal, or officer of the vendor's company. "Familial
6 relationship" means a spouse (including civil partner), child,
7 stepchild, parent, stepparent, grandparent, in-laws (including
8 parent, grandparent, sibling, or child), relatives and
9 non-relatives living in the same residence, and offspring born
10 to any previously-mentioned person.

11 (b) If a vendor wishing to contract has a familial
12 relationship disclosed under subsection (a), then the contract
13 can only be approved or renewed by roll call vote and not on a
14 consent agenda. The vote to approve or renew the contract must
15 be preceded by a recitation by the chairperson, which includes
16 the name of the elected official or employee and the nature of
17 the familial relationship being disclosed.

18 (c) A contract subject to this Section which is not
19 approved as provided in this Section is void.

20 (55 ILCS 5/5-45040 new)

21 Sec. 5-45040. Reduction or diversion of funds. The county
22 chairperson has authority to reduce or divert moneys from a
23 county fund with assets exceeding 150% of the previous year's
24 expenditures from that fund. Any moneys removed or diverted
25 from a fund shall proportionately be distributed to taxpayers

1 in the form of an abatement as provided for in Section 18-165
2 of the Property Tax Code. Infrastructure funds are exempt from
3 reduction or diversion under this Section.

4 (55 ILCS 5/5-45045 new)

5 Sec. 5-45045. Attendance; quorum. Notwithstanding any
6 provision in the Open Meetings Act, each county board meeting
7 must have a quorum of board members physically present, but, if
8 there is a quorum of board members physically present, then
9 other board members are permitted to attend county board
10 meetings remotely by telephone or video conferencing due to an
11 excused absence, such as military service, health, or business
12 obligations. The county board chairperson determines what
13 constitutes an excused absence.

14 (55 ILCS 5/5-45050 new)

15 Sec. 5-45050. County inspector general. The county board
16 may appoint an inspector general to investigate waste, fraud,
17 and abuse, and other fiscal misconduct. The inspector general
18 may turn over any findings of waste, fraud, and abuse, and
19 other fiscal misconduct to the State's Attorney for
20 prosecution.

21 (55 ILCS 5/5-45055 new)

22 Sec. 5-45055. Employees of countywide elected officials. A
23 countywide elected official is responsible for all employment

1 decisions within his or her respective office.

2 Section 15. The Downstate Forest Preserve District Act is
3 amended by changing Section 8 as follows:

4 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

5 Sec. 8. Powers and duties of corporate authority and
6 officers; contracts; salaries.

7 (a) The board shall be the corporate authority of such
8 forest preserve district and shall have power to pass and
9 enforce all necessary ordinances, rules and regulations for the
10 management of the property and conduct of the business of such
11 district. The president of such board shall have power to
12 appoint such employees as may be necessary. In counties with
13 population of less than 3,000,000, within 60 days after their
14 selection the commissioners appointed under the provisions of
15 Section 3a of this Act shall organize by selecting from their
16 members a president, secretary, treasurer and such other
17 officers as are deemed necessary who shall hold office for the
18 fiscal year in which elected and until their successors are
19 selected and qualify. In the one district in existence on July
20 1, 1977, that is managed by an appointed board of
21 commissioners, the incumbent president and the other officers
22 appointed in the manner as originally prescribed in this Act
23 shall hold such offices until the completion of their
24 respective terms or in the case of the officers other than

1 president until their successors are appointed by said
2 president, but in all cases not to extend beyond January 1,
3 1980 and until their successors are selected and qualify.
4 Thereafter, the officers shall be selected in the manner as
5 prescribed in this Section except that their first term of
6 office shall not expire until June 30, 1981 and until their
7 successors are selected and qualify.

8 (a-5) An officer selected under subsection (a) may be
9 removed, for cause or without cause, upon a motion adopted by
10 an affirmative vote of four-fifths of the board of the forest
11 preserve district. Upon adoption of a motion to remove an
12 officer: (i) the office becomes vacant and the former officer's
13 compensation shall be prorated to the date the motion was
14 approved; (ii) if the officer removed is the president then the
15 vice president immediately assumes the duties of the president
16 without additional compensation and if the officer removed is
17 the treasurer or the secretary then the president shall select
18 an interim appointee who shall serve until the next regularly
19 scheduled forest preserve district board meeting; and (iii) a
20 new officer shall be selected to fill the remainder of the
21 former officer's term at the next regularly scheduled forest
22 preserve district board meeting. An officer removed under this
23 Section maintains his or her status as a member of the forest
24 preserve district board.

25 (b) In any county, city, village, incorporated town or
26 sanitary district where the corporate authorities act as the

1 governing body of a forest preserve district, the person
2 exercising the powers of the president of the board shall have
3 power to appoint a secretary and an assistant secretary and
4 treasurer and an assistant treasurer and such other officers
5 and such employees as may be necessary. The assistant secretary
6 and assistant treasurer shall perform the duties of the
7 secretary and treasurer, respectively in case of death of such
8 officers or when such officers are unable to perform the duties
9 of their respective offices. All contracts for supplies,
10 material or work involving an expenditure in excess of \$25,000,
11 or a lower amount if required by board policy, shall be let to
12 the lowest responsible bidder, after advertising at least once
13 in one or more newspapers of general circulation within the
14 district, excepting work requiring personal confidence or
15 necessary supplies under the control of monopolies, where
16 competitive bidding is impossible. Contracts for supplies,
17 material or work involving an expenditure of \$25,000, or a
18 lower amount if required by board policy, or less may be let
19 without advertising for bids, but whenever practicable, at
20 least 3 competitive bids shall be obtained before letting such
21 contract. All contracts for supplies, material or work shall be
22 signed by the president of the board of commissioners or by any
23 such other officer as the board in its discretion may
24 designate.

25 (c) The president of any board of commissioners appointed
26 under the provisions of Section 3a of this Act shall receive a

1 salary not to exceed the sum of \$2500 per annum and the salary
2 of other members of the board so appointed shall not exceed
3 \$1500 per annum. Salaries of the commissioners, officers and
4 employees shall be fixed by ordinance.

5 (d) Whenever a forest preserve district owns any personal
6 property that, in the opinion of three-fifths of the members of
7 the board of commissioners, is no longer necessary, useful to,
8 or for the best interests of the forest preserve district, then
9 three-fifths of the members of the board, at any regular
10 meeting or any special meeting called for that purpose by an
11 ordinance or resolution that includes a general description of
12 the personal property, may authorize the conveyance or sale of
13 that personal property in any manner that they may designate,
14 with or without advertising the sale.

15 (Source: P.A. 98-463, eff. 8-16-13; 99-771, eff. 8-12-16.)

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