



Sen. Laura M. Murphy

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10200HB5283sam003

LRB102 25955 AWJ 38720 a

1 AMENDMENT TO HOUSE BILL 5283

2 AMENDMENT NO. _____. Amend House Bill 5283, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Local Library Act is amended by
6 changing Section 4-4 as follows:

7 (75 ILCS 5/4-4) (from Ch. 81, par. 4-4)

8 Sec. 4-4. Vacancies shall be declared in the office of
9 trustee by the board when the elected or appointed trustee
10 declines or is unable to serve, or is absent without cause from
11 all regular board meetings for a period of one year, or is
12 convicted of a misdemeanor for failing, neglecting, or
13 refusing to discharge any duty imposed upon a trustee by this
14 Act, or becomes a nonresident of the city, village,
15 incorporated town, or township, or who fails to pay the
16 library taxes levied by the corporate authorities. Vacancies

1 shall also be declared in the office of trustee by the board
2 when, at the election of the first board of library trustees or
3 at any subsequent election, there are not sufficient trustees
4 elected to fill an entire board of 7 trustees.

5 Vacancies in the board of trustees in a city or a village
6 under the commission form of government shall be reported to
7 the mayor or president and be filled in like manner as original
8 appointments.

9 If a vacancy occurs in the board of trustees in any
10 incorporated town or village (other than a village under the
11 commission form of government) or in any township, the vacancy
12 may be filled by the remaining trustees until the next regular
13 library election at which library trustees are scheduled to be
14 elected under the consolidated schedule of elections in the
15 general election law, at which election a trustee shall be
16 elected to fill the vacancy for the remainder of the unexpired
17 term. If, however, the vacancy occurs with less than 28 months
18 remaining in the term, and if the vacancy occurs less than 88
19 days before the next regular scheduled election for this
20 office, then the person so appointed shall serve the remainder
21 of the unexpired term, and no election to fill the vacancy
22 shall be held. If there is a failure to appoint a library
23 trustee or a failure to elect a library trustee, or if the
24 person elected or appointed fails to qualify for office, the
25 trustee may continue in office if available and qualified
26 until his successor has been elected or appointed and

1 qualified. Vacancies shall be filled within 90 days after a
2 vacancy has been declared forthwith.

3 (Source: P.A. 87-424.)

4 Section 10. The Public Library District Act of 1991 is
5 amended by changing Sections 30-25 and 30-40 as follows:

6 (75 ILCS 16/30-25)

7 Sec. 30-25. Vacancies.

8 (a) Vacancies shall be declared in the office of trustee
9 by the board when an elected or appointed trustee (i)
10 declines, fails, or is unable to serve, (ii) becomes a
11 nonresident of the district, (iii) is convicted of a
12 misdemeanor by failing, neglecting, or refusing to discharge
13 any duty imposed upon him or her by this Act, or (iv) has
14 failed to pay the library taxes levied by the district.
15 Absence without cause from all regular board meetings for a
16 period of one year shall be a basis for declaring a vacancy.

17 (b) All vacancies shall be filled by appointment by the
18 remaining trustees until the next regular library election, at
19 which time a trustee shall be elected for the remainder of the
20 unexpired term. If, however, the vacancy occurs with less than
21 28 months remaining in the term, and if the vacancy occurs less
22 than 88 days before the next regular scheduled election for
23 this office, then the person so appointed shall serve the
24 remainder of the unexpired term and no election to fill the

1 vacancy shall be held. If the vacancy is in the office of a
2 trustee of a library district with an appointed board, the
3 vacancy shall be filled by appointment by the remaining
4 trustees. Vacancies shall be filled within 90 days after a
5 vacancy has been declared. If the trustees fail to appoint a
6 new member within 90 days after a vacancy has been declared,
7 the State Librarian shall appoint an individual to fill the
8 vacancy within 60 days after the trustees have failed to fill
9 the vacancy. If the State Librarian fails to fill the vacancy
10 within the 60 days after the trustees have failed to fill the
11 vacancy, the vacancy shall be filled at the next regularly
12 scheduled election forthwith.

13 (Source: P.A. 87-1277.)

14 (75 ILCS 16/30-40)

15 Sec. 30-40. Organization of board; qualification and oath
16 of trustees.

17 (a) Within 74 days after their election or appointment,
18 the incumbent and new trustees shall take their oath of office
19 as prescribed by law and meet to organize the board.

20 (b) The first action taken at the meeting shall be the
21 election of a president, a vice-president, a secretary, and a
22 treasurer from among the trustees. The secretary shall then
23 record the membership of the board. The board may, instead of
24 electing a treasurer from among the trustees, by majority vote
25 of the board, appoint and fix the compensation of a qualified

1 treasurer that is not a trustee of the board.

2 (c) Trustees duly elected or appointed as certified by the
3 appropriate election authority or appointing authority shall
4 be qualified to serve as trustees under this Act. The required
5 oath shall be taken and subscribed before a notary public or
6 the secretary of the board.

7 (d) Within 60 days after the organization of the board,
8 the secretary shall file, with the county clerk of the county
9 containing all or a larger portion of the district and with the
10 Illinois State Librarian, a statement listing the names and
11 addresses of the trustees and officers and their respective
12 terms in office. The secretary shall report a vacancy on the
13 board to the county clerk and the State Librarian within 60
14 days after it occurs and shall report the filling of a vacancy
15 within 60 days after it is filled.

16 (e) The first officers shall serve until the next regular
17 election of trustees. Thereafter, officers shall serve for
18 terms set by ordinance but not to exceed 2 years, ending on the
19 third Monday of the month following each regular election or
20 until their successors are duly elected by the board. A
21 vacancy in any office shall be filled by the board for the
22 unexpired term.

23 (Source: P.A. 93-847, eff. 7-30-04.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."