



Rep. Kurt M. Granberg

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LRB093 22682 BDD 52441 a

1 AMENDMENT TO HOUSE BILL 7307

2 AMENDMENT NO. _____. Amend House Bill 7307, AS AMENDED, by
3 replacing the title with the following:

4 "AN ACT concerning local government."; and
5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The River Conservancy Districts Act is amended
8 by changing Section 4a as follows:

9 (70 ILCS 2105/4a) (from Ch. 42, par. 386a)

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

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

19 (a) In districts organized prior to July 1, 1961, where
20 there is only one such municipality, 3 trustees shall be
21 appointed from such municipality, and one trustee shall be
22 appointed from the area within the district outside of such
23 municipality, and one trustee shall be appointed at large.
24 In districts organized on and after July 1, 1961, where

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

23 (b) Where there are 2 or more such municipalities, one
24 trustee shall be appointed from each such municipality, one
25 trustee shall be appointed from each county in the district
26 for each 50,000 population or part thereof within the
27 district in such county according to the last preceding
28 federal census, and 2 trustees shall be appointed at large.
29 A trustee appointed from a county in the district shall be
30 appointed from the area outside any such municipality. If
31 the district is located wholly within the corporate limits
32 of such municipalities, 2 trustees shall be appointed from
33 the one of such municipalities having the largest
34 population, and one trustee shall be appointed from each of

1 the other such municipalities, and 2 trustees shall be
2 appointed at large.

3 (c) Trustees representing the area within the district
4 located outside of any municipality having 5,000 or more
5 population and trustees appointed at large when the
6 district is wholly contained within a single county shall
7 be appointed by the presiding officer of the county board
8 with the advice and consent of the county board and any
9 trustee representing the area within any such municipality
10 shall be appointed by its presiding officer. If however the
11 district is located in more than one county, any trustee
12 representing the area within a district located outside of
13 any municipality having 5,000 or more population and any
14 trustee at large shall be appointed by a majority vote of
15 the presiding officers of the county boards of the counties
16 which encompass any part of the district, except that no
17 such appointment shall affect the term of any trustee in
18 office on the effective date of this amendatory Act of
19 1977. Any trustee representing the area within any such
20 municipality shall be appointed by its presiding officer.

21 (d) A trustee representing the area within any such
22 municipality shall reside within its corporate limits. A
23 trustee representing the area within the district and
24 located outside of any such municipality shall reside
25 within such area. A trustee appointed at large may reside
26 either within or without any such municipality but must
27 reside within the territory of the district. Should any
28 trustee cease to reside within that part of the territory
29 he represents, then his office shall be deemed vacated, and
30 shall be filled by appointment for the remainder of the
31 term as hereinafter provided.

32 (2) In case there are no municipalities having a population
33 of 5,000 or more within such district located wholly within a
34 single county, the statement required by Section 1 shall

1 include such finding, and in such case the Board shall consist
2 of 5 trustees who shall be appointed at large by the presiding
3 officer of the county board with the advice and consent of the
4 county board. If however the district is located in more than
5 one county, the trustees at large shall be appointed by a
6 majority vote of the presiding officers of the county boards of
7 the counties which encompass any portion of the district, but
8 any trustee in office on the effective date of this amendatory
9 Act of 1977 shall be permitted to serve out the remainder of
10 his term. Each such trustee shall reside within the district
11 and shall continue to reside therein.

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

1 appointed. Each trustee initially appointed in accordance with
2 this amendatory Act of 1995 shall serve a term of 3 or 5 years
3 as determined by lot.

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

22 (5) Should the foregoing provisions respecting the
23 appointment of trustees representing the area within any
24 municipality of 5,000 or more population be invalid when
25 applied to any situation, then as to such situation any such
26 provision shall be deemed to be excised from this Act, and the
27 trustee whose appointment is thus affected shall be appointed
28 at large by the presiding officer of the county board with the
29 advice and consent of the county board except if the district
30 embraces more than one county in which case the trustees shall
31 be appointed at large by a majority vote of the presiding
32 officers of the county boards of the counties which encompass
33 any portion of the district.

34 (6) In the case of a board representing a district that

1 embraces Franklin and Jefferson counties, a trustee may be
2 removed for incompetence, neglect of duty, or malfeasance in
3 office by the appropriate appointing presiding officer or
4 officers, without the advice and consent of the corporate
5 authorities, by filing a written order of removal with the
6 appropriate county or municipal clerk or clerks.

7 (7) Notwithstanding any other provision of law to the
8 contrary, in the case of a board representing a district that
9 embraces Franklin and Jefferson counties, the terms of all
10 trustees shall end on the effective date of this amendatory Act
11 of the 93rd General Assembly. Beginning on that date, the board
12 shall consist of 7 trustees. The 7 trustees initially appointed
13 pursuant to this amendatory Act of the 93rd General Assembly
14 shall be appointed in the same manner as otherwise provided in
15 this Section by the appropriate appointing authority and shall
16 serve the following terms, as determined by lot: (i) 2 trustees
17 shall serve until July 1, 2005; (ii) 2 trustees shall serve
18 until July 1, 2006; (iii) one trustee shall serve until July 1,
19 2007; (iv) one trustee shall serve until July 1, 2008; and (v)
20 one trustee shall serve until July 1, 2009. Upon expiration of
21 the terms of the trustees initially appointed under this
22 amendatory Act of the 93rd General Assembly, their respective
23 successors shall be appointed for terms of 5 years, beginning
24 on July 1 of the year in which the previous term expires and
25 until their respective successors are appointed and qualified.
26 After the appointment of the trustees initially appointed
27 pursuant to this amendatory Act of the 93rd General Assembly,
28 the number of trustees on the board may be increased in
29 accordance with subsection (4).

30 (Source: P.A. 89-148, eff. 1-1-96.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law."