Rep. Kurt M. Granberg

Filed: 3/2/2005

1   AMENDMENT TO HOUSE BILL 723

2   AMENDMENT NO. _____. Amend House Bill 723 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

17   there is only one such municipality, 3 trustees shall be

18   appointed from such municipality, and one trustee shall be

19   appointed from the area within the district outside of such

20   municipality, and one trustee shall be appointed at large.

21   In districts organized on and after July 1, 1961, where

22   there is only one such municipality one trustee shall be

23   appointed from such municipality, and one trustee shall be

24   appointed from each county in the district, except that

1   where the district is wholly contained within a single
2   county, one trustee shall be appointed from that county and
3   one additional trustee shall be appointed from the
4   municipality, and, in any case, 2 trustees shall be
5   appointed at large. A trustee appointed from a county in
6   the district shall be appointed from the area outside any
7   such municipality. If the district is located wholly within
8   the corporate limits of such municipality, 3 of the
9   trustees of the district shall be appointed from such
10   municipality, and 2 trustees shall be appointed at large.
11   In a district wholly contained within a single county of
12   between 60,500 and 70,000 population and having no more
13   than one municipality of 5,000 or more population,
14   regardless of the date of organization, 3 trustees shall be
15   appointed from that municipality, 2 trustees shall be
16   appointed from the district outside that municipality, and
17   2 trustees shall be appointed at large. No more than 2
18   appointments by each appointing authority may be from the
19   same political party.
20   (b) Where there are 2 or more such municipalities, one
21   trustee shall be appointed from each such municipality, one
22   trustee shall be appointed from each county in the district
23   for each 50,000 population or part thereof within the
24   district in such county according to the last preceding
25   federal census, and 2 trustees shall be appointed at large.
26   A trustee appointed from a county in the district shall be
27   appointed from the area outside any such municipality. If
28   the district is located wholly within the corporate limits
29   of such municipalities, 2 trustees shall be appointed from
30   the one of such municipalities having the largest
31   population, and one trustee shall be appointed from each of
32   the other such municipalities, and 2 trustees shall be
33   appointed at large.
34   (c) Trustees representing the area within the district

1   located outside of any municipality having 5,000 or more
2   population and trustees appointed at large when the
3   district is wholly contained within a single county shall
4   be appointed by the presiding officer of the county board
5   with the advice and consent of the county board and any
6   trustee representing the area within any such municipality
7   shall be appointed by its presiding officer. If however the
8   district is located in more than one county, any trustee
9   representing the area within a district located outside of
10   any municipality having 5,000 or more population and any
11   trustee at large shall be appointed by a majority vote of
12   the presiding officers of the county boards of the counties
13   which encompass any part of the district, except that no
14   such appointment shall affect the term of any trustee in
15   office on the effective date of this amendatory Act of
16   1977. Any trustee representing the area within any such
17   municipality shall be appointed by its presiding officer.
18   (d) A trustee representing the area within any such
19   municipality shall reside within its corporate limits. A
20   trustee representing the area within the district and
21   located outside of any such municipality shall reside
22   within such area. A trustee appointed at large may reside
23   either within or without any such municipality but must
24   reside within the territory of the district. Should any
25   trustee cease to reside within that part of the territory
26   he represents, then his office shall be deemed vacated, and
27   shall be filled by appointment for the remainder of the
28   term as hereinafter provided.
29   (2) In case there are no municipalities having a population
30   of 5,000 or more within such district located wholly within a
31   single county, the statement required by Section 1 shall
32   include such finding, and in such case the Board shall consist
33   of 5 trustees who shall be appointed at large by the presiding
34   officer of the county board with the advice and consent of the

1   county board. If however the district is located in more than

2   one county, the trustees at large shall be appointed by a

3   majority vote of the presiding officers of the county boards of

4   the counties which encompass any portion of the district, but

5   any trustee in office on the effective date of this amendatory

6   Act of 1977 shall be permitted to serve out the remainder of

7   his term. Each such trustee shall reside within the district

8   and shall continue to reside therein.

9   (3) All initial appointments of trustees shall be made

10   within 60 days after the determination of the result of the

11   election. Each appointment shall be in writing and shall be

12   filed and made a matter of record in the office of the county

13   clerk wherein the organization proceedings were filed. A

14   trustee shall qualify within 10 days after appointment by

15   acceptance and the taking of the constitutional oath of office,

16   both to be in writing and similarly filed for record in the

17   office of such county clerk. Members initially appointed to the

18   board of trustees of such district shall serve from date of

19   appointment for 1, 2, 3, 4 and 5 years and shall draw lots to

20   determine the periods for which they each shall serve. In case

21   there are more than 5 trustees, lots shall be drawn so that 5

22   trustees shall serve initial terms of 1, 2, 3, 4 and 5 years

23   and the other trustees shall serve terms of 1, 2, 3, 4 or 5

24   years as the number of trustees shall require and the drawing

25   of lots shall determine. The successors of all such initial

26   members of the board of trustees of a river conservancy

27   district shall serve for terms of 5 years, all such

28   appointments and appointments to fill vacancies shall be made

29   in like manner as in the case of the initial trustees. A

30   trustee having been duly appointed shall continue to serve

31   after the expiration of his term until his successor has been

32   appointed. Each trustee initially appointed in accordance with

33   this amendatory Act of 1995 shall serve a term of 3 or 5 years

34   as determined by lot.

1   (4) Should a municipality which is wholly within a district

2   attain, or should such a municipality be established, having a

3   population of 5,000 or more after the entry of the statement by

4   the circuit court, the presiding officer of such municipality

5   may petition the circuit court of the county in which such

6   municipality lies for an order finding and determining the

7   population of such municipality and, if it is found and

8   determined upon the hearing of such petition that the

9   population of such municipality is 5,000 or more, the board of

10   trustees of such district as previously established shall be

11   increased by one trustee who shall reside within the corporate

12   limits of such municipality and shall be appointed by its

13   presiding officer. The initial trustee so appointed shall serve

14   for a term of 1, 2, 3, 4 or 5 years, as may be determined by

15   lot, and his successors shall be similarly appointed and shall

16   serve for terms of 5 years. All provisions of this Section

17   applicable to trustees representing municipal areas shall

18   apply to any such trustee, including paragraph 5.

19   (5) Should the foregoing provisions respecting the

20   appointment of trustees representing the area within any

21   municipality of 5,000 or more population be invalid when

22   applied to any situation, then as to such situation any such

23   provision shall be deemed to be excised from this Act, and the

24   trustee whose appointment is thus affected shall be appointed

25   at large by the presiding officer of the county board with the

26   advice and consent of the county board except if the district

27   embraces more than one county in which case the trustees shall

28   be appointed at large by a majority vote of the presiding

29   officers of the county boards of the counties which encompass

30   any portion of the district.

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

32   embraces Franklin and Jefferson counties, a trustee may be

33   removed for incompetence, neglect of duty, or malfeasance in

34   office by the appropriate appointing presiding officer or

1   officers, without the advice and consent of the corporate

2   authorities, by filing a written order of removal with the

3   appropriate county or municipal clerk or clerks.

4   (7) Notwithstanding any other provision of law to the

5   contrary, in the case of a board representing a district that

6   embraces Franklin and Jefferson counties, the terms of all

7   trustees shall end on the effective date of this amendatory Act

8   of the 94th General Assembly. Beginning on that date, the board

9   shall consist of 7 trustees. The 7 trustees initially appointed

10 pursuant to this amendatory Act of the 94th General Assembly

11 shall be appointed in the same manner as otherwise provided in

12 this Section by the appropriate appointing authority and shall

13 serve the following terms, as determined by lot: (i) 2 trustees

14 shall serve until July 1, 2006; (ii) 2 trustees shall serve

15 until July 1, 2007; (iii) one trustee shall serve until July 1,

16 2008; (iv) one trustee shall serve until July 1, 2009; and (v)

17 one trustee shall serve until July 1, 2010. Upon expiration of

18 the terms of the trustees initially appointed under this

19 amendatory Act of the 94th General Assembly, their respective

20 successors shall be appointed for terms of 5 years, beginning

21 on July 1 of the year in which the previous term expires and

22 until their respective successors are appointed and qualified.

23 After the appointment of the trustees initially appointed

24 pursuant to this amendatory Act of the 94th General Assembly,

25 the number of trustees on the board may be increased in

26 accordance with subsection (4).

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

28   Section 99. Effective date. This Act takes effect upon

29 becoming law.".