



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0477

Introduced 2/4/2009, by Rep. Dave Winters

SYNOPSIS AS INTRODUCED:

70 ILCS 805/3a

from Ch. 96 1/2, par. 6305

70 ILCS 805/3d new

Amends the Downstate Forest Preserve District Act. Provides that, if the boundaries of a district are co-extensive with the boundaries of a county having a population of more than 200,000 but less than 800,000, bordering the State of Wisconsin but not adjoining any county with a population of over 2,000,000, then all commissioners of the forest preserve district shall be elected at large. Provides for the election of 7 commissioners. Specifies the terms and requirements of the commissioners. Provides the method for the filling of vacancies. Provides that the commissioners shall serve without compensation. Effective immediately.

LRB096 06029 RLJ 16111 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Downstate Forest Preserve District Act is
5 amended by changing Section 3a and by adding Section 3d as
6 follows:

7 (70 ILCS 805/3a) (from Ch. 96 1/2, par. 6305)

8 Sec. 3a. Except as otherwise provided in this Section, and
9 except as provided in Section 3c, 3d, and 3.5, the affairs of
10 the district shall be managed by a board of commissioners
11 consisting of 5 commissioners, who shall be appointed by the
12 presiding officer of the county board of the county in which
13 such forest preserve district is situated, with the advice and
14 consent of such county board. The first appointment shall be
15 made within 90 days and not sooner than 60 days after such
16 forest preserve district has been organized as provided herein.
17 Each member of such board so appointed shall be a legal voter
18 in such district. The first commissioners shall be appointed to
19 hold office for terms of one, 2, 3, 4, and 5 years, and until
20 June 30 thereafter, respectively, as determined and fixed by
21 lot. Thereafter, successor commissioners shall be appointed in
22 the same manner no later than the first day of the month in
23 which the term of a commissioner expires. Except as provided in

1 Section 3c and 3d, a vacancy occurring otherwise than by
2 expiration of term shall be filled for the unexpired term by
3 appointment of a commissioner by the county board chairman with
4 the advice and consent of the members of the county board. In
5 the one district in existence on July 1, 1977, that is managed
6 by an appointed board of commissioners, the incumbent 5
7 commissioners shall complete their respective terms as
8 originally prescribed in this Act. However, upon the expiration
9 of the terms of 2 of the incumbent commissioners on January 1,
10 1978, they or their successors shall be appointed to hold
11 office for terms of 3 and 5 years, and until June 30
12 thereafter, respectively, as determined and fixed by lot.
13 Furthermore, upon the expiration of the terms of the remaining
14 incumbent commissioners on January 1, 1980, they or their
15 successors shall be appointed to hold office for terms of 2, 4,
16 and 5 years, and until June 30 thereafter, respectively, as
17 determined and fixed by lot. Thereafter, each successor
18 commissioner shall be appointed for a term of 5 years. Each
19 member of the board before entering upon the duties of his
20 office shall take the oath prescribed by the constitution. From
21 the time of the appointment of the first board of
22 commissioners, such forest preserve district shall be
23 construed in all courts to be a body corporate and politic by
24 the name and style determined as aforesaid and by such name may
25 sue and be sued, contract and be contracted with, acquire and
26 hold real and personal estate necessary for its corporate

1 purposes and adopt a seal and alter the same at its pleasure.

2 In case the boundaries of a district are co-extensive with
3 the boundaries of any county, city, village, incorporated town
4 or sanitary district, the corporate authorities of such county
5 (until the commissioners elected under Section 3c and 3d take
6 office), city, village, incorporated town or sanitary district
7 shall have and exercise the powers and privileges and perform
8 the duties and functions of the commissioners provided for in
9 this Act and in that case no commissioner shall be appointed
10 for that district. The corporate authorities, other than
11 members of a county board in counties under township
12 organization having a population of less than 3,000,000 and
13 members of a county board in a county not under township
14 organization who were elected prior to July 1, 1965, shall act
15 without any other pay than that already provided by law. The
16 members of a county board of a county under township
17 organization and members of a county board of a county not
18 under township organization who were elected prior to July 1,
19 1965, who also act as commissioners of a forest preserve
20 district in counties having a population of less than 3,000,000
21 may receive for their services as commissioners of a forest
22 preserve district a per diem fee to be fixed by such board, but
23 not to exceed \$36 per day, which shall be in full for all
24 services rendered on such day, or an annual salary to be fixed
25 by such board, but not to exceed \$3,000, plus mileage expenses
26 at a rate not more than the amount allowed for members of the

1 county board of such county, as fixed by the board, for each
2 mile necessarily traveled in attending meetings of the board of
3 such district, plus any expense incurred while, or in
4 connection with, carrying out the business of such district
5 outside the boundaries of such district, payable from the
6 forest preserve district treasury. The president of the Board
7 of Commissioners of the Forest Preserve District in counties of
8 less than 3 million may receive in lieu of a per diem fee an
9 annual salary to be fixed by such board. No Forest Preserve
10 Commissioner shall file for a per diem payment for services
11 rendered on the same day for which he filed for a per diem
12 payment as a county supervisor. When the county board also acts
13 as such commissioners, a member of the county board of a county
14 under township organization and a member of the county board of
15 a county not under township organization, who is elected prior
16 to July 1, 1965 may, with the permission of the county board,
17 work alone as such a commissioner and be paid in the usual
18 manner.

19 Unless otherwise qualified, the term "board", when used in
20 this Act, means the board of commissioners of any forest
21 preserve district, or the corporate authorities of any county,
22 city, village, incorporated town, or sanitary district, when
23 acting as the governing body of a forest preserve district.

24 (Source: P.A. 88-443; 89-577, eff. 1-1-97.)

1 Sec. 3d. Elected board of commissioners in certain other
2 counties. If the boundaries of a district are co-extensive with
3 the boundaries of a county having a population of more than
4 200,000 but less than 800,000, bordering the State of Wisconsin
5 but not adjoining any county with a population of over
6 2,000,000, all commissioners of the forest preserve district
7 shall be elected at large by the voters of the county,
8 beginning with the general election held in 2010 and each
9 succeeding general election. Nomination of candidates for the
10 office of commissioner at the initial and each succeeding
11 election shall be made by petition signed in the aggregate for
12 each candidate by not less than 100 qualified voters of the
13 forest preserve district. Seven commissioners shall be
14 elected, with candidates receiving the highest,
15 second-highest, and third-highest number of votes being
16 elected for 6-year terms. Candidates receiving the
17 fourth-highest and fifth-highest number of votes shall be
18 elected for 4-year terms. Candidates receiving the
19 sixth-highest and seventh-highest number of votes shall be
20 elected for 2-year terms. Thereafter, each commissioner shall
21 be elected for a 6-year term.

22 After each general election, the forest preserve district
23 commissioners shall elect a president from among their members
24 for a 2-year term.

25 Each commissioner shall be a resident of the county from
26 which he or she was elected no later than the date of the

1 commencement of the term of office. The term of office for the
2 president and commissioners elected under this Section shall
3 commence on the first Monday of the month following the month
4 of election.

5 Neither a commissioner nor the president of the board of
6 commissioners shall serve simultaneously in any other elective
7 or appointive office in the county. The president, with the
8 advice and consent of the board of commissioners, shall appoint
9 a secretary, treasurer, and any other officer deemed necessary
10 by the board of commissioners. The officers need not be members
11 of the board of commissioners. The president shall have the
12 powers and duties as set forth in Section 12 of this Act.

13 Candidates for commissioner shall not be candidates of
14 established political parties, but shall be non-partisan.

15 If a vacancy in the office of president or commissioner
16 occurs, other than by expiration of the president's or a
17 commissioner's term, the forest preserve district board of
18 commissioners shall declare that a vacancy exists, and the
19 board of commissioners shall, within 60 days after the date of
20 the vacancy, upon the majority vote of the commissioners then
21 servng, elect a person to serve for the remainder of the
22 unexpired term. If, however, more than 28 months remain in the
23 unexpired term of a commissioner, at the time of appointment,
24 the appointment shall be until the next general election, at
25 which time the vacated office of commissioner shall be filled
26 by election for the remainder of the term. All other vacancies

1 in nomination shall be filled in accordance with the provisions
2 of the Election Code.

3 The president and commissioners elected under this Section
4 shall serve without compensation. The president and
5 commissioners may be reimbursed for their reasonable expenses
6 actually incurred in performing their official duties under
7 this Act in accordance with the provisions of Section 3a. The
8 cost of reimbursement under this Section shall be paid by the
9 forest preserve district.

10 This Section does not apply to a forest preserve district
11 created under Section 18.5 of the Conservation District Act.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.