

**SB0042**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB0042**

Introduced 1/27/2011, by Sen. Susan Garrett

**SYNOPSIS AS INTRODUCED:**

55 ILCS 5/5-1005.2 new  
30 ILCS 805/8.35 new

Amends the Counties Code. Requires that a county board create a uniform application process for all appointed county positions. Defines "appointed county position" as a position on a board or commission authorized or created by State law or county ordinance or resolution to which the county board, one or more members of the county board, the county board chairperson, or any combination of those persons or entities, has the authority to make the appointment. Provides that, if a county maintains an Internet website, then the county must create and maintain on that website a centralized, searchable database, freely accessible to the public, of information concerning appointed county positions. Sets forth the requirements for the database. Provides that if a county does not maintain an Internet website, then the county must publish the information in a newspaper of general circulation within the county. Limits home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB097 02865 KMW 42887 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

**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 Counties Code is amended by adding Section  
5 5-1005.2 as follows:

6 (55 ILCS 5/5-1005.2 new)

7 Sec. 5-1005.2. Appointed county position; database.

8 (a) For the purposes of this Section, "appointed county  
9 position" means a position on a board or commission authorized  
10 or created by State law or county ordinance or resolution to  
11 which the county board, one or more members of the county  
12 board, the county board chairperson, or any combination of  
13 those persons or entities, has the authority to make the  
14 appointment.

15 (b) A county board must create a uniform application  
16 process for all appointed county positions. A person seeking  
17 appointment or reappointment to an appointed county position  
18 must submit to the county the uniform application created by  
19 the county board pursuant to this subsection (b).

20 (c) Within 90 days after the effective date of this  
21 amendatory Act of the 97th General Assembly, a county that  
22 maintains an Internet website must create and maintain on that  
23 website a centralized, searchable database, freely accessible

1 to the public, of information concerning appointed county  
2 positions. The database must be easily accessible from the  
3 county's home page and searchable.

4 The database must include, at a minimum:

5 (1) The qualifications for, and the powers, duties, and  
6 responsibilities of, each appointed county position.

7 (2) The name and term of each current member serving in  
8 an appointed county position and previous terms served by  
9 that person in that or any other appointed county position.

10 (3) Each current vacancy in an appointed county  
11 position.

12 (4) Information as to how a person may apply for an  
13 appointed county position including without limitation a  
14 downloadable version of the application form.

15 (d) If a county does not maintain an Internet website, then  
16 the county must, within 90 days after the effective date of  
17 this amendatory Act of the 97th General Assembly, and at least  
18 once every year thereafter, publish the information required in  
19 subsection (c) in a newspaper of general circulation within the  
20 county. The county must also make available to the public a  
21 copy of the information at the county clerk's office.

22 (e) Nothing in this Section shall impair the ability of a  
23 person serving in an appointed county position on the effective  
24 date of this amendatory Act of the 97th General Assembly to  
25 complete his or her current term of office.

26 (f) If a county fails to comply with this Section, then any

1 citizen who is a resident of the county may file suit in the  
2 circuit court in which the county is located. The citizen may  
3 bring a mandamus or injunction action to compel the county to  
4 comply with the requirements set forth in this Section. The  
5 court may impose any penalty or other sanction as it deems  
6 appropriate. The court, in its discretion, may also award to  
7 the citizen bringing the action reasonable attorneys' fees and  
8 costs.

9 (g) No unit of local government may adopt application  
10 procedures or posting or publication requirements that are  
11 inconsistent with this Section. This Section is a limitation  
12 under subsection (i) of Section 6 of Article VII of the  
13 Illinois Constitution on the concurrent exercise by home rule  
14 units of powers and functions exercised by the State.

15 Section 90. The State Mandates Act is amended by adding  
16 Section 8.35 as follows:

17 (30 ILCS 805/8.35 new)

18 Sec. 8.35. Exempt mandate. Notwithstanding Sections 6 and 8  
19 of this Act, no reimbursement by the State is required for the  
20 implementation of any mandate created by this amendatory Act of  
21 the 97th General Assembly.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.