



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1358

Introduced 2/8/2011, by Sen. Carole Pankau

SYNOPSIS AS INTRODUCED:

70 ILCS 805/3c

Amends the Downstate Forest Preserve District Act. Provides that, beginning with the general election in 2012 and each succeeding general election, a forest preserve district shall be divided into 6 districts and one commissioner of the forest preserve district shall be elected from each district that is co-extensive with a county with a population of more than 800,000 but less than 3,000,000 (now, commissioners of the forest preserve district are elected from the same districts as members of the county board). Provides that by July 1, 2011 and each 10 years thereafter, the board of commissioners of a forest preserve district shall develop an apportionment plan for the district. Sets forth the requirements for the apportionment plan. Provides that, if any forest preserve district fails to complete the reapportionment of its district by July 1 in 2011 or any 10 years thereafter, the county clerk of that county shall convene the county apportionment commission to develop the apportionment plan. Sets forth the requirements for filing an apportionment plan. Provides that, if no apportionment plan is filed, then the commissioners of the forest preserve district shall be elected at large in the district. Effective immediately.

LRB097 08361 RLJ 48488 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 3c as follows:

6 (70 ILCS 805/3c)

7 Sec. 3c. Elected board of commissioners in certain
8 counties.

9 (a) This Section applies only if ~~if~~ the boundaries of a
10 district are co-extensive with the boundaries of a county
11 having a population of more than 800,000 but less than
12 3,000,000.

13 All ~~,--all~~ commissioners of the forest preserve district
14 shall be elected from the same districts as members of the
15 county board beginning with the general election held in 2002
16 and each succeeding general election through 2010. One
17 commissioner shall be elected from each district. At their
18 first meeting after their election in 2002 and following each
19 subsequent decennial reapportionment of the county under
20 Division 2-3 of the Counties Code, the elected commissioners
21 shall publicly by lot divide themselves into 2 groups, as equal
22 in size as possible.

23 Beginning with the general election held in 2012 and each

1 succeeding general election, the forest preserve district
2 shall be divided into 6 districts. One commissioner shall be
3 elected from each district. At their first meeting after their
4 election in 2012 and following each subsequent decennial
5 reapportionment as required under subsection (b), the elected
6 commissioners shall publicly by lot divide themselves into 2
7 equal groups.

8 Commissioners from the first group shall serve for terms of
9 2, 4, and 4 years; and commissioners from the second group
10 shall serve terms of 4, 4, and 2 years. Beginning with the
11 general election in 2002, the president of the board of
12 commissioners of the forest preserve district shall be elected
13 by the voters of the county, rather than by the commissioners.
14 The president shall be a resident of the county and shall be
15 elected throughout the county for a 4-year term without having
16 been first elected as commissioner of the forest preserve
17 district. Each commissioner shall be a resident of the ~~county~~
18 ~~board~~ district from which he or she was elected not later than
19 the date of the commencement of the term of office. The term of
20 office for the president and commissioners elected under this
21 Section shall commence on the first Monday of the month
22 following the month of election. Neither a commissioner nor the
23 president of the board of commissioners of that forest preserve
24 district shall serve simultaneously as member or chairman of
25 the county board. No person shall seek election to both the
26 forest preserve commission and the county board at the same

1 election. The president, with the advice and consent of the
2 board of commissioners shall appoint a secretary, treasurer,
3 and such other officers as deemed necessary by the board of
4 commissioners, which officers need not be members of the board
5 of commissioners. The president shall have the powers and
6 duties as specified in Section 12 of this Act.

7 Candidates for president and commissioner shall be
8 candidates of established political parties.

9 (b) By July 1, 2011 and each 10 years thereafter, the board
10 of commissioners shall develop an apportionment plan whereby
11 each district:

12 (1) shall be substantially equal in population;

13 (2) shall be comprised of contiguous territory, as
14 nearly compact as practical;

15 (3) may divide townships or municipalities only when
16 necessary to conform to the population requirement of item
17 (1) of this subsection (b); and

18 (4) shall be created in such a manner so that no
19 precinct shall be divided between 2 or more districts,
20 insofar as is practical.

21 If any forest preserve district fails to complete the
22 reapportionment of its district by July 1 in 2011 or any 10
23 years thereafter, the county clerk of that county shall convene
24 the county apportionment commission as defined in item (b) of
25 Section 2-3001 of the Counties Code. Three members of the
26 county apportionment commission shall constitute a quorum, but

1 a majority of all the members must vote affirmatively on any
2 determination made by the county apportionment commission. The
3 county apportionment commission shall adopt rules for its
4 procedure. The county apportionment commission shall develop
5 an apportionment plan for the district in the manner provided
6 by this Section. The county apportionment commission shall
7 submit its apportionment plan by October 1 in the year that it
8 is convened, except that the circuit court, for good cause
9 shown, may grant an extension of time, not exceeding a total of
10 60 days, within which such a plan may be submitted.

11 The apportionment plan developed by the forest preserve
12 district board of commissioners or the county apportionment
13 commission, as the case may be, must be filed in the office of
14 the county clerk by the time required by this subsection (b).
15 The county clerk shall promptly forward copies of that plan to
16 the president of the forest preserve district board of
17 commissioners and shall keep other copies of the plan available
18 for distribution free of charge to any registered voter of the
19 district requesting a copy. If no apportionment plan is filed
20 with the county clerk as required by this Section, the
21 commissioners of the forest preserve district board shall be
22 elected at large in the district.

23 (c) If a vacancy in the office of president or commissioner
24 occurs, other than by expiration of the president's or
25 commissioner's term, the forest preserve district board of
26 commissioners shall declare that a vacancy exists and

1 notification of the vacancy shall be given to the county
2 central committee of each established political party within 3
3 business days after the occurrence of the vacancy. If the
4 vacancy occurs in the office of forest preserve district
5 commissioner, the president of the board of commissioners
6 shall, within 60 days after the date of the vacancy, with the
7 advice and consent of other commissioners then serving, appoint
8 a person to serve for the remainder of the unexpired term. The
9 appointee shall be affiliated with the same political party as
10 the commissioner in whose office the vacancy occurred and be a
11 resident of such district. If a vacancy in the office of
12 president occurs, other than by expiration of the president's
13 term, the remaining members of the board of commissioners
14 shall, within 60 days after the vacancy, appoint one of the
15 commissioners to serve as president for the remainder of the
16 unexpired term. In that case, the office of the commissioner
17 who is appointed to serve as president shall be deemed vacant
18 and shall be filled within 60 days by appointment of the
19 president with the advice and consent of the other forest
20 preserve district commissioners. The commissioner who is
21 appointed to fill a vacancy in the office of president shall be
22 affiliated with the same political party as the person who
23 occupied the office of president prior to the vacancy. A person
24 appointed to fill a vacancy in the office of president or
25 commissioner shall establish his or her party affiliation by
26 his or her record of voting in primary elections or by holding

1 or having held an office in an established political party
2 organization before the appointment. If the appointee has not
3 voted in a party primary election or is not holding or has not
4 held an office in an established political party organization
5 before the appointment, the appointee shall establish his or
6 her political party affiliation by his or her record of
7 participating in an established political party's nomination
8 or election caucus. If, however, more than 28 months remain in
9 the unexpired term of a commissioner or the president, the
10 appointment shall be until the next general election, at which
11 time the vacated office of commissioner or president shall be
12 filled by election for the remainder of the term.
13 Notwithstanding any law to the contrary, if a vacancy occurs
14 after the last day provided in Section 7-12 of the Election
15 Code for filing nomination papers for the office of president
16 of a forest preserve district where that office is elected as
17 provided for in this Section, or as set forth in Section 7-61
18 of the Election Code, a vacancy in nomination shall be filled
19 by the passage of a resolution by the nominating committee of
20 the affected political party within the time periods specified
21 in the Election Code. The nominating committee shall consist of
22 the chairman of the county central committee and the township
23 chairmen of the affected political party. All other vacancies
24 in nomination shall be filled in accordance with the provisions
25 of the Election Code.

26 (d) The president and commissioners elected under this

1 Section may be reimbursed for their reasonable expenses
2 actually incurred in performing their official duties under
3 this Act in accordance with the provisions of Section 3a. The
4 reimbursement paid under this Section shall be paid by the
5 forest preserve district.

6 Compensation for the president and the forest preserve
7 commissioners elected under this Section shall be established
8 by the board of commissioners of the forest preserve district.

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

12 (Source: P.A. 94-617, eff. 8-18-05; 94-900, eff. 6-22-06.)

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