



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1683

Introduced 2/9/2011, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

50 ILCS 105/1	from Ch. 102, par. 1
50 ILCS 105/4.7 new	
50 ILCS 110/1	from Ch. 102, par. 4.10
50 ILCS 110/2	from Ch. 102, par. 4.11
50 ILCS 110/3	from Ch. 102, par. 4.12
50 ILCS 110/3.5 new	

Amends the Public Officer Simultaneous Tenure Act. Provides that no person may simultaneously serve in an elective office of more than one unit of local government if the units of local government may tax any of the same services, occupations, uses, or property. Provides that, if a person is elected to or appointed to fill a vacancy in an elective office for more than one unit of local government with the power to tax any of the same services, occupations, uses, or property, then, upon acceptance of the second office, the person shall be deemed to have resigned from and created a vacancy in the first office. Amends the Public Officer Prohibited Activities Act. Provides that if there is a conflict between the provisions of the Act and the provisions of the Public Officer Simultaneous Tenure Act, then the provisions of the Public Officer Simultaneous Tenure Act shall control.

LRB097 00151 RLJ 40163 b

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 Public Officer Prohibited Activities Act is
5 amended by changing Section 1 and adding Section 4.7 as
6 follows:

7 (50 ILCS 105/1) (from Ch. 102, par. 1)

8 Sec. 1. County board. No member of a county board, during
9 the term of office for which he or she is elected, may be
10 appointed to, accept, or hold any office other than (i)
11 chairman of the county board or member of the regional planning
12 commission by appointment or election of the board of which he
13 or she is a member or (ii) ~~, (ii) alderman of a city or member~~
14 ~~of the board of trustees of a village or incorporated town if~~
15 ~~the city, village, or incorporated town has fewer than 1,000~~
16 ~~inhabitants and is located in a county having fewer than 50,000~~
17 ~~inhabitants, or (iii) trustee of a forest preserve district~~
18 created under Section 18.5 of the Conservation District Act,
19 unless he or she first resigns from the office of county board
20 member or unless the holding of another office is authorized by
21 law. Any such prohibited appointment or election is void. This
22 Section shall not preclude a member of the county board from
23 being selected or from serving as a member of a County

1 Extension Board as provided in Section 7 of the County
2 Cooperative Extension Law, as a member of an Emergency
3 Telephone System Board as provided in Section 15.4 of the
4 Emergency Telephone System Act, or as appointed members of the
5 board of review as provided in Section 6-30 of the Property Tax
6 Code. Nothing in this Act shall be construed to prohibit an
7 elected county official from holding elected office in another
8 unit of local government so long as there is no contractual
9 relationship between the county and the other unit of local
10 government. This amendatory Act of 1995 is declarative of
11 existing law and is not a new enactment.

12 (Source: P.A. 94-617, eff. 8-18-05.)

13 (50 ILCS 105/4.7 new)

14 Sec. 4.7. Conflicts with the Public Officer Simultaneous
15 Tenure Act. If there is a conflict between the provisions of
16 this Act and the provisions of the Public Officer Simultaneous
17 Tenure Act, then the provisions of the Public Officer
18 Simultaneous Tenure Act shall control.

19 Section 10. The Public Officer Simultaneous Tenure Act is
20 amended by changing Sections 1, 2, and 3 and adding Section 3.5
21 as follows:

22 (50 ILCS 110/1) (from Ch. 102, par. 4.10)

23 Sec. 1. Simultaneous tenure prohibited. ~~Legislative~~

1 ~~findings; purpose).~~ In recognition of the responsibility of an
2 elected official to fully and faithfully perform the duties of
3 his or her elected office, it is the policy of this State to
4 prohibit conflicts of interest in the performance of those
5 duties. No person may simultaneously serve in an elective
6 office of more than one unit of local government if the units
7 of local government may tax any of the same services,
8 occupations, uses, or property. ~~The General Assembly finds and~~
9 ~~declares that questions raised regarding the legality of~~
10 ~~simultaneously holding the office of county board member and~~
11 ~~township supervisor are unwarranted, and in counties of less~~
12 ~~than 100,000 population such questions regarding the legality~~
13 ~~of simultaneously holding the office of county board member and~~
14 ~~township trustee are unwarranted; that the General Assembly~~
15 ~~viewed the office of township supervisor, and in counties of~~
16 ~~less than 100,000 population the office of township trustee,~~
17 ~~and the office of county board member as compatible; and that~~
18 ~~to settle the question of legality and avoid confusion among~~
19 ~~such counties and townships as may be affected by such~~
20 ~~questions it is lawful to hold the office of county board~~
21 ~~member simultaneously with the office of township supervisor,~~
22 ~~and in counties of less than 100,000 population with the office~~
23 ~~of township trustee, in accordance with this Act.~~

24 (Source: P.A. 82-554.)

25 (50 ILCS 110/2) (from Ch. 102, par. 4.11)

1 Sec. 2. Resignation of office. ~~Simultaneous tenure~~
2 ~~declared to be lawful.~~ If a person is elected to or appointed
3 to fill a vacancy in an elective office for more than one unit
4 of local government in violation of this Act, then, upon
5 acceptance of the second office, the person shall be deemed to
6 have resigned from and created a vacancy in the first office.
7 ~~It is lawful for any person to hold the office of county board~~
8 ~~member and township supervisor, and in counties of less than~~
9 ~~100,000 population the office of county board member and~~
10 ~~township trustee, simultaneously. It is lawful for any person~~
11 ~~to hold the office of county board member and the office of~~
12 ~~township assessor or town clerk, simultaneously, in counties of~~
13 ~~less than 300,000 population.~~

14 (Source: P.A. 90-748, eff. 8-14-98.)

15 (50 ILCS 110/3) (from Ch. 102, par. 4.12)

16 Sec. 3. Validation of actions. If, before the effective
17 date of this amendatory Act of the 97th General Assembly, a
18 person is not prohibited from serving in an elective office for
19 more than one unit of local government, then that person may
20 continue to serve during the remainder of his or her current
21 terms of office and all actions of that person, otherwise in
22 accordance with law, are validated. ~~All actions of such person,~~
23 ~~as township supervisor, in counties of less than 100,000~~
24 ~~population as township trustee, or county board member after~~
25 ~~December 1, 1974, which are otherwise in accordance with law,~~

1 ~~are hereby validated.~~

2 (Source: P.A. 82-554.)

3 (50 ILCS 110/3.5 new)

4 Sec. 3.5. Conflicts with the Public Officer Prohibited
5 Activities Act. If there is a conflict between the provisions
6 of this Act and the provisions of the Public Officer Prohibited
7 Activities Act, then the provisions of this Act shall control.