



Sen. Don Harmon

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09700SB3332sam001

LRB097 19660 KMW 66943 a

1 AMENDMENT TO SENATE BILL 3332

2 AMENDMENT NO. _____. Amend Senate Bill 3332 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Officer Prohibited Activities Act is
5 amended by changing Section 1 and by adding Section 0.05 as
6 follows:

7 (50 ILCS 105/0.05 new)

8 Sec. 0.05. Legislative findings. The General Assembly
9 finds and declares that questions raised regarding the legality
10 of simultaneously holding the office of county board member and
11 elected office of another unit of local government are
12 unwarranted; that the General Assembly viewed the elected
13 office of another unit of local government and the office of
14 county board member as compatible; and that to settle the
15 question of legality and avoid confusion among such counties
16 and other units of local government as may be affected by such

1 questions it is lawful to hold the office of county board
2 member simultaneously with an elected office of another unit of
3 local government, in accordance with this Act.

4 (50 ILCS 105/1) (from Ch. 102, par. 1)

5 Sec. 1. County board. An elected county official may hold
6 elected office in another unit of local government, as long as
7 there is no disqualifying contractual relationship between the
8 county and the other unit of local government. A disqualifying
9 contractual relationship is a contractual relationship that is
10 not available to other units of local government in that
11 county. A general contractual relationship that is available to
12 other units of local government in that county, including but
13 not limited to contracts involving Homeland Security programs,
14 emergency management and assistance, storm water management
15 and assistance, environmental protection or enhancement,
16 energy conservation programs, mutual aid agreements regarding
17 crime prevention or law enforcement activities, or any grants
18 that are administered by a county or unit of local government
19 funded by either the federal or State government, is not a
20 disqualifying contractual relationship, and an elected county
21 official may hold elected office in another unit of local
22 government, provided that the elected county official shall not
23 vote on the proposition for entering into the general
24 contractual relationship in his or her capacity as an elected
25 county official or an elected officer of a unit of local

1 government. Except as otherwise provided in this Act, if there
2 is a disqualifying contractual relationship between the county
3 and the other unit of local government, then no ~~no~~ member of a
4 county board, during the term of office for which he or she is
5 elected, unless he or she first resigns from the office of
6 county board member or unless the holding of another office is
7 authorized by law, may be appointed to, accept, or hold any
8 other office. Any such prohibited appointment or election is
9 void. Notwithstanding the above, any county board member may be
10 appointed to, accept, or hold the office of ~~any office other~~
11 ~~than~~ (i) chairman of the county board or member of the regional
12 planning commission by appointment or election of the board of
13 which he or she is a member, (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
24 Extension Board as provided in Section 7 of the County
25 Cooperative Extension Law, as a member of an Emergency
26 Telephone System Board as provided in Section 15.4 of the

1 Emergency Telephone System Act, or as appointed members of the
2 board of review as provided in Section 6-30 of the Property Tax
3 Code. ~~Nothing in this Act shall be construed to prohibit an~~
4 ~~elected county official from holding elected office in another~~
5 ~~unit of local government so long as there is no contractual~~
6 ~~relationship between the county and the other unit of local~~
7 ~~government.~~ Public Act 89-89 and this amendatory Act of the
8 97th General Assembly are ~~This amendatory Act of 1995 is~~
9 declarative of existing law and are ~~is~~ not ~~a~~ new enactments
10 enactment.

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

12 Section 10. The Public Officer Simultaneous Tenure Act is
13 amended by changing Section 1 and by adding Sections 4 and 5 as
14 follows:

15 (50 ILCS 110/1) (from Ch. 102, par. 4.10)

16 Sec. 1. Legislative findings; purpose). The General
17 Assembly finds and declares that questions raised regarding the
18 legality of simultaneously holding the office of county board
19 member and township supervisor or elected office of another
20 unit of local government are unwarranted, and in counties of
21 less than 100,000 population such questions regarding the
22 legality of simultaneously holding the office of county board
23 member and township trustee are unwarranted; that the General
24 Assembly viewed the office of township supervisor or elected

1 office of another unit of local government, and in counties of
2 less than 100,000 population the office of township trustee,
3 and the office of county board member as compatible; and that
4 to settle the question of legality and avoid confusion among
5 such counties and townships as may be affected by such
6 questions it is lawful to hold the office of county board
7 member simultaneously with the office of township supervisor or
8 elected office of another unit of local government, and in
9 counties of less than 100,000 population with the office of
10 township trustee, in accordance with this Act.

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

12 (50 ILCS 110/4 new)

13 Sec. 4. Simultaneous tenure declared to be lawful. An
14 elected county official, including but not limited to an
15 elected county board member, may simultaneously serve as an
16 elected official in another unit of local government, as long
17 as there is no disqualifying contractual relationship between
18 the county and the other unit of local government. A
19 disqualifying contractual relationship is a contractual
20 relationship that is not available to other units of local
21 government in that county. A general contractual relationship
22 that is available to other units of local government in that
23 county, including but not limited to contracts involving
24 Homeland Security programs, emergency management and
25 assistance, storm water management and assistance,

1 environmental protection or enhancement, energy conservation
2 programs, mutual aid agreements regarding crime prevention or
3 law enforcement activities, or any grants that are administered
4 by a county or unit of local government funded by either the
5 federal or State government, is not a disqualifying contractual
6 relationship, and an elected county official may hold elected
7 office in another unit of local government, provided that the
8 elected county official shall not vote on the proposition for
9 entering into the general contractual relationship in his or
10 her capacity as an elected county official or an elected
11 officer of a unit of local government.

12 (50 ILCS 110/5 new)

13 Sec. 5. Actions of elected official. All actions of a
14 person, as an elected official of another unit of local
15 government or county board member, that are otherwise in
16 accordance with law, are hereby validated.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."