



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2479

by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

70 ILCS 805/3c

Amends the Downstate Forest Preserve District Act. Provides that no new commissioners shall be elected on or after the effective date of this amendatory Act. Further provides that all commissioners elected and serving their terms under this Section prior to the effective date of this amendatory Act shall continue to constitute the board of commissioners until the general election held in 2016. Provides that following the general election held in 2016, the county board of commissioners shall constitute the board of commissioners for a forest preserve district organized under this Section, and the president of the county board shall serve as president of the forest preserve district board. Provides that the president and forest preserve commissioners under this Section shall serve without compensation. Effective immediately.

LRB098 07787 OMW 37867 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 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. If the boundaries of a district are co-extensive with
9 the boundaries of a county having a population of more than
10 800,000 but less than 3,000,000, all commissioners of the
11 forest preserve district shall be elected from the same
12 districts as members of the county board beginning with the
13 general election held in 2002 and each succeeding general
14 election. One commissioner shall be elected from each district.
15 At their first meeting after their election in 2002 and
16 following each subsequent decennial reapportionment of the
17 county under Division 2-3 of the Counties Code, the elected
18 commissioners shall publicly by lot divide themselves into 2
19 groups, as equal in size as possible. Commissioners from the
20 first group shall serve for terms of 2, 4, and 4 years; and
21 commissioners from the second group shall serve terms of 4, 4,
22 and 2 years. Beginning with the general election in 2002, the
23 president of the board of commissioners of the forest preserve

1 district shall be elected by the voters of the county, rather
2 than by the commissioners. The president shall be a resident of
3 the county and shall be elected throughout the county for a
4 4-year term without having been first elected as commissioner
5 of the forest preserve district. Each commissioner shall be a
6 resident of the county board district from which he or she was
7 elected not later than the date of the commencement of the term
8 of office. The term of office for the president and
9 commissioners elected under this Section shall commence on the
10 first Monday of the month following the month of election.
11 Neither a commissioner nor the president of the board of
12 commissioners of that forest preserve district shall serve
13 simultaneously as member or chairman of the county board. No
14 person shall seek election to both the forest preserve
15 commission and the county board at the same election. The
16 president, with the advice and consent of the board of
17 commissioners shall appoint a secretary, treasurer, and such
18 other officers as deemed necessary by the board of
19 commissioners, which officers need not be members of the board
20 of commissioners. The president shall have the powers and
21 duties as specified in Section 12 of this Act.

22 Upon the effective date of this amendatory Act of the 98th
23 General Assembly, no new commissioners shall be elected.
24 Commissioners elected and serving their terms under this
25 Section prior to the effective date of this amendatory Act of
26 the 98th General Assembly shall continue to constitute the

1 board of commissioners until the general election held in 2016.
2 Following the general election held in 2016, the county board
3 of commissioners shall constitute board of commissioners for a
4 forest preserve district organized under this Section, and the
5 president of the county board shall serve as president of the
6 forest preserve district board.

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

9 If a vacancy in the office of president or commissioner
10 occurs, other than by expiration of the president's or
11 commissioner's term, the forest preserve district board of
12 commissioners shall declare that a vacancy exists and
13 notification of the vacancy shall be given to the county
14 central committee of each established political party within 3
15 business days after the occurrence of the vacancy. If the
16 vacancy occurs in the office of forest preserve district
17 commissioner, the president of the board of commissioners
18 shall, within 60 days after the date of the vacancy, with the
19 advice and consent of other commissioners then serving, appoint
20 a person to serve for the remainder of the unexpired term. The
21 appointee shall be affiliated with the same political party as
22 the commissioner in whose office the vacancy occurred and be a
23 resident of such district. If a vacancy in the office of
24 president occurs, other than by expiration of the president's
25 term, the remaining members of the board of commissioners
26 shall, within 60 days after the vacancy, appoint one of the

1 commissioners to serve as president for the remainder of the
2 unexpired term. In that case, the office of the commissioner
3 who is appointed to serve as president shall be deemed vacant
4 and shall be filled within 60 days by appointment of the
5 president with the advice and consent of the other forest
6 preserve district commissioners. The commissioner who is
7 appointed to fill a vacancy in the office of president shall be
8 affiliated with the same political party as the person who
9 occupied the office of president prior to the vacancy. A person
10 appointed to fill a vacancy in the office of president or
11 commissioner shall establish his or her party affiliation by
12 his or her record of voting in primary elections or by holding
13 or having held an office in an established political party
14 organization before the appointment. If the appointee has not
15 voted in a party primary election or is not holding or has not
16 held an office in an established political party organization
17 before the appointment, the appointee shall establish his or
18 her political party affiliation by his or her record of
19 participating in an established political party's nomination
20 or election caucus. If, however, more than 28 months remain in
21 the unexpired term of a commissioner or the president, the
22 appointment shall be until the next general election, at which
23 time the vacated office of commissioner or president shall be
24 filled by election for the remainder of the term.
25 Notwithstanding any law to the contrary, if a vacancy occurs
26 after the last day provided in Section 7-12 of the Election

1 Code for filing nomination papers for the office of president
2 of a forest preserve district where that office is elected as
3 provided for in this Section, or as set forth in Section 7-61
4 of the Election Code, a vacancy in nomination shall be filled
5 by the passage of a resolution by the nominating committee of
6 the affected political party within the time periods specified
7 in the Election Code. The nominating committee shall consist of
8 the chairman of the county central committee and the township
9 chairmen of the affected political party. All other vacancies
10 in nomination shall be filled in accordance with the provisions
11 of the Election Code.

12 The president and commissioners elected under this Section
13 may be reimbursed for their reasonable expenses actually
14 incurred in performing their official duties under this Act in
15 accordance with the provisions of Section 3a. The reimbursement
16 paid under this Section shall be paid by the forest preserve
17 district.

18 Compensation for the president and the forest preserve
19 commissioners elected under this Section prior to the effective
20 date of this amendatory Act of the 98th General Assembly shall
21 be established by the board of commissioners of the forest
22 preserve district. The president and members of the county board
23 of commissioners serving as president and forest preserve
24 commissioners under this Section shall serve without
25 compensation.

26 This Section does not apply to a forest preserve district

1 created under Section 18.5 of the Conservation District Act.
2 (Source: P.A. 94-617, eff. 8-18-05; 94-900, eff. 6-22-06.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.