



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4240

Introduced 1/16/2024, by Rep. Jenn Ladisch Douglass

SYNOPSIS AS INTRODUCED:

70 ILCS 805/3c
70 ILCS 805/3c-1
70 ILCS 805/3c-2 new

Amends the Downstate Forest Preserve District Act. Restores language concerning how the terms of elected commissioners are to be determined for a forest preserve district having boundaries that are coextensive with the boundaries of a county having a population of more than 800,000 but less than 3,000,000. Specifies that the changes made by the amendatory Act are to be deemed to have been in continuous effect since November 15, 2021 (the effective date of the Public Act that deleted language concerning how the terms of elected commissioners of such a district are to be determined) and are to remain in effect until lawfully repealed. Provides that all actions that were taken on or after 2021 and before the effective date of the amendatory Act by a downstate forest preserve district or any other person and that are consistent with or in reliance on the changes made by the amendatory Act are validated. Effective immediately.

LRB103 35317 AWJ 65365 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 Sections 3c and 3c-1 and by adding Section
6 3c-2 as follows:

7 (70 ILCS 805/3c)

8 Sec. 3c. Elected board of commissioners in certain
9 counties. If the boundaries of a district are co-extensive
10 with the boundaries of a county having a population of more
11 than 800,000 but less than 3,000,000, all commissioners of the
12 forest preserve district shall be elected from the number of
13 districts as determined by the forest preserve district board
14 of commissioners. Such a forest preserve district is a
15 separate and distinct legal entity, and its board members are
16 elected separate and apart from the elected county
17 commissioners. Upon its formation, or as a result of decennial
18 reapportionment, such a forest preserve district shall adopt a
19 district map determining the boundary lines of each district.
20 That map shall be adjusted and reapportioned subject to the
21 same decennial reapportionment process stated in Section 3c-1.
22 No more than one commissioner shall be elected from each
23 district. At their first meeting after election in 2022 and at

1 their first meeting after election next following each
2 subsequent decennial reapportionment of the county under
3 Section 3c-1, the elected commissioners shall publicly, by
4 lot, divide themselves into 2 groups, as equal in size as
5 possible. Commissioners from the first group shall serve for
6 terms of 2, 4, and 4 years, and commissioners from the second
7 group shall serve terms of 4, 4, and 2 years. The president of
8 the board of commissioners of the forest preserve district
9 shall be elected by the voters of the county, rather than by
10 the commissioners. The president shall be a resident of the
11 county and shall be elected throughout the county for a 4-year
12 term without having been first elected as commissioner of the
13 forest preserve district. Each commissioner shall be a
14 resident of the forest preserve board district from which he
15 or she was elected not later than the date of the commencement
16 of the term of office. The term of office for the president and
17 commissioners elected under this Section shall commence on the
18 first Monday of the month following the month of election.
19 Neither a commissioner nor the president of the board of
20 commissioners of that forest preserve district shall serve
21 simultaneously as member or chairman of the county board. No
22 person shall seek election to both the forest preserve
23 commission and the county board at the same election, nor
24 shall they be eligible to hold both offices at the same time.
25 The president, with the advice and consent of the board of
26 commissioners shall appoint a secretary, treasurer, and such

1 other officers as deemed necessary by the board of
2 commissioners, which officers need not be members of the board
3 of commissioners. The president shall have the powers and
4 duties as specified in Section 12 of this Act.

5 Candidates for president and commissioner shall be
6 candidates of established political parties.

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

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

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

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

17 Compensation for the president and the forest preserve
18 commissioners elected under this Section shall be established
19 by the board of commissioners of the forest preserve district.

20 This Section does not apply to a forest preserve district
21 created under Section 18.5 of the Conservation District Act.

22 (Source: P.A. 102-668, eff. 11-15-21.)

23 (70 ILCS 805/3c-1)

24 Sec. 3c-1. Reapportionment plan for forest preserve
25 districts under Section 3c.

1 (a) Beginning in 2021, the ~~The~~ Downstate Forest Preserve
2 District board of commissioners shall develop an apportionment
3 plan and specify the number of districts. Each district shall
4 have one commissioner. Each such district:

5 (1) shall be substantially equal in population to each
6 other district; and

7 (2) shall be comprised of contiguous territory, as
8 nearly compact as practicable; and

9 (3) shall be created in such a manner so that no
10 precinct shall be divided between 2 or more districts,
11 insofar as is practicable.

12 (b) The president of the board of commissioners of a
13 Downstate Forest Preserve District may develop a reappointment
14 plan and that plan, as presented or as amended, shall be
15 presented to the board by the third Wednesday in May in the
16 year after a federal decennial census year for approval in
17 accordance with the provisions of subsection (a) of this
18 Section. If the president presents a plan to the board by the
19 third Wednesday in May, the board shall conduct at least one
20 public hearing to receive comments and to discuss the
21 apportionment plan. That hearing shall be held at least 6 days
22 but not more than 21 days before the board may consider
23 adopting the plan, and the public shall be given notice by
24 publication in a newspaper of general circulation in the
25 district of the hearing at least 6 days in advance of the
26 hearing. The president of the board of commissioners shall

1 have access to the federal decennial census available to the
2 board.

3 (c) For the reapportionment in calendar year 2021, the
4 president of the board of commissioners may develop and
5 present (or redevelop and represent) to the board by the third
6 Wednesday in November of 2021 an apportionment plan. If a plan
7 is presented, the board shall conduct at least one hearing on
8 the proposed plan before it may be adopted. That hearing shall
9 be held at least 6 days but not more than 21 days before the
10 board may consider adopting the plan, and the public shall be
11 given notice by publication in a newspaper of general
12 circulation in the district of the hearing at least 6 days in
13 advance of the hearing.

14 (d) After each decennial census, the Downstate Forest
15 Preserve District board is not obligated to reapportion the
16 districts if existing districts are within a 10% population
17 deviation from each other based on the results of the
18 decennial census.

19 (e) As used in this Section, "Downstate Forest Preserve
20 District" means a district described in Section 3c.

21 (Source: P.A. 102-668, eff. 11-15-21.)

22 (70 ILCS 805/3c-2 new)

23 Sec. 3c-2. Continuous effect of provisions; validation.
24 The General Assembly declares that the changes made to
25 Sections 3c and 3c-1 by this amendatory Act of the 103rd

1 General Assembly shall be deemed to have been in continuous
2 effect since November 15, 2021 (the effective date of Public
3 Act 102-688) and shall continue to be in effect until they are
4 lawfully repealed. All actions that were taken on or after
5 2021 and before the effective date of this amendatory Act of
6 the 103rd General Assembly by a downstate forest preserve
7 district or any other person and that are consistent with or in
8 reliance on the changes made to Sections 3c and 3c-1 by this
9 amendatory Act of the 103rd General Assembly are hereby
10 validated.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.