

1 AN ACT concerning boards and commissions.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5-315. The Illinois Public Labor Relations Act
5 is amended by changing Section 5 as follows:

6 (5 ILCS 315/5) (from Ch. 48, par. 1605)

7 Sec. 5. Illinois Labor Relations Board; State Panel;
8 Local Panel.

9 (a) There is created the Illinois Labor Relations Board.
10 The Board shall be comprised of 2 panels, to be known as the
11 State Panel and the Local Panel.

12 (a-5) The State Panel shall have jurisdiction over
13 collective bargaining matters between employee organizations
14 and the State of Illinois, excluding the General Assembly of
15 the State of Illinois, between employee organizations and
16 units of local government and school districts with a
17 population not in excess of 2 million persons, and between
18 employee organizations and the Regional Transportation
19 Authority.

20 The State Panel shall consist of 5 members appointed by
21 the Governor, with the advice and consent of the Senate. The
22 Governor shall appoint to the State Panel only persons who
23 have had a minimum of 5 years of experience directly related
24 to labor and employment relations in representing public
25 employers, private employers or labor organizations; or
26 teaching labor or employment relations; or administering
27 executive orders or regulations applicable to labor or
28 employment relations. At the time of his or her appointment,
29 each member of the State Panel shall be an Illinois resident.
30 The Governor shall designate one member to serve as the
31 Chairman of the State Panel and the Board.

1 Notwithstanding any other provision of this Section, the
2 term of each member of the State Panel who was appointed by
3 the Governor and is in office on June 30, 2003 shall
4 terminate at the close of business on that date or when all
5 of the successor members to be appointed pursuant to this
6 amendatory Act of the 93rd General Assembly have been
7 appointed by the Governor, whichever occurs later. As soon
8 as possible, the Governor shall appoint persons to fill the
9 vacancies created by this amendatory Act.

10 The initial appointments under this amendatory Act of the
11 93rd ~~91st~~ General Assembly shall be for terms as follows:
12 The Chairman shall initially be appointed for a term ending
13 on the 4th Monday in January, 2007 ~~2001~~; 2 members shall be
14 initially appointed for terms ending on the 4th Monday in
15 January, 2006 ~~2002~~; one member shall be initially appointed
16 for a term ending on the 4th Monday in January, 2005 ~~2003~~;
17 and one member shall be initially appointed for a term ending
18 on the 4th Monday in January, 2004. Each subsequent member
19 shall be appointed for a term of 4 years, commencing on the
20 4th Monday in January. Upon expiration of the term of office
21 of any appointive member, that member shall continue to serve
22 until a successor shall be appointed and qualified. In case
23 of a vacancy, a successor shall be appointed to serve for the
24 unexpired portion of the term. If the Senate is not in
25 session at the time the initial appointments are made, the
26 Governor shall make temporary appointments in the same manner
27 successors are appointed to fill vacancies. A temporary
28 appointment shall remain in effect no longer than 20 calendar
29 days after the commencement of the next Senate session.

30 (b) The Local Panel shall have jurisdiction over
31 collective bargaining agreement matters between employee
32 organizations and units of local government with a population
33 in excess of 2 million persons, but excluding the Regional
34 Transportation Authority.

1 The Local Panel shall consist of one person appointed by
2 the Governor with the advice and consent of the Senate (or,
3 if no such person is appointed, the Chairman of the State
4 Panel) and two additional members, one appointed by the Mayor
5 of the City of Chicago and one appointed by the President of
6 the Cook County Board of Commissioners. Appointees to the
7 Local Panel must have had a minimum of 5 years of experience
8 directly related to labor and employment relations in
9 representing public employers, private employers or labor
10 organizations; or teaching labor or employment relations; or
11 administering executive orders or regulations applicable to
12 labor or employment relations. Each member of the Local
13 Panel shall be an Illinois resident at the time of his or her
14 appointment. The member appointed by the Governor (or, if no
15 such person is appointed, the Chairman of the State Panel)
16 shall serve as the Chairman of the Local Panel.

17 Notwithstanding any other provision of this Section, the
18 term of the member of the Local Panel who was appointed by
19 the Governor and is in office on June 30, 2003 shall
20 terminate at the close of business on that date or when his
21 or her successor has been appointed by the Governor,
22 whichever occurs later. As soon as possible, the Governor
23 shall appoint a person to fill the vacancy created by this
24 amendatory Act. The initial appointment under this
25 amendatory Act of the 93rd General Assembly shall be for a
26 term ending on the 4th Monday in January, 2007.

27 The initial appointments under this amendatory Act of the
28 91st General Assembly shall be for terms as follows: The
29 member appointed by the Governor shall initially be appointed
30 for a term ending on the 4th Monday in January, 2001; the
31 member appointed by the President of the Cook County Board
32 shall be initially appointed for a term ending on the 4th
33 Monday in January, 2003; and the member appointed by the
34 Mayor of the City of Chicago shall be initially appointed for

1 a term ending on the 4th Monday in January, 2004. Each
2 subsequent member shall be appointed for a term of 4 years,
3 commencing on the 4th Monday in January. Upon expiration of
4 the term of office of any appointive member, the member shall
5 continue to serve until a successor shall be appointed and
6 qualified. In the case of a vacancy, a successor shall be
7 appointed by the applicable appointive authority to serve for
8 the unexpired portion of the term.

9 (c) Three members of the State Panel shall at all times
10 constitute a quorum. Two members of the Local Panel shall at
11 all times constitute a quorum. A vacancy on a panel does not
12 impair the right of the remaining members to exercise all of
13 the powers of that panel. Each panel shall adopt an official
14 seal which shall be judicially noticed. The salary of the
15 Chairman of the State Panel shall be \$82,429 per year, or as
16 set by the Compensation Review Board, whichever is greater,
17 and that of the other members of the State and Local Panels
18 shall be \$74,188 per year, or as set by the Compensation
19 Review Board, whichever is greater.

20 (d) Each member shall devote his or her entire time to
21 the duties of the office, and shall hold no other office or
22 position of profit, nor engage in any other business,
23 employment, or vocation. No member shall hold any other
24 public office or be employed as a labor or management
25 representative by the State or any political subdivision of
26 the State or of any department or agency thereof, or actively
27 represent or act on behalf of an employer or an employee
28 organization or an employer in labor relations matters. Any
29 member of the State Panel may be removed from office by the
30 Governor for inefficiency, neglect of duty, misconduct or
31 malfeasance in office, and for no other cause, and only upon
32 notice and hearing. Any member of the Local Panel may be
33 removed from office by the applicable appointive authority
34 for inefficiency, neglect of duty, misconduct or malfeasance

1 in office, and for no other cause, and only upon notice and
2 hearing.

3 (e) Each panel at the end of every State fiscal year
4 shall make a report in writing to the Governor and the
5 General Assembly, stating in detail the work it has done in
6 hearing and deciding cases and otherwise.

7 (f) In order to accomplish the objectives and carry out
8 the duties prescribed by this Act, a panel or its authorized
9 designees may hold elections to determine whether a labor
10 organization has majority status; investigate and attempt to
11 resolve or settle charges of unfair labor practices; hold
12 hearings in order to carry out its functions; develop and
13 effectuate appropriate impasse resolution procedures for
14 purposes of resolving labor disputes; require the appearance
15 of witnesses and the production of evidence on any matter
16 under inquiry; and administer oaths and affirmations. The
17 panels shall sign and report in full an opinion in every case
18 which they decide.

19 (g) Each panel may appoint or employ an executive
20 director, attorneys, hearing officers, mediators,
21 fact-finders, arbitrators, and such other employees as it may
22 deem necessary to perform its functions. The governing
23 boards shall prescribe the duties and qualifications of such
24 persons appointed and, subject to the annual appropriation,
25 fix their compensation and provide for reimbursement of
26 actual and necessary expenses incurred in the performance of
27 their duties.

28 (h) Each panel shall exercise general supervision over
29 all attorneys which it employs and over the other persons
30 employed to provide necessary support services for such
31 attorneys. The panels shall have final authority in respect
32 to complaints brought pursuant to this Act.

33 (i) The following rules and regulations shall be adopted
34 by the panels meeting in joint session: (1) procedural rules

1 and regulations which shall govern all Board proceedings; (2)
2 procedures for election of exclusive bargaining
3 representatives pursuant to Section 9, except for the
4 determination of appropriate bargaining units; and (3)
5 appointment of counsel pursuant to subsection (k) of this
6 Section.

7 (j) Rules and regulations may be adopted, amended or
8 rescinded only upon a vote of 5 of the members of the State
9 and Local Panels meeting in joint session. The adoption,
10 amendment or rescission of rules and regulations shall be in
11 conformity with the requirements of the Illinois
12 Administrative Procedure Act.

13 (k) The panels in joint session shall promulgate rules
14 and regulations providing for the appointment of attorneys or
15 other Board representatives to represent persons in unfair
16 labor practice proceedings before a panel. The regulations
17 governing appointment shall require the applicant to
18 demonstrate an inability to pay for or inability to otherwise
19 provide for adequate representation before a panel. Such
20 rules must also provide: (1) that an attorney may not be
21 appointed in cases which, in the opinion of a panel, are
22 clearly without merit; (2) the stage of the unfair labor
23 proceeding at which counsel will be appointed; and (3) the
24 circumstances under which a client will be allowed to select
25 counsel.

26 (l) The panels in joint session may promulgate rules and
27 regulations which allow parties in proceedings before a panel
28 to be represented by counsel or any other representative of
29 the party's choice.

30 (m) The Chairman of the State Panel shall serve as
31 Chairman of a joint session of the panels. Attendance of at
32 least 2 members of the State Panel and at least one member of
33 the Local Panel, in addition to the Chairman, shall
34 constitute a quorum at a joint session. The panels shall

1 meet in joint session at least annually.

2 (Source: P.A. 91-798, eff. 7-9-00.)

3 Section 115-5. The Illinois Educational Labor Relations
4 Act is amended by changing Section 5 as follows:

5 (115 ILCS 5/5) (from Ch. 48, par. 1705)

6 Sec. 5. Illinois Educational Labor Relations Board.

7 (a) There is hereby created the Illinois Educational
8 Labor Relations Board.

9 (a-5) Until July 1, 2003 or when all of the new members
10 to be initially appointed under this amendatory Act of the
11 93rd General Assembly have been appointed by the Governor,
12 whichever occurs later, the Illinois Educational Labor
13 Relations Board shall consist consisting of 7 members, no
14 more than 4 of whom may be of the same political party, who
15 are residents of Illinois appointed by the Governor with the
16 advice and consent of the Senate.

17 The term of each appointed member of the Board who is in
18 office on June 30, 2003 shall terminate at the close of
19 business on that date or when all of the new members to be
20 initially appointed under this amendatory Act of the 93rd
21 General Assembly have been appointed by the Governor,
22 whichever occurs later.

23 (b) Beginning on July 1, 2003 or when all of the new
24 members to be initially appointed under this amendatory Act
25 of the 93rd General Assembly have been appointed by the
26 Governor, whichever occurs later, the Illinois Educational
27 Labor Relations Board shall consist of 5 members appointed by
28 the Governor with the advice and consent of the Senate. No
29 more than 3 members may be of the same political party.

30 The Governor shall appoint to the Board only persons who
31 are residents of Illinois and have had a minimum of 5 years
32 of experience directly related to labor and employment

1 relations in representing educational employers or
2 educational employees in collective bargaining matters. One
3 appointed member shall be designated at the time of his or
4 her appointment to serve as chairman.

5 Of the initial ~~2~~-~~additional~~ members appointed pursuant to
6 this amendatory Act of the 93rd General Assembly, 2 1997, ~~one~~
7 shall be designated at the time of his ~~or~~-~~her~~ appointment to
8 serve a term of 6 years, 2 shall be designated at the time of
9 appointment to serve a term of 4 years, and the other shall
10 be designated at the time of his or her appointment to serve
11 a term of 4 years, with each to serve until his or her
12 successor is appointed and qualified. ~~In--the--event--the~~
13 ~~Senate-is-not-in-session-at-the-time-the-2-additional-members~~
14 ~~are--appointed--pursuant--to--this--amendatory--Act--of--1997,--the~~
15 ~~Governor--shall--make---these---appointments---as---temporary~~
16 ~~appointments--until--the--next--meeting--of--the--Senate--when--he~~
17 ~~shall--appoint,--by--and--with--the--advice--and--consent--of--the~~
18 ~~Senate,--2--persons--to--fill--those--memberships--for--their~~
19 ~~unexpired--terms.--The-2-additional-members-appointed-pursuant~~
20 ~~to--this--amendatory--Act--of--the--91st--General--Assembly--shall~~
21 ~~each--serve--initial--terms--of--6--years.~~

22 (b) Each subsequent member shall be appointed in like
23 manner for a term of 6 years and until his or her successor
24 is appointed and qualified. Each member of the Board is
25 eligible for reappointment. Vacancies shall be filled in the
26 same manner as original appointments for the balance of the
27 unexpired term.

28 (c) The chairman shall be paid \$50,000 per year, or an
29 amount set by the Compensation Review Board, whichever is
30 greater. Other members of the Board shall each be paid
31 \$45,000 per year, or an amount set by the Compensation Review
32 Board, whichever is greater. They shall be entitled to
33 reimbursement for necessary traveling and other official
34 expenditures necessitated by their official duties.

1 Each member shall devote his entire time to the duties of
2 the office, and shall hold no other office or position of
3 profit, nor engage in any other business, employment or
4 vocation.

5 (d) Three ~~Four~~ members of the Board constitute a quorum
6 and a vacancy on the Board does not impair the right of the
7 remaining members to exercise all of the powers of the Board.

8 (e) Any member of the Board may be removed by the
9 Governor, upon notice, for neglect of duty or malfeasance in
10 office, but for no other cause.

11 (f) The Board may appoint or employ an executive
12 director, attorneys, hearing officers, and such other
13 employees as it deems necessary to perform its functions.
14 The Board shall prescribe the duties and qualifications of
15 such persons appointed and, subject to the annual
16 appropriation, fix their compensation and provide for
17 reimbursement of actual and necessary expenses incurred in
18 the performance of their duties.

19 (g) The Board may promulgate rules and regulations which
20 allow parties in proceedings before the Board to be
21 represented by counsel or any other person knowledgeable in
22 the matters under consideration.

23 (h) To accomplish the objectives and to carry out the
24 duties prescribed by this Act, the Board may subpoena
25 witnesses, subpoena the production of books, papers, records
26 and documents which may be needed as evidence on any matter
27 under inquiry and may administer oaths and affirmations.

28 In cases of neglect or refusal to obey a subpoena issued
29 to any person, the circuit court in the county in which the
30 investigation or the public hearing is taking place, upon
31 application by the Board, may issue an order requiring such
32 person to appear before the Board or any member or agent of
33 the Board to produce evidence or give testimony. A failure to
34 obey such order may be punished by the court as in civil

1 contempt.

2 Any subpoena, notice of hearing, or other process or
 3 notice of the Board issued under the provisions of this Act
 4 may be served personally, by registered mail or by leaving a
 5 copy at the principal office of the respondent required to be
 6 served. A return, made and verified by the individual making
 7 such service and setting forth the manner of such service, is
 8 proof of service. A post office receipt, when registered
 9 mail is used, is proof of service. All process of any court
 10 to which application may be made under the provisions of this
 11 Act may be served in the county where the persons required to
 12 be served reside or may be found.

13 (i) The Board shall adopt, promulgate, amend, or rescind
 14 rules and regulations in accordance with the "The Illinois
 15 Administrative Procedure Act"~~7--as now or--hereafter--amended,~~
 16 as it deems necessary and feasible to carry out this Act.

17 (j) The Board at the end of every State fiscal year
 18 shall make a report in writing to the Governor and the
 19 General Assembly, stating in detail the work it has done in
 20 hearing and deciding cases and otherwise.

21 (Source: P.A. 90-548, eff. 1-1-98; 91-798, eff. 7-9-00.)

22 Section 415-5. The Environmental Protection Act is
 23 amended by changing Section 5 as follows:

24 (415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

25 Sec. 5. Pollution Control Board.

26 (a) There is hereby created an independent board to be
 27 known as the Pollution Control Board, ~~7--consisting~~

28 Until July 1, 2003 or when all of the new members to be
 29 initially appointed under this amendatory Act of the 93rd
 30 General Assembly have been appointed by the Governor,
 31 whichever occurs later, the Board shall consist of 7
 32 technically qualified members, no more than 4 of whom may be

1 of the same political party, to be appointed by the Governor
2 with the advice and consent of the Senate.

3 The term of each appointed member of the Board who is in
4 office on June 30, 2003 shall terminate at the close of
5 business on that date or when all of the new members to be
6 initially appointed under this amendatory Act of the 93rd
7 General Assembly have been appointed by the Governor,
8 whichever occurs later.

9 Beginning on July 1, 2003 or when all of the new members
10 to be initially appointed under this amendatory Act of the
11 93rd General Assembly have been appointed by the Governor,
12 whichever occurs later, the Board shall consist of 5
13 technically qualified members, no more than 3 of whom may be
14 of the same political party, to be appointed by the Governor
15 with the advice and consent of the Senate. Members shall
16 have verifiable technical, academic, or actual experience in
17 the field of pollution control or environmental law and
18 regulation.

19 Of the members initially appointed pursuant to this
20 amendatory Act of the 93rd General Assembly, one shall be
21 appointed for a term ending July 1, 2004, 2 shall be
22 appointed for terms ending July 1, 2005, and 2 shall be
23 appointed for terms ending July 1, 2006. Thereafter, all
24 members shall hold office for 3 years from the first day of
25 July in the year in which they were appointed, except in case
26 of an appointment to fill a vacancy. In case of a vacancy in
27 the office when the Senate is not in session, the Governor
28 may make a temporary appointment until the next meeting of
29 the Senate, when he or she shall nominate some person to fill
30 such office; and any person so nominated, who is confirmed by
31 the Senate, shall hold the office during the remainder of the
32 term.

33 Members of the Board shall hold office until their
34 respective successors have been appointed and qualified. Any

1 member may resign from office, such resignation to take
2 effect when a successor has been appointed and has qualified.

3 Board members shall be paid \$37,000 per year or an amount
4 set by the Compensation Review Board, whichever is greater,
5 and the Chairman shall be paid \$43,000 per year or an amount
6 set by the Compensation Review Board, whichever is greater.
7 Each member shall devote his or her entire time to the duties
8 of the office, and shall hold no other office or position of
9 profit, nor engage in any other business, employment, or
10 vocation. Each member shall be reimbursed for expenses
11 necessarily incurred, ~~---shall---devote--full--time--to--the~~
12 ~~performance-of-his-or-her-duties~~ and shall make a financial
13 disclosure upon appointment.

14 Each Board member may employ one secretary and one
15 assistant, and the Chairman one secretary and 2 assistants.
16 The Board also may employ and compensate hearing officers to
17 preside at hearings under this Act, and such other personnel
18 as may be necessary. Hearing officers shall be attorneys
19 licensed to practice law in Illinois.

20 The Board may have an Executive Director; if so, the
21 Executive Director shall be appointed by the Governor with
22 the advice and consent of the Senate. The salary and duties
23 of the Executive Director shall be fixed by the Board.

24 The Governor shall designate one Board member to be
25 Chairman, who shall serve at the pleasure of the Governor.

26 The Board shall hold at least one meeting each month and
27 such additional meetings as may be prescribed by Board rules.
28 In addition, special meetings may be called by the Chairman
29 or by any 2 Board members, upon delivery of 24 hours written
30 notice to the office of each member. All Board meetings
31 shall be open to the public, and public notice of all
32 meetings shall be given at least 24 hours in advance of each
33 meeting. In emergency situations in which a majority of the
34 Board certifies that exigencies of time require the

1 requirements of public notice and of 24 hour written notice
2 to members may be dispensed with, and Board members shall
3 receive such notice as is reasonable under the circumstances.

4 If there is no vacancy on the Board, 4 members of the
5 Board shall constitute a quorum to transact business;
6 otherwise, a majority of the Board shall constitute a quorum
7 to transact business, and no vacancy shall impair the right
8 of the remaining members to exercise all of the powers of the
9 Board. Every action approved by a majority of the members of
10 the Board shall be deemed to be the action of the Board. Four
11 ~~members-of-the-Board-shall-constitute-a-quorum, and 4 votes~~
12 ~~shall-be-required-for-any-final-determination-by-the-Board,~~
13 ~~except-in-a-proceeding-to-remove-a-seal-under-paragraph-(d)~~
14 ~~of-Section-34-of-this-Act.~~ The Board shall keep a complete
15 and accurate record of all its meetings.

16 (b) The Board shall determine, define and implement the
17 environmental control standards applicable in the State of
18 Illinois and may adopt rules and regulations in accordance
19 with Title VII of this Act.

20 (c) The Board shall have authority to act for the State
21 in regard to the adoption of standards for submission to the
22 United States under any federal law respecting environmental
23 protection. Such standards shall be adopted in accordance
24 with Title VII of the Act and upon adoption shall be
25 forwarded to the Environmental Protection Agency for
26 submission to the United States pursuant to subsections (l)
27 and (m) of Section 4 of this Act. Nothing in this paragraph
28 shall limit the discretion of the Governor to delegate
29 authority granted to the Governor under any federal law.

30 (d) The Board shall have authority to conduct
31 proceedings upon complaints charging violations of this Act,
32 any rule or regulation adopted under this Act, or any permit
33 or term or condition of a permit; upon administrative
34 citations; upon petitions for variances or adjusted

1 standards; upon petitions for review of the Agency's final
2 determinations on permit applications in accordance with
3 Title X of this Act; upon petitions to remove seals under
4 Section 34 of this Act; and upon other petitions for review
5 of final determinations which are made pursuant to this Act
6 or Board rule and which involve a subject which the Board is
7 authorized to regulate. The Board may also conduct other
8 proceedings as may be provided by this Act or any other
9 statute or rule.

10 (e) In connection with any proceeding pursuant to
11 subsection (b) or (d) of this Section, the Board may subpoena
12 and compel the attendance of witnesses and the production of
13 evidence reasonably necessary to resolution of the matter
14 under consideration. The Board shall issue such subpoenas
15 upon the request of any party to a proceeding under
16 subsection (d) of this Section or upon its own motion.

17 (f) The Board may prescribe reasonable fees for permits
18 required pursuant to this Act. Such fees in the aggregate
19 may not exceed the total cost to the Agency for its
20 inspection and permit systems. The Board may not prescribe
21 any permit fees which are different in amount from those
22 established by this Act.

23 (Source: P.A. 92-574, eff. 6-26-02.)

24 Section 730-5. The Unified Code of Corrections is
25 amended by changing Section 3-3-1 as follows:

26 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

27 Sec. 3-3-1. Establishment and Appointment of Prisoner
28 Review Board.

29 (a) There shall be a Prisoner Review Board independent
30 of the Department of Corrections which shall be:

31 (1) the paroling authority for persons sentenced
32 under the law in effect prior to the effective date of

1 this amendatory Act of 1977;

2 (2) the board of review for cases involving the
3 revocation of good conduct credits or a suspension or
4 reduction in the rate of accumulating such credit;

5 (3) the board of review and recommendation for the
6 exercise of executive clemency by the Governor;

7 (4) the authority for establishing release dates
8 for certain prisoners sentenced under the law in
9 existence prior to the effective date of this amendatory
10 Act of 1977, in accordance with Section 3-3-2.1 of this
11 Code;

12 (5) the authority for setting conditions for parole
13 and mandatory supervised release under Section 5-8-1(a)
14 of this Code, and determining whether a violation of
15 those conditions warrant revocation of parole or
16 mandatory supervised release or the imposition of other
17 sanctions.

18 (b) The Board shall consist of 15 persons appointed by
19 the Governor by and with the advice and consent of the
20 Senate. One member of the Board shall be designated by the
21 Governor to be Chairman and shall serve as Chairman at the
22 pleasure of the Governor. The members of the Board shall
23 have had at least 5 years of actual experience in the fields
24 of penology, corrections work, law enforcement, sociology,
25 law, education, social work, medicine, psychology, other
26 behavioral sciences, or a combination thereof. At least 6
27 members so appointed must have had at least 3 years
28 experience in the field of juvenile matters. No more than 8
29 Board members may be members of the same political party.

30 Each member of the Board shall serve on a full-time full
31 time basis and shall not hold any other salaried public
32 office, whether elective or appointive, nor any other office
33 or position of profit, nor engage in any other business,
34 employment, or vocation. The Chairman of the Board shall

1 receive \$35,000 a year, or an amount set by the Compensation
 2 Review Board, whichever is greater, and each other member
 3 \$30,000, or an amount set by the Compensation Review Board,
 4 whichever is greater.

5 (c) Notwithstanding any other provision of this Section,
 6 the term of each member of the Board who was appointed by the
 7 Governor and is in office on June 30, 2003 shall terminate at
 8 the close of business on that date or when all of the
 9 successor members to be appointed pursuant to this amendatory
 10 Act of the 93rd General Assembly have been appointed by the
 11 Governor, whichever occurs later. As soon as possible, the
 12 Governor shall appoint persons to fill the vacancies created
 13 by this amendatory Act.

14 ~~The terms of the present members of the Prisoner Review~~
 15 ~~Board shall expire on the effective date of this amendatory~~
 16 ~~Act of 1985, but the incumbent members shall continue to~~
 17 ~~exercise all of the powers and be subject to all the duties~~
 18 ~~of members of the Board until their respective successors are~~
 19 ~~appointed and qualified.~~

20 Of the initial members appointed under this amendatory
 21 Act of the 93rd General Assembly, the Governor shall appoint
 22 5 members ~~3 members to the Prisoner Review Board~~ whose terms
 23 shall expire on the third Monday in January 2005, 5 ~~1987, 4~~
 24 members whose terms shall expire on the third Monday in
 25 January 2007, and 5 ~~1989, and 3~~ members whose terms shall
 26 expire on the third Monday in January 2009. ~~1991.~~ ~~The term~~
 27 ~~of one of the members created by this amendatory Act of 1986~~
 28 ~~shall expire on the third Monday in January 1989 and the term~~
 29 ~~of the other shall expire on the third Monday in January~~
 30 ~~1991.~~ ~~The initial terms of the 3 additional members~~
 31 ~~appointed pursuant to this amendatory Act of the 91st General~~
 32 ~~Assembly shall expire on the third Monday in January 2006.~~
 33 Their respective successors shall be appointed for terms of 6
 34 years from the third Monday in January of the year of

1 appointment. Each member shall serve until his successor is
2 appointed and qualified.

3 Any member may be removed by the Governor for
4 incompetence, neglect of duty, malfeasance or inability to
5 serve.

6 (d) The Chairman of the Board shall be its chief
7 executive and administrative officer. The Board may have an
8 Executive Director; if so, the Executive Director shall be
9 appointed by the Governor with the advice and consent of the
10 Senate. The salary and duties of the Executive Director
11 shall be fixed by the Board.

12 (Source: P.A. 91-798, eff. 7-9-00; 91-946, eff. 2-9-01.)

13 Section 820-305. The Workers' Compensation Act is
14 amended by changing Section 13 as follows:

15 (820 ILCS 305/13) (from Ch. 48, par. 138.13)

16 Sec. 13. There is created an Industrial Commission
17 consisting of 7 members to be appointed by the Governor, by
18 and with the consent of the Senate, 2 of whom shall be
19 representative citizens of the employing class operating
20 under this Act and 2 of whom shall be representative citizens
21 of the class of employees covered under this Act, and 3 of
22 whom shall be representative citizens not identified with
23 either the employing or employee classes. Not more than 4
24 members of the Commission shall be of the same political
25 party.

26 One of the 3 members not identified with either the
27 employing or employee classes shall be designated by the
28 Governor as Chairman. The Chairman shall be the chief
29 administrative and executive officer of the Commission; and
30 he or she shall have general supervisory authority over all
31 personnel of the Commission, including arbitrators and
32 Commissioners, and the final authority in all administrative

1 matters relating to the Commissioners, including but not
2 limited to the assignment and distribution of cases and
3 assignment of Commissioners to the panels, except in the
4 promulgation of procedural rules and orders under Section 16
5 and in the determination of cases under this Act.

6 Notwithstanding the general supervisory authority of the
7 Chairman, each Commissioner, except those assigned to the
8 temporary panel, shall have the authority to hire and
9 supervise 2 staff attorneys each. Such staff attorneys shall
10 report directly to the individual Commissioner.

11 A formal training program for newly-appointed
12 Commissioners shall be implemented. The training program
13 shall include the following:

14 (a) substantive and procedural aspects of the
15 office of Commissioner;

16 (b) current issues in workers' compensation law and
17 practice;

18 (c) medical lectures by specialists in areas such
19 as orthopedics, ophthalmology, psychiatry, rehabilitation
20 counseling;

21 (d) orientation to each operational unit of the
22 Industrial Commission;

23 (e) observation of experienced arbitrators and
24 Commissioners conducting hearings of cases, combined with
25 the opportunity to discuss evidence presented and rulings
26 made;

27 (f) the use of hypothetical cases requiring the
28 newly-appointed Commissioner to issue judgments as a
29 means to evaluating knowledge and writing ability;

30 (g) writing skills.

31 A formal and ongoing professional development program
32 including, but not limited to, the above-noted areas shall be
33 implemented to keep Commissioners informed of recent
34 developments and issues and to assist them in maintaining and

1 enhancing their professional competence.

2 The Commissioner candidates, other than the Chairman,
3 must meet one of the following qualifications: (a) licensed
4 to practice law in the State of Illinois; or (b) served as an
5 arbitrator at the Illinois Industrial Commission for at least
6 3 years; or (c) has at least 4 years of professional labor
7 relations experience. The Chairman candidate must have
8 public or private sector management and budget experience, as
9 determined by the Governor.

10 Each Commissioner shall devote full time to his duties
11 and any Commissioner who is an attorney-at-law shall not
12 engage in the practice of law, nor shall any Commissioner
13 hold any other office or position of profit under the United
14 States or this State or any municipal corporation or
15 political subdivision of this State, nor engage in any other
16 business, employment, or vocation.

17 The term of office of each member of the Commission
18 holding office on the effective date of this amendatory Act
19 of 1989 is abolished, but the incumbents shall continue to
20 exercise all of the powers and be subject to all of the
21 duties of Commissioners until their respective successors are
22 appointed and qualified.

23 The Industrial Commission shall administer this Act.

24 The members shall be appointed by the Governor, with the
25 advice and consent of the Senate, as follows:

26 (a) After the effective date of this amendatory Act
27 of 1989, 3 members, at least one of each political party,
28 and one of whom shall be a representative citizen of the
29 employing class operating under this Act, one of whom
30 shall be a representative citizen of the class of
31 employees covered under this Act, and one of whom shall
32 be a representative citizen not identified with either
33 the employing or employee classes, shall be appointed to
34 hold office until the third Monday in January of 1993,

1 and until their successors are appointed and qualified,
2 and 4 members, one of whom shall be a representative
3 citizen of the employing class operating under this Act,
4 one of whom shall be a representative citizen of the
5 class of employees covered in this Act, and two of whom
6 shall be representative citizens not identified with
7 either the employing or employee classes, one of whom
8 shall be designated by the Governor as Chairman (at least
9 one of each of the two major political parties) shall be
10 appointed to hold office until the third Monday of
11 January in 1991, and until their successors are appointed
12 and qualified.

13 (a-5) Notwithstanding any other provision of this
14 Section, the term of each member of the Commission who
15 was appointed by the Governor and is in office on June
16 30, 2003 shall terminate at the close of business on that
17 date or when all of the successor members to be appointed
18 pursuant to this amendatory Act of the 93rd General
19 Assembly have been appointed by the Governor, whichever
20 occurs later. As soon as possible, the Governor shall
21 appoint persons to fill the vacancies created by this
22 amendatory Act. Of the initial commissioners appointed
23 pursuant to this amendatory Act of the 93rd General
24 Assembly, 3 shall be appointed for terms ending on the
25 third Monday in January, 2005, and 4 shall be appointed
26 for terms ending on the third Monday in January, 2007.

27 (b) Members shall thereafter be appointed to hold
28 office for terms of 4 years from the third Monday in
29 January of the year of their appointment, and until their
30 successors are appointed and qualified. All such
31 appointments shall be made so that the composition of the
32 Commission is in accordance with the provisions of the
33 first paragraph of this Section.

34 The Chairman shall receive an annual salary of \$42,500,

1 or a salary set by the Compensation Review Board, whichever
2 is greater, and each other member shall receive an annual
3 salary of \$38,000, or a salary set by the Compensation Review
4 Board, whichever is greater.

5 In case of a vacancy in the office of a Commissioner
6 during the recess of the Senate, the Governor shall make a
7 temporary appointment until the next meeting of the Senate,
8 when he shall nominate some person to fill such office. Any
9 person so nominated who is confirmed by the Senate shall hold
10 office during the remainder of the term and until his
11 successor is appointed and qualified.

12 The Industrial Commission created by this amendatory Act
13 of 1989 shall succeed to all the rights, powers, duties,
14 obligations, records and other property and employees of the
15 Industrial Commission which it replaces as modified by this
16 amendatory Act of 1989 and all applications and reports to
17 actions and proceedings of such prior Industrial Commission
18 shall be considered as applications and reports to actions
19 and proceedings of the Industrial Commission created by this
20 amendatory Act of 1989.

21 Notwithstanding any other provision of this Act, in the
22 event the Chairman shall make a finding that a member is or
23 will be unavailable to fulfill the responsibilities of his or
24 her office, the Chairman shall advise the Governor and the
25 member in writing and shall designate a certified arbitrator
26 to serve as acting Commissioner. The certified arbitrator
27 shall act as a Commissioner until the member resumes the
28 duties of his or her office or until a new member is
29 appointed by the Governor, by and with the consent of the
30 Senate, if a vacancy occurs in the office of the
31 Commissioner, but in no event shall a certified arbitrator
32 serve in the capacity of Commissioner for more than 6 months
33 from the date of appointment by the Chairman. A finding by
34 the Chairman that a member is or will be unavailable to

1 fulfill the responsibilities of his or her office shall be
2 based upon notice to the Chairman by a member that he or she
3 will be unavailable or facts and circumstances made known to
4 the Chairman which lead him to reasonably find that a member
5 is unavailable to fulfill the responsibilities of his or her
6 office. The designation of a certified arbitrator to act as
7 a Commissioner shall be considered representative of citizens
8 not identified with either the employing or employee classes
9 and the arbitrator shall serve regardless of his or her
10 political affiliation. A certified arbitrator who serves as
11 an acting Commissioner shall have all the rights and powers
12 of a Commissioner, including salary.

13 Notwithstanding any other provision of this Act, the
14 Governor shall appoint a special panel of Commissioners
15 comprised of 3 members who shall be chosen by the Governor,
16 by and with the consent of the Senate, from among the current
17 ranks of certified arbitrators. Three members shall hold
18 office until the Commission in consultation with the Governor
19 determines that the caseload on review has been reduced
20 sufficiently to allow cases to proceed in a timely manner or
21 for a term of 18 months from the effective date of their
22 appointment by the Governor, whichever shall be earlier. The
23 3 members shall be considered representative of citizens not
24 identified with either the employing or employee classes and
25 shall serve regardless of political affiliation. Each of the
26 3 members shall have only such rights and powers of a
27 Commissioner necessary to dispose of those cases assigned to
28 the special panel. Each of the 3 members appointed to the
29 special panel shall receive the same salary as other
30 Commissioners for the duration of the panel.

31 The Commission may have an Executive Director; if so, the
32 Executive Director shall be appointed by the Governor with
33 the advice and consent of the Senate. The salary and duties
34 of the Executive Director shall be fixed by the Commission.

1 (Source: P.A. 86-998; 86-1405.)

2 Section 999-85. Severability. The provisions of this
3 Act are severable under Section 1.31 of the Statute on
4 Statutes.

5 Section 999-99. Effective date. This Act takes effect
6 upon becoming law.