

1 AMENDMENT TO SENATE BILL 2003

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2003 by replacing  
3 everything after the enacting clause with the following:

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

1 have had a minimum of 5 years of experience directly related  
2 to labor and employment relations in representing public  
3 employers, private employers or labor organizations; or  
4 teaching labor or employment relations; or administering  
5 executive orders or regulations applicable to labor or  
6 employment relations. At the time of his or her appointment,  
7 each member of the State Panel shall be an Illinois resident.  
8 The Governor shall designate one member to serve as the  
9 Chairman of the State Panel and the Board.

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

19 The initial appointments under this amendatory Act of the  
20 93rd ~~91st~~ General Assembly shall be for terms as follows:  
21 The Chairman shall initially be appointed for a term ending  
22 on the 4th Monday in January, 2007 ~~2001~~; 2 members shall be  
23 initially appointed for terms ending on the 4th Monday in  
24 January, 2006 ~~2002~~; one member shall be initially appointed  
25 for a term ending on the 4th Monday in January, 2005 ~~2003~~;  
26 and one member shall be initially appointed for a term ending  
27 on the 4th Monday in January, 2004. Each subsequent member  
28 shall be appointed for a term of 4 years, commencing on the  
29 4th Monday in January. Upon expiration of the term of office  
30 of any appointive member, that member shall continue to serve  
31 until a successor shall be appointed and qualified. In case  
32 of a vacancy, a successor shall be appointed to serve for the  
33 unexpired portion of the term. If the Senate is not in  
34 session at the time the initial appointments are made, the

1 Governor shall make temporary appointments in the same manner  
2 successors are appointed to fill vacancies. A temporary  
3 appointment shall remain in effect no longer than 20 calendar  
4 days after the commencement of the next Senate session.

5 (b) The Local Panel shall have jurisdiction over  
6 collective bargaining agreement matters between employee  
7 organizations and units of local government with a population  
8 in excess of 2 million persons, but excluding the Regional  
9 Transportation Authority.

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

26 Notwithstanding any other provision of this Section, the  
27 term of the member of the Local Panel who was appointed by  
28 the Governor and is in office on June 30, 2003 shall  
29 terminate at the close of business on that date or when his  
30 or her successor has been appointed by the Governor,  
31 whichever occurs later. As soon as possible, the Governor  
32 shall appoint a person to fill the vacancy created by this  
33 amendatory Act. The initial appointment under this  
34 amendatory Act of the 93rd General Assembly shall be for a

1 term ending on the 4th Monday in January, 2007.

2       The initial appointments under this amendatory Act of the  
3 91st General Assembly shall be for terms as follows: The  
4 member appointed by the Governor shall initially be appointed  
5 for a term ending on the 4th Monday in January, 2001; the  
6 member appointed by the President of the Cook County Board  
7 shall be initially appointed for a term ending on the 4th  
8 Monday in January, 2003; and the member appointed by the  
9 Mayor of the City of Chicago shall be initially appointed for  
10 a term ending on the 4th Monday in January, 2004. Each  
11 subsequent member shall be appointed for a term of 4 years,  
12 commencing on the 4th Monday in January. Upon expiration of  
13 the term of office of any appointive member, the member shall  
14 continue to serve until a successor shall be appointed and  
15 qualified. In the case of a vacancy, a successor shall be  
16 appointed by the applicable appointive authority to serve for  
17 the unexpired portion of the term.

18       (c) Three members of the State Panel shall at all times  
19 constitute a quorum. Two members of the Local Panel shall at  
20 all times constitute a quorum. A vacancy on a panel does not  
21 impair the right of the remaining members to exercise all of  
22 the powers of that panel. Each panel shall adopt an official  
23 seal which shall be judicially noticed. The salary of the  
24 Chairman of the State Panel shall be \$82,429 per year, or as  
25 set by the Compensation Review Board, whichever is greater,  
26 and that of the other members of the State and Local Panels  
27 shall be \$74,188 per year, or as set by the Compensation  
28 Review Board, whichever is greater.

29       (d) Each member shall devote his or her entire time to  
30 the duties of the office, and shall hold no other office or  
31 position of profit, nor engage in any other business,  
32 employment, or vocation. No member shall hold any other  
33 public office or be employed as a labor or management  
34 representative by the State or any political subdivision of

1 the State or of any department or agency thereof, or actively  
2 represent or act on behalf of an employer or an employee  
3 organization or an employer in labor relations matters. Any  
4 member of the State Panel may be removed from office by the  
5 Governor for inefficiency, neglect of duty, misconduct or  
6 malfeasance in office, and for no other cause, and only upon  
7 notice and hearing. Any member of the Local Panel may be  
8 removed from office by the applicable appointive authority  
9 for inefficiency, neglect of duty, misconduct or malfeasance  
10 in office, and for no other cause, and only upon notice and  
11 hearing.

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

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

28 (g) Each panel may appoint or employ an executive  
29 director, attorneys, hearing officers, mediators,  
30 fact-finders, arbitrators, and such other employees as it may  
31 deem necessary to perform its functions. The governing  
32 boards shall prescribe the duties and qualifications of such  
33 persons appointed and, subject to the annual appropriation,  
34 fix their compensation and provide for reimbursement of

1 actual and necessary expenses incurred in the performance of  
2 their duties.

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

8 (i) The following rules and regulations shall be adopted  
9 by the panels meeting in joint session: (1) procedural rules  
10 and regulations which shall govern all Board proceedings; (2)  
11 procedures for election of exclusive bargaining  
12 representatives pursuant to Section 9, except for the  
13 determination of appropriate bargaining units; and (3)  
14 appointment of counsel pursuant to subsection (k) of this  
15 Section.

16 (j) Rules and regulations may be adopted, amended or  
17 rescinded only upon a vote of 5 of the members of the State  
18 and Local Panels meeting in joint session. The adoption,  
19 amendment or rescission of rules and regulations shall be in  
20 conformity with the requirements of the Illinois  
21 Administrative Procedure Act.

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

1 (1) The panels in joint session may promulgate rules and  
2 regulations which allow parties in proceedings before a panel  
3 to be represented by counsel or any other representative of  
4 the party's choice.

5 (m) The Chairman of the State Panel shall serve as  
6 Chairman of a joint session of the panels. Attendance of at  
7 least 2 members of the State Panel and at least one member of  
8 the Local Panel, in addition to the Chairman, shall  
9 constitute a quorum at a joint session. The panels shall  
10 meet in joint session at least annually.

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

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

14 (115 ILCS 5/5) (from Ch. 48, par. 1705)

15 Sec. 5. Illinois Educational Labor Relations Board.

16 (a) There is hereby created the Illinois Educational  
17 Labor Relations Board.

18 (a-5) Until July 1, 2003 or when all of the new members  
19 to be initially appointed under this amendatory Act of the  
20 93rd General Assembly have been appointed by the Governor,  
21 whichever occurs later, the Illinois Educational Labor  
22 Relations Board shall consist consisting of 7 members, no  
23 more than 4 of whom may be of the same political party, who  
24 are residents of Illinois appointed by the Governor with the  
25 advice and consent of the Senate.

26 The term of each appointed member of the Board who is in  
27 office on June 30, 2003 shall terminate at the close of  
28 business on that date 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.

32 (b) Beginning on July 1, 2003 or when all of the new

1 members to be initially appointed under this amendatory Act  
 2 of the 93rd General Assembly have been appointed by the  
 3 Governor, whichever occurs later, the Illinois Educational  
 4 Labor Relations Board shall consist of 5 members appointed by  
 5 the Governor with the advice and consent of the Senate. No  
 6 more than 3 members may be of the same political party.

7 The Governor shall appoint to the Board only persons who  
 8 are residents of Illinois and have had a minimum of 5 years  
 9 of experience directly related to labor and employment  
 10 relations in representing educational employers or  
 11 educational employees in collective bargaining matters. One  
 12 appointed member shall be designated at the time of his or  
 13 her appointment to serve as chairman.

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

31 (b) Each subsequent member shall be appointed in like  
 32 manner for a term of 6 years and until his or her successor  
 33 is appointed and qualified. Each member of the Board is  
 34 eligible for reappointment. Vacancies shall be filled in the



1 same manner as original appointments for the balance of the  
2 unexpired term.

3 (c) The chairman shall be paid \$50,000 per year, or an  
4 amount set by the Compensation Review Board, whichever is  
5 greater. Other members of the Board shall each be paid  
6 \$45,000 per year, or an amount set by the Compensation Review  
7 Board, whichever is greater. They shall be entitled to  
8 reimbursement for necessary traveling and other official  
9 expenditures necessitated by their official duties.

10 Each member shall devote his entire time to the duties of  
11 the office, and shall hold no other office or position of  
12 profit, nor engage in any other business, employment or  
13 vocation.

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

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

20 (f) The Board may appoint or employ an executive  
21 director, attorneys, hearing officers, and such other  
22 employees as it deems necessary to perform its functions.  
23 The Board shall prescribe the duties and qualifications of  
24 such persons appointed and, subject to the annual  
25 appropriation, fix their compensation and provide for  
26 reimbursement of actual and necessary expenses incurred in  
27 the performance of their duties.

28 (g) The Board may promulgate rules and regulations which  
29 allow parties in proceedings before the Board to be  
30 represented by counsel or any other person knowledgeable in  
31 the matters under consideration.

32 (h) To accomplish the objectives and to carry out the  
33 duties prescribed by this Act, the Board may subpoena  
34 witnesses, subpoena the production of books, papers, records

1 and documents which may be needed as evidence on any matter  
2 under inquiry and may administer oaths and affirmations.

3 In cases of neglect or refusal to obey a subpoena issued  
4 to any person, the circuit court in the county in which the  
5 investigation or the public hearing is taking place, upon  
6 application by the Board, may issue an order requiring such  
7 person to appear before the Board or any member or agent of  
8 the Board to produce evidence or give testimony. A failure to  
9 obey such order may be punished by the court as in civil  
10 contempt.

11 Any subpoena, notice of hearing, or other process or  
12 notice of the Board issued under the provisions of this Act  
13 may be served personally, by registered mail or by leaving a  
14 copy at the principal office of the respondent required to be  
15 served. A return, made and verified by the individual making  
16 such service and setting forth the manner of such service, is  
17 proof of service. A post office receipt, when registered  
18 mail is used, is proof of service. All process of any court  
19 to which application may be made under the provisions of this  
20 Act may be served in the county where the persons required to  
21 be served reside or may be found.

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

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

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

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

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

2 Sec. 5. Pollution Control Board.

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

5 Until July 1, 2003 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, the Board shall consist of 7  
9 technically qualified members, no more than 4 of whom may be  
10 of the same political party, to be appointed by the Governor  
11 with the advice and consent of the Senate.

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

18 Beginning on July 1, 2003 or when all of the new members  
19 to be initially appointed under this amendatory Act of the  
20 93rd General Assembly have been appointed by the Governor,  
21 whichever occurs later, the Board shall consist of 5  
22 technically qualified members, no more than 3 of whom may be  
23 of the same political party, to be appointed by the Governor  
24 with the advice and consent of the Senate. Members shall  
25 have verifiable technical, academic, or actual experience in  
26 the field of pollution control or environmental law and  
27 regulation.

28 Of the members initially appointed pursuant to this  
29 amendatory Act of the 93rd General Assembly, one shall be  
30 appointed for a term ending July 1, 2004, 2 shall be  
31 appointed for terms ending July 1, 2005, and 2 shall be  
32 appointed for terms ending July 1, 2006. Thereafter, all  
33 members shall hold office for 3 years from the first day of  
34 July in the year in which they were appointed, except in case

1 of an appointment to fill a vacancy. In case of a vacancy in  
2 the office when the Senate is not in session, the Governor  
3 may make a temporary appointment until the next meeting of  
4 the Senate, when he or she shall nominate some person to fill  
5 such office; and any person so nominated, who is confirmed by  
6 the Senate, shall hold the office during the remainder of the  
7 term.

8 Members of the Board shall hold office until their  
9 respective successors have been appointed and qualified. Any  
10 member may resign from office, such resignation to take  
11 effect when a successor has been appointed and has qualified.

12 Board members shall be paid \$37,000 per year or an amount  
13 set by the Compensation Review Board, whichever is greater,  
14 and the Chairman shall be paid \$43,000 per year or an amount  
15 set by the Compensation Review Board, whichever is greater.  
16 Each member shall devote his or her entire time to the duties  
17 of the office, and shall hold no other office or position of  
18 profit, nor engage in any other business, employment, or  
19 vocation. Each member shall be reimbursed for expenses  
20 necessarily incurred, ~~---shall---devote--full--time--to--the~~  
21 ~~performance-of-his-or-her-duties~~ and shall make a financial  
22 disclosure upon appointment.

23 Each Board member may employ one secretary and one  
24 assistant, and the Chairman one secretary and 2 assistants.  
25 The Board also may employ and compensate hearing officers to  
26 preside at hearings under this Act, and such other personnel  
27 as may be necessary. Hearing officers shall be attorneys  
28 licensed to practice law in Illinois.

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

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

1           The Board shall hold at least one meeting each month and  
2 such additional meetings as may be prescribed by Board rules.  
3 In addition, special meetings may be called by the Chairman  
4 or by any 2 Board members, upon delivery of 24 hours written  
5 notice to the office of each member. All Board meetings  
6 shall be open to the public, and public notice of all  
7 meetings shall be given at least 24 hours in advance of each  
8 meeting. In emergency situations in which a majority of the  
9 Board certifies that exigencies of time require the  
10 requirements of public notice and of 24 hour written notice  
11 to members may be dispensed with, and Board members shall  
12 receive such notice as is reasonable under the circumstances.

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

25           (b) The Board shall determine, define and implement the  
26 environmental control standards applicable in the State of  
27 Illinois and may adopt rules and regulations in accordance  
28 with Title VII of this Act.

29           (c) The Board shall have authority to act for the State  
30 in regard to the adoption of standards for submission to the  
31 United States under any federal law respecting environmental  
32 protection. Such standards shall be adopted in accordance  
33 with Title VII of the Act and upon adoption shall be  
34 forwarded to the Environmental Protection Agency for

1 submission to the United States pursuant to subsections (l)  
2 and (m) of Section 4 of this Act. Nothing in this paragraph  
3 shall limit the discretion of the Governor to delegate  
4 authority granted to the Governor under any federal law.

5 (d) The Board shall have authority to conduct  
6 proceedings upon complaints charging violations of this Act,  
7 any rule or regulation adopted under this Act, or any permit  
8 or term or condition of a permit; upon administrative  
9 citations; upon petitions for variances or adjusted  
10 standards; upon petitions for review of the Agency's final  
11 determinations on permit applications in accordance with  
12 Title X of this Act; upon petitions to remove seals under  
13 Section 34 of this Act; and upon other petitions for review  
14 of final determinations which are made pursuant to this Act  
15 or Board rule and which involve a subject which the Board is  
16 authorized to regulate. The Board may also conduct other  
17 proceedings as may be provided by this Act or any other  
18 statute or rule.

19 (e) In connection with any proceeding pursuant to  
20 subsection (b) or (d) of this Section, the Board may subpoena  
21 and compel the attendance of witnesses and the production of  
22 evidence reasonably necessary to resolution of the matter  
23 under consideration. The Board shall issue such subpoenas  
24 upon the request of any party to a proceeding under  
25 subsection (d) of this Section or upon its own motion.

26 (f) The Board may prescribe reasonable fees for permits  
27 required pursuant to this Act. Such fees in the aggregate  
28 may not exceed the total cost to the Agency for its  
29 inspection and permit systems. The Board may not prescribe  
30 any permit fees which are different in amount from those  
31 established by this Act.

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

33 Section 730-5. The Unified Code of Corrections is

1 amended by changing Section 3-3-1 as follows:

2 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

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

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

7 (1) the paroling authority for persons sentenced  
8 under the law in effect prior to the effective date of  
9 this amendatory Act of 1977;

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

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

15 (4) the authority for establishing release dates  
16 for certain prisoners sentenced under the law in  
17 existence prior to the effective date of this amendatory  
18 Act of 1977, in accordance with Section 3-3-2.1 of this  
19 Code;

20 (5) the authority for setting conditions for parole  
21 and mandatory supervised release under Section 5-8-1(a)  
22 of this Code, and determining whether a violation of  
23 those conditions warrant revocation of parole or  
24 mandatory supervised release or the imposition of other  
25 sanctions.

26 (b) The Board shall consist of 15 persons appointed by  
27 the Governor by and with the advice and consent of the  
28 Senate. One member of the Board shall be designated by the  
29 Governor to be Chairman and shall serve as Chairman at the  
30 pleasure of the Governor. The members of the Board shall  
31 have had at least 5 years of actual experience in the fields  
32 of penology, corrections work, law enforcement, sociology,  
33 law, education, social work, medicine, psychology, other

1 behavioral sciences, or a combination thereof. At least 6  
2 members so appointed must have had at least 3 years  
3 experience in the field of juvenile matters. No more than 8  
4 Board members may be members of the same political party.

5 Each member of the Board shall serve on a full-time full  
6 time basis and shall not hold any other salaried public  
7 office, whether elective or appointive, nor any other office  
8 or position of profit, nor engage in any other business,  
9 employment, or vocation. The Chairman of the Board shall  
10 receive \$35,000 a year, or an amount set by the Compensation  
11 Review Board, whichever is greater, and each other member  
12 \$30,000, or an amount set by the Compensation Review Board,  
13 whichever is greater.

14 (c) Notwithstanding any other provision of this Section,  
15 the term of each member of the Board who was appointed by the  
16 Governor and is in office on June 30, 2003 shall terminate at  
17 the close of business on that date or when all of the  
18 successor members to be appointed pursuant to this amendatory  
19 Act of the 93rd General Assembly have been appointed by the  
20 Governor, whichever occurs later. As soon as possible, the  
21 Governor shall appoint persons to fill the vacancies created  
22 by this amendatory Act.

23 ~~The--terms--of--the--present--members--of--the--Prisoner--Review~~  
24 ~~Board--shall--expire--on--the--effective--date--of--this--amendatory~~  
25 ~~Act--of--1985,--but--the--incumbent--members--shall--continue--to~~  
26 ~~exercise--all--of--the--powers--and--be--subject--to--all--the--duties~~  
27 ~~of--members--of--the--Board--until--their--respective--successors--are~~  
28 ~~appointed--and--qualified.~~

29 Of the initial members appointed under this amendatory  
30 Act of the 93rd General Assembly, the Governor shall appoint  
31 5 members ~~3-members~~ to the Prisoner-Review Board whose terms  
32 shall expire on the third Monday in January 2005, 5 ~~1987,--4~~  
33 members whose terms shall expire on the third Monday in  
34 January 2007, and 5 ~~1989,--and-3~~ members whose terms shall



1 expire on the third Monday in January 2009. ~~1991. The term~~  
2 ~~of one of the members created by this amendatory Act of 1986~~  
3 ~~shall expire on the third Monday in January 1989 and the term~~  
4 ~~of the other shall expire on the third Monday in January~~  
5 ~~1991. The initial terms of the 3 additional members~~  
6 ~~appointed pursuant to this amendatory Act of the 91st General~~  
7 ~~Assembly shall expire on the third Monday in January 2006.~~  
8 Their respective successors shall be appointed for terms of 6  
9 years from the third Monday in January of the year of  
10 appointment. Each member shall serve until his successor is  
11 appointed and qualified.

12 Any member may be removed by the Governor for  
13 incompetence, neglect of duty, malfeasance or inability to  
14 serve.

15 (d) The Chairman of the Board shall be its chief  
16 executive and administrative officer. The Board may have an  
17 Executive Director; if so, the Executive Director shall be  
18 appointed by the Governor with the advice and consent of the  
19 Senate. The salary and duties of the Executive Director  
20 shall be fixed by the Board.

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

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

24 (820 ILCS 305/13) (from Ch. 48, par. 138.13)

25 Sec. 13. There is created an Industrial Commission  
26 consisting of 7 members to be appointed by the Governor, by  
27 and with the consent of the Senate, 2 of whom shall be  
28 representative citizens of the employing class operating  
29 under this Act and 2 of whom shall be representative citizens  
30 of the class of employees covered under this Act, and 3 of  
31 whom shall be representative citizens not identified with  
32 either the employing or employee classes. Not more than 4

1 members of the Commission shall be of the same political  
2 party.

3 One of the 3 members not identified with either the  
4 employing or employee classes shall be designated by the  
5 Governor as Chairman. The Chairman shall be the chief  
6 administrative and executive officer of the Commission; and  
7 he or she shall have general supervisory authority over all  
8 personnel of the Commission, including arbitrators and  
9 Commissioners, and the final authority in all administrative  
10 matters relating to the Commissioners, including but not  
11 limited to the assignment and distribution of cases and  
12 assignment of Commissioners to the panels, except in the  
13 promulgation of procedural rules and orders under Section 16  
14 and in the determination of cases under this Act.

15 Notwithstanding the general supervisory authority of the  
16 Chairman, each Commissioner, except those assigned to the  
17 temporary panel, shall have the authority to hire and  
18 supervise 2 staff attorneys each. Such staff attorneys shall  
19 report directly to the individual Commissioner.

20 A formal training program for newly-appointed  
21 Commissioners shall be implemented. The training program  
22 shall include the following:

23 (a) substantive and procedural aspects of the  
24 office of Commissioner;

25 (b) current issues in workers' compensation law and  
26 practice;

27 (c) medical lectures by specialists in areas such  
28 as orthopedics, ophthalmology, psychiatry, rehabilitation  
29 counseling;

30 (d) orientation to each operational unit of the  
31 Industrial Commission;

32 (e) observation of experienced arbitrators and  
33 Commissioners conducting hearings of cases, combined with  
34 the opportunity to discuss evidence presented and rulings

1 made;

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

5 (g) writing skills.

6 A formal and ongoing professional development program  
7 including, but not limited to, the above-noted areas shall be  
8 implemented to keep Commissioners informed of recent  
9 developments and issues and to assist them in maintaining and  
10 enhancing their professional competence.

11 The Commissioner candidates, other than the Chairman,  
12 must meet one of the following qualifications: (a) licensed  
13 to practice law in the State of Illinois; or (b) served as an  
14 arbitrator at the Illinois Industrial Commission for at least  
15 3 years; or (c) has at least 4 years of professional labor  
16 relations experience. The Chairman candidate must have  
17 public or private sector management and budget experience, as  
18 determined by the Governor.

19 Each Commissioner shall devote full time to his duties  
20 and any Commissioner who is an attorney-at-law shall not  
21 engage in the practice of law, nor shall any Commissioner  
22 hold any other office or position of profit under the United  
23 States or this State or any municipal corporation or  
24 political subdivision of this State, nor engage in any other  
25 business, employment, or vocation.

26 The term of office of each member of the Commission  
27 holding office on the effective date of this amendatory Act  
28 of 1989 is abolished, but the incumbents shall continue to  
29 exercise all of the powers and be subject to all of the  
30 duties of Commissioners until their respective successors are  
31 appointed and qualified.

32 The Industrial Commission shall administer this Act.

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

1 (a) After the effective date of this amendatory Act  
2 of 1989, 3 members, at least one of each political party,  
3 and one of whom shall be a representative citizen of the  
4 employing class operating under this Act, one of whom  
5 shall be a representative citizen of the class of  
6 employees covered under this Act, and one of whom shall  
7 be a representative citizen not identified with either  
8 the employing or employee classes, shall be appointed to  
9 hold office until the third Monday in January of 1993,  
10 and until their successors are appointed and qualified,  
11 and 4 members, one of whom shall be a representative  
12 citizen of the employing class operating under this Act,  
13 one of whom shall be a representative citizen of the  
14 class of employees covered in this Act, and two of whom  
15 shall be representative citizens not identified with  
16 either the employing or employee classes, one of whom  
17 shall be designated by the Governor as Chairman (at least  
18 one of each of the two major political parties) shall be  
19 appointed to hold office until the third Monday of  
20 January in 1991, and until their successors are appointed  
21 and qualified.

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

1 for terms ending on the third Monday in January, 2007.

2 (b) Members shall thereafter be appointed to hold  
3 office for terms of 4 years from the third Monday in  
4 January of the year of their appointment, and until their  
5 successors are appointed and qualified. All such  
6 appointments shall be made so that the composition of the  
7 Commission is in accordance with the provisions of the  
8 first paragraph of this Section.

9 The Chairman shall receive an annual salary of \$42,500,  
10 or a salary set by the Compensation Review Board, whichever  
11 is greater, and each other member shall receive an annual  
12 salary of \$38,000, or a salary set by the Compensation Review  
13 Board, whichever is greater.

14 In case of a vacancy in the office of a Commissioner  
15 during the recess of the Senate, the Governor shall make a  
16 temporary appointment until the next meeting of the Senate,  
17 when he shall nominate some person to fill such office. Any  
18 person so nominated who is confirmed by the Senate shall hold  
19 office during the remainder of the term and until his  
20 successor is appointed and qualified.

21 The Industrial Commission created by this amendatory Act  
22 of 1989 shall succeed to all the rights, powers, duties,  
23 obligations, records and other property and employees of the  
24 Industrial Commission which it replaces as modified by this  
25 amendatory Act of 1989 and all applications and reports to  
26 actions and proceedings of such prior Industrial Commission  
27 shall be considered as applications and reports to actions  
28 and proceedings of the Industrial Commission created by this  
29 amendatory Act of 1989.

30 Notwithstanding any other provision of this Act, in the  
31 event the Chairman shall make a finding that a member is or  
32 will be unavailable to fulfill the responsibilities of his or  
33 her office, the Chairman shall advise the Governor and the  
34 member in writing and shall designate a certified arbitrator

1 to serve as acting Commissioner. The certified arbitrator  
2 shall act as a Commissioner until the member resumes the  
3 duties of his or her office or until a new member is  
4 appointed by the Governor, by and with the consent of the  
5 Senate, if a vacancy occurs in the office of the  
6 Commissioner, but in no event shall a certified arbitrator  
7 serve in the capacity of Commissioner for more than 6 months  
8 from the date of appointment by the Chairman. A finding by  
9 the Chairman that a member is or will be unavailable to  
10 fulfill the responsibilities of his or her office shall be  
11 based upon notice to the Chairman by a member that he or she  
12 will be unavailable or facts and circumstances made known to  
13 the Chairman which lead him to reasonably find that a member  
14 is unavailable to fulfill the responsibilities of his or her  
15 office. The designation of a certified arbitrator to act as  
16 a Commissioner shall be considered representative of citizens  
17 not identified with either the employing or employee classes  
18 and the arbitrator shall serve regardless of his or her  
19 political affiliation. A certified arbitrator who serves as  
20 an acting Commissioner shall have all the rights and powers  
21 of a Commissioner, including salary.

22 Notwithstanding any other provision of this Act, the  
23 Governor shall appoint a special panel of Commissioners  
24 comprised of 3 members who shall be chosen by the Governor,  
25 by and with the consent of the Senate, from among the current  
26 ranks of certified arbitrators. Three members shall hold  
27 office until the Commission in consultation with the Governor  
28 determines that the caseload on review has been reduced  
29 sufficiently to allow cases to proceed in a timely manner or  
30 for a term of 18 months from the effective date of their  
31 appointment by the Governor, whichever shall be earlier. The  
32 3 members shall be considered representative of citizens not  
33 identified with either the employing or employee classes and  
34 shall serve regardless of political affiliation. Each of the

1 3 members shall have only such rights and powers of a  
2 Commissioner necessary to dispose of those cases assigned to  
3 the special panel. Each of the 3 members appointed to the  
4 special panel shall receive the same salary as other  
5 Commissioners for the duration of the panel.

6 The Commission may have an Executive Director; if so, the  
7 Executive Director shall be appointed by the Governor with  
8 the advice and consent of the Senate. The salary and duties  
9 of the Executive Director shall be fixed by the Commission.

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

11 Section 999-85. Severability. The provisions of this  
12 Act are severable under Section 1.31 of the Statute on  
13 Statutes.

14 Section 999-99. Effective date. This Act takes effect  
15 upon becoming law."