



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6947

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

5 ILCS 375/2.5 new	
10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
10 ILCS 5/2A-56 new	
40 ILCS 5/22-105 new	
70 ILCS 3605/12b	from Ch. 111 2/3, par. 312b
70 ILCS 3605/19	from Ch. 111 2/3, par. 319
70 ILCS 3605/20	from Ch. 111 2/3, par. 320
70 ILCS 3605/21	from Ch. 111 2/3, par. 321
70 ILCS 3605/22	from Ch. 111 2/3, par. 322
70 ILCS 3605/23	from Ch. 111 2/3, par. 323

Amends the State Employees Group Insurance Act of 1971, the Election Code, the Illinois Pension Code, and the Metropolitan Transit Authority Act. Provides for the nonpartisan election of a 9-member Chicago Transit Authority Board, beginning at the consolidated election in 2011 (now, a 7-member board is appointed). Eliminates compensation and pension and group insurance benefits for members. Makes other changes. Effective immediately.

LRB096 24304 RLJ 43784 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The State Employees Group Insurance Act of 1971
5 is amended by adding Section 2.5 as follows:

6 (5 ILCS 375/2.5 new)

7 Sec. 2.5. Application to Chicago Transit Authority Board
8 members. This Act does not apply to any elected member of the
9 Chicago Transit Authority Board established by subsection (b)
10 of Section 20 of the Metropolitan Transit Authority Act or to
11 any person appointed to fill a vacancy on that elected Board.

12 Section 10. The Election Code is amended by changing
13 Section 2A-1.2 and by adding Section 2A-56 as follows:

14 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

15 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
16 Designated.

17 (a) At the general election in the appropriate
18 even-numbered years, the following offices shall be filled or
19 shall be on the ballot as otherwise required by this Code:

20 (1) Elector of President and Vice President of the
21 United States;

1 (2) United States Senator and United States
2 Representative;

3 (3) State Executive Branch elected officers;

4 (4) State Senator and State Representative;

5 (5) County elected officers, including State's
6 Attorney, County Board member, County Commissioners, and
7 elected President of the County Board or County Chief
8 Executive;

9 (6) Circuit Court Clerk;

10 (7) Regional Superintendent of Schools, except in
11 counties or educational service regions in which that
12 office has been abolished;

13 (8) Judges of the Supreme, Appellate and Circuit
14 Courts, on the question of retention, to fill vacancies and
15 newly created judicial offices;

16 (9) (Blank);

17 (10) Trustee of the Metropolitan Sanitary District of
18 Chicago, and elected Trustee of other Sanitary Districts;

19 (11) Special District elected officers, not otherwise
20 designated in this Section, where the statute creating or
21 authorizing the creation of the district requires an annual
22 election and permits or requires election of candidates of
23 political parties.

24 (b) At the general primary election:

25 (1) in each even-numbered year candidates of political
26 parties shall be nominated for those offices to be filled

1 at the general election in that year, except where pursuant
2 to law nomination of candidates of political parties is
3 made by caucus.

4 (2) in the appropriate even-numbered years the
5 political party offices of State central committeeman,
6 township committeeman, ward committeeman, and precinct
7 committeeman shall be filled and delegates and alternate
8 delegates to the National nominating conventions shall be
9 elected as may be required pursuant to this Code. In the
10 even-numbered years in which a Presidential election is to
11 be held, candidates in the Presidential preference primary
12 shall also be on the ballot.

13 (3) in each even-numbered year, where the municipality
14 has provided for annual elections to elect municipal
15 officers pursuant to Section 6(f) or Section 7 of Article
16 VII of the Constitution, pursuant to the Illinois Municipal
17 Code or pursuant to the municipal charter, the offices of
18 such municipal officers shall be filled at an election held
19 on the date of the general primary election, provided that
20 the municipal election shall be a nonpartisan election
21 where required by the Illinois Municipal Code. For partisan
22 municipal elections in even-numbered years, a primary to
23 nominate candidates for municipal office to be elected at
24 the general primary election shall be held on the Tuesday 6
25 weeks preceding that election.

26 (4) in each school district which has adopted the

1 provisions of Article 33 of the School Code, successors to
2 the members of the board of education whose terms expire in
3 the year in which the general primary is held shall be
4 elected.

5 (c) At the consolidated election in the appropriate
6 odd-numbered years, the following offices shall be filled:

7 (1) Municipal officers, provided that in
8 municipalities in which candidates for alderman or other
9 municipal office are not permitted by law to be candidates
10 of political parties, the runoff election where required by
11 law, or the nonpartisan election where required by law,
12 shall be held on the date of the consolidated election; and
13 provided further, in the case of municipal officers
14 provided for by an ordinance providing the form of
15 government of the municipality pursuant to Section 7 of
16 Article VII of the Constitution, such offices shall be
17 filled by election or by runoff election as may be provided
18 by such ordinance;

19 (2) Village and incorporated town library directors;

20 (3) City boards of stadium commissioners;

21 (4) Commissioners of park districts;

22 (5) Trustees of public library districts;

23 (6) Special District elected officers, not otherwise
24 designated in this section, where the statute creating or
25 authorizing the creation of the district permits or
26 requires election of candidates of political parties;

1 (7) Township officers, including township park
2 commissioners, township library directors, and boards of
3 managers of community buildings, and Multi-Township
4 Assessors;

5 (8) Highway commissioners and road district clerks;

6 (9) Members of school boards in school districts which
7 adopt Article 33 of the School Code;

8 (10) The directors and chairman of the Chain O Lakes -
9 Fox River Waterway Management Agency;

10 (11) Forest preserve district commissioners elected
11 under Section 3.5 of the Downstate Forest Preserve District
12 Act;

13 (11.5) Members of the Chicago Transit Authority Board;

14 (12) Elected members of school boards, school
15 trustees, directors of boards of school directors,
16 trustees of county boards of school trustees (except in
17 counties or educational service regions having a
18 population of 2,000,000 or more inhabitants) and members of
19 boards of school inspectors, except school boards in school
20 districts that adopt Article 33 of the School Code;

21 (13) Members of Community College district boards;

22 (14) Trustees of Fire Protection Districts;

23 (15) Commissioners of the Springfield Metropolitan
24 Exposition and Auditorium Authority;

25 (16) Elected Trustees of Tuberculosis Sanitarium
26 Districts;

1 (17) Elected Officers of special districts not
2 otherwise designated in this Section for which the law
3 governing those districts does not permit candidates of
4 political parties.

5 (d) At the consolidated primary election in each
6 odd-numbered year, candidates of political parties shall be
7 nominated for those offices to be filled at the consolidated
8 election in that year, except where pursuant to law nomination
9 of candidates of political parties is made by caucus, and
10 except those offices listed in paragraphs (12) through (17) of
11 subsection (c).

12 At the consolidated primary election in the appropriate
13 odd-numbered years, the mayor, clerk, treasurer, and aldermen
14 shall be elected in municipalities in which candidates for
15 mayor, clerk, treasurer, or alderman are not permitted by law
16 to be candidates of political parties, subject to runoff
17 elections to be held at the consolidated election as may be
18 required by law, and municipal officers shall be nominated in a
19 nonpartisan election in municipalities in which pursuant to law
20 candidates for such office are not permitted to be candidates
21 of political parties.

22 At the consolidated primary election in the appropriate
23 odd-numbered years, municipal officers shall be nominated or
24 elected, or elected subject to a runoff, as may be provided by
25 an ordinance providing a form of government of the municipality
26 pursuant to Section 7 of Article VII of the Constitution.

1 (e) (Blank).

2 (f) At any election established in Section 2A-1.1, public
3 questions may be submitted to voters pursuant to this Code and
4 any special election otherwise required or authorized by law or
5 by court order may be conducted pursuant to this Code.

6 Notwithstanding the regular dates for election of officers
7 established in this Article, whenever a referendum is held for
8 the establishment of a political subdivision whose officers are
9 to be elected, the initial officers shall be elected at the
10 election at which such referendum is held if otherwise so
11 provided by law. In such cases, the election of the initial
12 officers shall be subject to the referendum.

13 Notwithstanding the regular dates for election of
14 officials established in this Article, any community college
15 district which becomes effective by operation of law pursuant
16 to Section 6-6.1 of the Public Community College Act, as now or
17 hereafter amended, shall elect the initial district board
18 members at the next regularly scheduled election following the
19 effective date of the new district.

20 (g) At any election established in Section 2A-1.1, if in
21 any precinct there are no offices or public questions required
22 to be on the ballot under this Code then no election shall be
23 held in the precinct on that date.

24 (h) There may be conducted a referendum in accordance with
25 the provisions of Division 6-4 of the Counties Code.

26 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,

1 eff. 8-9-96; 90-358, eff. 1-1-98.)

2 (10 ILCS 5/2A-56 new)

3 Sec. 2A-56. Chicago Transit Authority Board member. A
4 Chicago Transit Authority Board member under Section 20 of the
5 Metropolitan Transit Authority Act shall be elected at the
6 consolidated election to succeed each incumbent Chicago
7 Transit Authority Board member whose term expires before the
8 following consolidated election.

9 Section 15. The Illinois Pension Code is amended by adding
10 Section 22-105 as follows:

11 (40 ILCS 5/22-105 new)

12 Sec. 22-105. Application to Chicago Transit Authority
13 Board members. This Code does not apply to any elected member
14 of the Chicago Transit Authority Board established by
15 subsection (b) of Section 20 of the Metropolitan Transit
16 Authority Act or to any person appointed to fill a vacancy on
17 that elected Board.

18 Section 20. The Metropolitan Transit Authority Act is
19 amended by changing Sections 12b, 19, 20, 21, 22, and 23 as
20 follows:

21 (70 ILCS 3605/12b) (from Ch. 111 2/3, par. 312b)

1 Sec. 12b. Working Cash Borrowing. In addition to the powers
2 provided in Section 12a, the Board with the affirmative vote of
3 at least two-thirds ~~5~~ of its Directors may demand and direct
4 the Board of the Regional Transportation Authority to issue
5 Working Cash Notes at such time and in such amounts and having
6 such maturities as the Authority deems proper, provided however
7 any such borrowing shall have been specifically identified in
8 the budget of the Authority as approved by the Board of the
9 Regional Transportation Authority. Provided further, that the
10 Board may not issue and have outstanding or demand and direct
11 the Board of the Regional Transportation Authority to issue and
12 have outstanding more than an aggregate of \$40,000,000 in
13 Working Cash Notes.

14 (Source: P.A. 83-885; 83-886.)

15 (70 ILCS 3605/19) (from Ch. 111 2/3, par. 319)

16 Sec. 19. Compensation; pension; benefits.

17 (a) Until May 1, 2011, the ~~The~~ governing and administrative
18 body of the Authority shall be a board consisting of seven
19 members, to be known as Chicago Transit Board. Beginning May 1,
20 2011, the board shall consist of 9 members elected as set forth
21 in subsection (b) of Section 20. Members of the Board shall be
22 residents of the metropolitan area and persons of recognized
23 business ability. No member of the Board of the Authority shall
24 hold any other office or employment under the Federal, State or
25 any County or any municipal government except an honorary

1 office without compensation or an office in the National Guard.
2 No employee of the Authority shall hold any other office or
3 employment under the Federal, State or any County or any
4 municipal government except an office with compensation not
5 exceeding \$15,000 annually or a position in the National Guard
6 or the United States military reserves. Provided, however, that
7 the Chairman may be a member of the Board of the Regional
8 Transportation Authority. No member of the Board or employee of
9 the Authority shall have any private financial interest, profit
10 or benefit in any contract, work or business of the Authority
11 nor in the sale or lease of any property to or from the
12 Authority.

13 (b) This subsection applies only to members appointed under
14 subsection (a) of Section 20. The salary of each member of the
15 initial appointed Board shall be \$15,000.00 per annum, and such
16 salary shall not be increased or diminished during his or her
17 term of office. The salaries of successor members of the
18 appointed Board shall be fixed by the Board and shall not be
19 increased or diminished during their respective terms of
20 office. No appointed Board member shall be allowed any fees,
21 perquisites or emoluments, reward or compensation for his or
22 her services as a member or officer of the Authority aside from
23 his or her salary or pension, but he or she shall be reimbursed
24 for actual expenses incurred by him or her in the performance
25 of his or her duties.

26 (c) Beginning May 1, 2011, members of the Board shall

1 receive no annual salary or other compensation for their
2 service in office, except that each member shall be reimbursed
3 for actual expenses incurred in the performance of his or her
4 duties.

5 No service or contribution shall be credited in any
6 retirement system or pension fund, under the Illinois Pension
7 Code or otherwise, to the chairman or any other member of the
8 Board for service in that office beginning on or after May 1,
9 2011, and no public funds shall be appropriated, expended, or
10 otherwise obligated for such a retirement system or pension
11 fund credit. Except as otherwise provided in this Act,
12 beginning May 1, 2011, the chairman or any other member of the
13 Board shall receive no financial benefit or perquisite for his
14 or her service in such office, including without limitation
15 participation in a program of life or health insurance.

16 (Source: P.A. 95-968, eff. 1-1-09.)

17 (70 ILCS 3605/20) (from Ch. 111 2/3, par. 320)

18 Sec. 20. Chicago Transit Authority Board.

19 (a) Within sixty (60) days after the adoption of this Act
20 by the electors of one or more cities, villages and
21 incorporated towns within the metropolitan area having a
22 population in the aggregate of at least 100,000 according to
23 the Federal census of 1940, the Governor, by and with the
24 advice and consent of the Senate, shall appoint three members
25 of the Board for initial terms expiring September first of the

1 years 1947, 1948 and 1949, respectively, at least one of which
2 members shall be a resident of that portion of the metropolitan
3 area which is outside the corporate limits of the City of
4 Chicago, and the Mayor, with advice and consent of the City
5 Council of the City of Chicago, shall appoint four members of
6 the Board for initial terms expiring September first of the
7 years 1946, 1950, 1951 and 1952, respectively. At the
8 expiration of the term of any member appointed by the Governor
9 his or her successor shall be appointed by the Governor, and at
10 the expiration of the term of any member appointed by the Mayor
11 his or her successor shall be appointed by the Mayor in like
12 manner, and with like regard as to the place of residence of
13 the appointee, as appointments for the initial terms. All
14 successors shall hold office for the term of seven years from
15 the first day of September of the year in which they are
16 appointed, except in case of an appointment to fill a vacancy.
17 In case of vacancy in the office of any member appointed by the
18 Governor during the recess of the Senate, the Governor shall
19 make a temporary appointment until the next meeting of the
20 Senate when he or she shall nominate some person to fill such
21 office; and any person so nominated, who is confirmed by the
22 Senate, shall hold his or her office during the remainder of
23 the term and until his or her successor shall be appointed and
24 qualified. If the Senate is not in session at the time this Act
25 takes effect, the Governor shall make temporary appointments as
26 in case of vacancies. Each appointment by the Governor shall be

1 subject to approval by the Mayor, and each appointment by the
2 Mayor shall be subject to approval by the Governor and, when so
3 approved, the Governor and the Mayor shall certify their
4 respective appointments and approvals to the Secretary of
5 State. If the Governor or the Mayor does not approve or
6 disapprove the appointment by the Mayor or the Governor,
7 respectively, within 15 days after receipt thereof, the person
8 is appointed. Within thirty days after certification and
9 approval of his or her appointment, and before entering upon
10 the duties of his or her office, each member of the Board shall
11 take and subscribe the constitutional oath of office and file
12 it in the office of the Secretary of State. This subsection (a)
13 applies until May 1, 2011.

14 (b) Notwithstanding any other provision of this Act to the
15 contrary, the terms of all members of the Chicago Transit
16 Authority Board serving on April 30, 2011 shall terminate at
17 the close of business on that day, and the Chicago Transit
18 Authority Board shall thereupon be reconstituted as provided in
19 this subsection (b).

20 Beginning May 1, 2011, the governing body of the Chicago
21 Transit Authority Board shall be a board consisting of 9
22 members elected as follows:

23 (1) Seven members shall be elected by the electors of
24 the City of Chicago and shall represent and reside in the
25 City of Chicago;

26 (2) Two members shall be elected by the electors of

1 that part of Cook County outside the City of Chicago and
2 shall represent and reside in that part of Cook County.

3 (c) The chairman shall be appointed by the members, from
4 the members of the board, with the concurrence of at least 6 of
5 the members.

6 (d) The members provided for in subsection (b) shall be
7 elected on a nonpartisan basis at the consolidated election,
8 beginning in 2011.

9 Nomination shall be by petition, signed by at least 0.1% of
10 the registered voters of the area to be represented, filed with
11 the appropriate election authority in accordance with the
12 general election law. Electors may vote for as many candidates
13 as there are members to be elected but may not give any one
14 candidate more than one vote.

15 Of the members elected in 2011, (i) the members described
16 in item (1) of subsection (b) who receive the first, second,
17 third, and fourth greatest number of votes, and the member
18 described in item (2) thereof who receives the greatest number
19 of votes in the consolidated election, shall be elected for
20 terms of 4 years; and (ii) the members described in item (1) of
21 subsection (b) who receive the fifth, sixth, and seventh
22 greatest number of votes, and the member described in item (2)
23 thereof who receives the second greatest number of votes, shall
24 be elected for terms of 2 years. Thereafter, all members shall
25 be elected for terms of 4 years. All terms shall begin on May
26 1, and members shall continue to serve until their successors

1 are elected and have qualified.

2 (Source: P.A. 79-938.)

3 (70 ILCS 3605/21) (from Ch. 111 2/3, par. 321)

4 Sec. 21. Vacancies.

5 (a) This subsection (a) applies only to members appointed
6 under subsection (a) of Section 20. Members of the Board shall
7 hold office until their respective successors have been
8 appointed and have qualified. Any member may resign from his or
9 her office, to take effect when his or her successor has been
10 appointed and has qualified. The Governor and the Mayor,
11 respectively, may remove any member of the Board appointed by
12 him or her in case of incompetency, neglect of duty, or
13 malfeasance in office. They may give him or her a copy of the
14 charges against him or her and an opportunity to be publicly
15 heard in person or by counsel in his or her own defense upon
16 not less than ten days' notice. In case of failure to qualify
17 within the time required, or of abandonment of his or her
18 office, or in case of death, conviction of a crime or removal
19 from office, his or her office shall become vacant. Each
20 vacancy in an appointed office shall be filled for the
21 unexpired term by appointment in like manner, and with like
22 regard as to the place of residence of the appointee, as in
23 case of expiration of the term of a member of the Board.

24 (b) Beginning May 1, 2011, a vacancy shall be filled for
25 the remainder of the term by a person appointed by the county

1 board chairman of the county represented by the member causing
2 the vacancy or, in the case of a member representing the City
3 of Chicago, by the Mayor of the City of Chicago.

4 (Source: Laws 1945, p. 1171.)

5 (70 ILCS 3605/22) (from Ch. 111 2/3, par. 322)

6 Sec. 22. Chairperson; terms; compensation. As soon as
7 possible after the appointment of the initial members, the
8 board shall organize for the transaction of business, select a
9 chairman and a temporary secretary from its own number, and
10 adopt by-laws, rules and regulations to govern its proceedings.
11 Until May 1, 2011, the ~~The initial~~ chairman and successors
12 shall be elected by the Board from time to time for the term of
13 his or her office as a member of the Board or for the term of
14 three years, whichever is shorter. Beginning on May 1, 2011,
15 the chairperson shall be appointed by the members, from the
16 members of the board, with the concurrence of at least 6 of the
17 members.

18 Until May 1, 2011, the ~~The~~ Board shall fix the salary of
19 the chairman in addition to his or her salary as a member of
20 the Board, which shall not be increased or diminished during
21 his or her term of office as chairman. But if the chairman is
22 engaged in any other business or employment during his or her
23 term as chairman, his or her annual salary shall be not more
24 than \$25,000. Beginning May 1, 2011, the chairperson shall
25 receive no annual salary or other compensation for his or her

1 service in office, except that the chairperson shall be
2 reimbursed for actual expenses incurred in the performance of
3 his or her duties.

4 (Source: P.A. 80-937.)

5 (70 ILCS 3605/23) (from Ch. 111 2/3, par. 323)

6 Sec. 23. Meetings. Regular meetings of the Board shall be
7 held at least once in each calendar month, the time and place
8 of such meetings to be fixed by the Board. Four members of the
9 Board shall constitute a quorum for the transaction of
10 business. All action of the Board shall be by ordinance or
11 resolution. Until May 1, 2011, and the affirmative vote of at
12 least four members shall be necessary for the adoption of any
13 ordinance or resolution. Beginning May 1, 2011, the affirmative
14 vote of at least 5 members shall be necessary for the adoption
15 of any ordinance or resolution. All such ordinances and
16 resolutions before taking effect shall be approved by the
17 chairman of the Board, and if he or she shall approve thereof
18 he or she shall sign the same, and such as he or she shall not
19 approve he or she shall return to the Board with his or her
20 objections thereto in writing at the next regular meeting of
21 the Board occurring after the passage thereof. But in case the
22 chairman shall fail to return any ordinance or resolution with
23 his or her objections thereto by the time aforesaid, he or she
24 shall be deemed to have approved the same and it shall take
25 effect accordingly. Upon the return of any ordinance or

1 resolution by the chairman with his or her objections, the vote
2 by which the same was passed shall be reconsidered by the
3 Board, and if upon such reconsideration said ordinance or
4 resolution is passed by the affirmative vote of at least
5 two-thirds ~~five~~ members, it shall go into effect
6 notwithstanding the veto of the chairman. All ordinances,
7 resolutions and all proceedings of the Authority and all
8 documents and records in its possession shall be public
9 records, and open to public inspection, except such documents
10 and records as shall be kept or prepared by the Board for use
11 in negotiations, action or proceedings to which the Authority
12 is a party.

13 (Source: Laws 1945, p. 1171.)

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