



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB6950

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 3615/3A.02	from Ch. 111 2/3, par. 703A.02
70 ILCS 3615/3A.02a new	
70 ILCS 3615/3A.03	from Ch. 111 2/3, par. 703A.03
70 ILCS 3615/3A.05	from Ch. 111 2/3, par. 703A.05
70 ILCS 3615/3A.06	from Ch. 111 2/3, par. 703A.06
70 ILCS 3615/3A.07	from Ch. 111 2/3, par. 703A.07
70 ILCS 3615/3A.12	from Ch. 111 2/3, par. 703A.12

Amends the State Employees Group Insurance Act of 1971, the Election Code, the Illinois Pension Code, and the Regional Transportation Authority Act. Provides for the nonpartisan election of a 9-member Suburban Bus Board, beginning at the consolidated election in 2011 (now, a 13-member board is appointed). Eliminates compensation and pension and group insurance benefits for members. Makes other changes. Effective immediately.

LRB096 24303 RLJ 43783 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 Suburban Bus Board members. This  
8 Act does not apply to any elected member of the Suburban Bus  
9 Board established by Section 3A.02a of the Regional  
10 Transportation Authority Act or to any person appointed to fill  
11 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 Suburban Bus 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. Suburban Bus Board member. A Suburban Bus Board  
4 member under Section 3A.02a of the Regional Transportation  
5 Authority Act shall be elected at the consolidated election to  
6 succeed each incumbent Suburban Bus Board member whose term  
7 expires before the following consolidated election.

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

10 (40 ILCS 5/22-105 new)

11 Sec. 22-105. Application to Suburban Bus Board members.  
12 This Code does not apply to any elected member of the Suburban  
13 Bus Board established by Section 3A.02a of the Regional  
14 Transportation Authority Act or to any person appointed to fill  
15 a vacancy on that elected Board.

16 Section 20. The Regional Transportation Authority Act is  
17 amended by changing Sections 3A.02, 3A.03, 3A.05, 3A.06, 3A.07,  
18 and 3A.12 and adding Section 3A.02a as follows:

19 (70 ILCS 3615/3A.02) (from Ch. 111 2/3, par. 703A.02)

20 Sec. 3A.02. Suburban Bus Board; appointed directors. Until  
21 May 1, 2011, the ~~The~~ governing body of the Suburban Bus

1 Division shall be a board consisting of 13 directors appointed  
2 as follows:

3 (a) Six Directors appointed by the members of the Cook  
4 County Board elected from that part of Cook County outside  
5 of Chicago, or in the event such Board of Commissioners  
6 becomes elected from single member districts, by those  
7 Commissioners elected from districts, a majority of the  
8 residents of which reside outside of Chicago from the chief  
9 executive officers of the municipalities, of that portion  
10 of Cook County outside of Chicago. Provided however, that:

11 (i) One of the Directors shall be the chief  
12 executive officer of a municipality within the area of  
13 the Northwest Region defined in Section 3A.13;

14 (ii) One of the Directors shall be the chief  
15 executive officer of a municipality within the area of  
16 the North Central Region defined in Section 3A.13;

17 (iii) One of the Directors shall be the chief  
18 executive officer of a municipality within the area of  
19 the North Shore Region defined in Section 3A.13;

20 (iv) One of the Directors shall be the chief  
21 executive officer of a municipality within the area of  
22 the Central Region defined in Section 3A.13;

23 (v) One of the Directors shall be the chief  
24 executive officer of a municipality within the area of  
25 the Southwest Region defined in Section 3A.13;

26 (vi) One of the Directors shall be the chief

1 executive officer of a municipality within the area of  
2 the South Region defined in Section 3A.13;

3 (b) One Director by the Chairman of the Kane County  
4 Board who shall be a chief executive officer of a  
5 municipality within Kane County;

6 (c) One Director by the Chairman of the Lake County  
7 Board who shall be a chief executive officer of a  
8 municipality within Lake County;

9 (d) One Director by the Chairman of the DuPage County  
10 Board who shall be a chief executive officer of a  
11 municipality within DuPage County;

12 (e) One Director by the Chairman of the McHenry County  
13 Board who shall be a chief executive officer of a  
14 municipality within McHenry County;

15 (f) One Director by the Chairman of the Will County  
16 Board who shall be a chief executive officer of a  
17 municipality within Will County;

18 (g) The Commissioner of the Mayor's Office for People  
19 with Disabilities, from the City of Chicago, who shall  
20 serve as an ex-officio member; and

21 (h) The Chairman by the Governor for the initial term,  
22 and thereafter by a majority of the Chairmen of the DuPage,  
23 Kane, Lake, McHenry and Will County Boards and the members  
24 of the Cook County Board elected from that part of Cook  
25 County outside of Chicago, or in the event such Board of  
26 Commissioners is elected from single member districts, by

1 those Commissioners elected from districts, a majority of  
2 the electors of which reside outside of Chicago; and who  
3 after the effective date of this amendatory Act of the 95th  
4 General Assembly may not be a resident of the City of  
5 Chicago.

6 Each appointment made under paragraphs (a) through (g) and  
7 under Section 3A.03 shall be certified by the appointing  
8 authority to the Suburban Bus Board which shall maintain the  
9 certifications as part of the official records of the Suburban  
10 Bus Board; provided that the initial appointments shall be  
11 certified to the Secretary of State, who shall transmit the  
12 certifications to the Suburban Bus Board following its  
13 organization.

14 Beginning May 1, 2011, the governing body of the Suburban  
15 Bus Division shall be a board consisting of 9 directors elected  
16 as set forth in Section 3A.02a.

17 For the purposes of this Section, "chief executive officer  
18 of a municipality" includes a former chief executive officer of  
19 a municipality within the specified Region or County, provided  
20 that the former officer continues to reside within such Region  
21 or County.

22 (Source: P.A. 95-906, eff. 8-26-08.)

23 (70 ILCS 3615/3A.02a new)

24 Sec. 3A.02a. Suburban Bus Board; elected directors.

25 (a) Notwithstanding any other provision of this Act to the

1 contrary, the terms of all members of the Suburban Bus Board  
2 serving on April 30, 2011 shall terminate at the close of  
3 business on that day, and the Suburban Bus Board shall  
4 thereupon be reconstituted as provided in subsection (b) of  
5 this Section.

6 (b) Beginning May 1, 2011, the governing body of the  
7 Suburban Bus Division shall be a board consisting of 9  
8 directors elected as follows:

9 (1) One director shall be elected by the electors of  
10 the City of Chicago and shall represent and reside in the  
11 City of Chicago;

12 (2) Three directors shall be elected by the electors of  
13 that part of Cook County outside the City of Chicago and  
14 shall represent and reside in that part of Cook County;

15 (3) One director shall be elected by the electors of  
16 DuPage County and shall represent and reside in DuPage  
17 County;

18 (4) One director shall be elected by the electors of  
19 Kane County and shall represent and reside in Kane County;

20 (5) One director shall be elected by the electors of  
21 Lake County and shall represent and reside in Lake County;

22 (6) One director shall be elected by the electors of  
23 McHenry County and shall represent and reside in McHenry  
24 County;

25 (7) One director shall be elected by the electors of  
26 Will County and shall represent and reside in Will County.

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

4       (d) The directors provided for in subsection (b) shall be  
5 nominated and elected on a nonpartisan basis as provided in  
6 Section 3A.03 of this Act and in the Election Code.

7           (70 ILCS 3615/3A.03) (from Ch. 111 2/3, par. 703A.03)

8           Sec. 3A.03. Terms, Elections, Vacancies.

9       (a) This subsection (a) applies only to directors appointed  
10 under Section 3A.02. The initial term of the directors  
11 appointed pursuant to subdivision (a) of Section 3A.02 shall  
12 expire on June 30, 1985; the initial term of the directors  
13 appointed pursuant to subdivisions (b) through (g) of Section  
14 3A.02 shall expire on June 30, 1986. Thereafter, each director  
15 shall be appointed for a term of 4 years, and until his or her  
16 successor has been appointed and qualified. A vacancy shall  
17 occur upon the resignation, death, conviction of a felony, or  
18 removal from office of a director. Any director may be removed  
19 from office upon the concurrence of not less than 8 directors,  
20 on a formal finding of incompetence, neglect of duty, or  
21 malfeasance in office. Within 30 days after the office of any  
22 appointed director becomes vacant for any reason other than the  
23 termination of appointed directors under Section 3A.02a, the  
24 appointing authorities of such director shall make an  
25 appointment to fill the vacancy. A vacancy shall be filled for

1 the unexpired term. The initial directors other than the  
2 chairman shall be appointed within 180 days of November 9,  
3 1983.

4 On June 1, 1984 the seat of any Director of the Suburban  
5 Bus Board not yet filled shall be deemed vacant and shall be  
6 chosen by the election of all the legislative members of the  
7 General Assembly representing the affected area. In order to  
8 qualify as a voting legislative member in this matter, the  
9 affected area must be more than 50% of the geographic area of  
10 the legislative district.

11 (b) The directors provided for in Section 3A.02a shall be  
12 elected on a nonpartisan basis at the consolidated election,  
13 beginning in 2011.

14 Nomination shall be by petition, signed by at least 0.1% of  
15 the registered voters of the area to be represented, filed with  
16 the appropriate election authority in accordance with the  
17 general election law. In elections for directors representing  
18 that part of Cook County outside the City of Chicago, if more  
19 than one such director is to be elected, the electors may vote  
20 for as many candidates as there are directors to be elected but  
21 may not give any one candidate more than one vote.

22 Of the directors elected in 2011, (i) the directors  
23 described in items (3), (5), and (7) of subsection (b) of  
24 Section 3A.02a, and the director described in item (2) thereof  
25 who receives the greatest number of votes in the consolidated  
26 election, shall be elected for terms of 4 years; and (ii) the

1 directors described in items (1), (4), and (6) of subsection  
2 (b) of Section 3A.02a, and the 2 directors described in item  
3 (2) thereof who receive the second and third greatest number of  
4 votes, shall be elected for terms of 2 years. Thereafter, all  
5 directors shall be elected for terms of 4 years. All terms  
6 shall begin on May 1, and directors shall continue to serve  
7 until their successors are elected and have qualified.

8 (c) Beginning May 1, 2011, a vacancy shall be filled for  
9 the remainder of the term by a person appointed by the county  
10 board chairman of the county represented by the director  
11 causing the vacancy or, in the case of the director  
12 representing the City of Chicago, by the Mayor of the City of  
13 Chicago.

14 (Source: P.A. 83-1156.)

15 (70 ILCS 3615/3A.05) (from Ch. 111 2/3, par. 703A.05)

16 Sec. 3A.05. Appointment of officers and employees. The  
17 Suburban Bus Board shall appoint an Executive Director who  
18 shall be the chief executive officer of the Division,  
19 appointed, retained or dismissed with the concurrence of at  
20 least two-thirds <sup>9</sup> of the directors of the Suburban Bus Board.  
21 The Executive Director shall appoint, retain and employ  
22 officers, attorneys, agents, engineers, employees and shall  
23 organize the staff, shall allocate their functions and duties,  
24 fix compensation and conditions of employment, and consistent  
25 with the policies of and direction from the Suburban Bus Board



1 take all actions necessary to achieve its purposes, fulfill its  
2 responsibilities and carry out its powers, and shall have such  
3 other powers and responsibilities as the Suburban Bus Board  
4 shall determine. The Executive Director shall be an individual  
5 of proven transportation and management skills and may not be a  
6 member of the Suburban Bus Board. The Division may employ its  
7 own professional management personnel to provide professional  
8 and technical expertise concerning its purposes and powers and  
9 to assist it in assessing the performance of transportation  
10 agencies in the metropolitan region.

11 No unlawful discrimination, as defined and prohibited in  
12 the Illinois Human Rights Act, shall be made in any term or  
13 aspect of employment nor shall there be discrimination based  
14 upon political reasons or factors. The Suburban Bus Board shall  
15 establish regulations to insure that its discharges shall not  
16 be arbitrary and that hiring and promotion are based on merit.

17 The Division shall be subject to the "Illinois Human Rights  
18 Act", ~~as now or hereafter amended,~~ and the remedies and  
19 procedure established thereunder. The Suburban Bus Board shall  
20 file an affirmative action program for employment by it with  
21 the Department of Human Rights to ensure that applicants are  
22 employed and that employees are treated during employment,  
23 without regard to unlawful discrimination. Such affirmative  
24 action program shall include provisions relating to hiring,  
25 upgrading, demotion, transfer, recruitment, recruitment  
26 advertising, selection for training and rates of pay or other

1 forms of compensation.

2 (Source: P.A. 95-906, eff. 8-26-08.)

3 (70 ILCS 3615/3A.06) (from Ch. 111 2/3, par. 703A.06)

4 Sec. 3A.06. Compensation; pension; benefits. Until May 1,  
5 2011, the ~~The~~ Chairman of the Suburban Bus Board shall receive  
6 an annual salary of \$15,000, and the other members of the  
7 Suburban Bus Board shall receive an annual salary of \$10,000.  
8 Beginning May 1, 2011, members of the Suburban Bus Board,  
9 including the chairman, shall receive no annual salary or other  
10 compensation for their service in office, except that the  
11 chairman and each ~~Each~~ member shall be reimbursed for actual  
12 expenses incurred in the performance of his or her duties, not  
13 to exceed \$5000 per year.

14 No service or contribution shall be credited in any  
15 retirement system or pension fund, under the Illinois Pension  
16 Code or otherwise, to the chairman or any other member of the  
17 Board for service in that office beginning on or after May 1,  
18 2011, and no public funds shall be appropriated, expended, or  
19 otherwise obligated for such a retirement system or pension  
20 fund credit. Except as otherwise provided in this Act,  
21 beginning May 1, 2011, the chairman or any other member of the  
22 Board shall receive no financial benefit or perquisite for his  
23 or her service in such office, including without limitation  
24 participation in a program of life or health insurance.

25 Officers of the Division shall not be required to comply

1 with the requirements of the Public Funds Statement Publication  
2 Act ~~"An Act requiring certain custodians of public monies to~~  
3 ~~file and publish statements of the receipts and disbursements~~  
4 ~~thereof", approved June 24, 1919, as now or hereafter amended.~~

5 (Source: P.A. 84-939.)

6 (70 ILCS 3615/3A.07) (from Ch. 111 2/3, par. 703A.07)

7 Sec. 3A.07. Meetings. The Suburban Bus Board shall  
8 prescribe the time and places for meetings and the manner in  
9 which special meetings may be called. The Suburban Bus Board  
10 shall comply in all respects with the ~~"Open Meetings Act", as~~  
11 ~~now or hereafter amended.~~ All records, documents and papers of  
12 the Suburban Bus Division, other than those relating to matters  
13 concerning which closed sessions of the Suburban Bus Board may  
14 be held, shall be available for public examination, subject to  
15 such reasonable regulations as the Suburban Bus Board may  
16 adopt.

17 A majority of the members shall constitute a quorum for the  
18 conduct of business. Until May 1, 2011, the ~~The~~ affirmative  
19 votes of at least 7 members shall be necessary for any action  
20 required by this Act to be taken by ordinance. Beginning May 1,  
21 2011, the affirmative votes of at least 5 members shall be  
22 necessary for any action required by this Act to be taken by  
23 ordinance.

24 (Source: P.A. 83-886.)

1 (70 ILCS 3615/3A.12) (from Ch. 111 2/3, par. 703A.12)

2 Sec. 3A.12. Working Cash Borrowing. The Suburban Bus Board  
3 with the affirmative vote of at least two-thirds ~~9~~ of its  
4 Directors may demand and direct the Board of the Authority to  
5 issue Working Cash Notes at such time and in such amounts and  
6 having such maturities as the Suburban Bus Board deems proper,  
7 provided however any such borrowing shall have been  
8 specifically identified in the budget of the Suburban Bus Board  
9 as approved by the Board of the Authority. Provided further,  
10 that the Suburban Bus Board may not demand and direct the Board  
11 of the Authority to have issued and have outstanding at any  
12 time in excess of \$5,000,000 in Working Cash Notes.

13 (Source: P.A. 95-906, eff. 8-26-08.)

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