



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3911

Introduced 10/17/2019, by Rep. Luis Arroyo

SYNOPSIS AS INTRODUCED:

70 ILCS 3615/3B.02	from Ch. 111 2/3, par. 703B.02
70 ILCS 3615/3B.04	from Ch. 111 2/3, par. 703B.04
70 ILCS 3615/3B.05	from Ch. 111 2/3, par. 703B.05

Amends the Commuter Rail Division of the Regional Transportation Authority Act. Provides that the terms of the directors of the Commuter Rail Board serving on the effective date of the amendatory Act are terminated on the effective date. Provides that on and after the effective date of the amendatory Act, the Governor shall appoint the directors of the Commuter Rail Board (currently, directors are appointed by county board chairs or president, a county executive, the mayor of the City of Chicago, and members of a county board). Provides that the Executive Director and specified officers serving on the effective date of the amendatory Act shall continue to serve until a successor is selected and qualified by the Commuter Rail Board. Effective immediately.

LRB101 14466 AWJ 63358 b

1 AN ACT concerning local government.

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

4 Section 5. The Regional Transportation Authority Act is
5 amended by changing Sections 3B.02, 3B.04, and 3B.05 as
6 follows:

7 (70 ILCS 3615/3B.02) (from Ch. 111 2/3, par. 703B.02)

8 Sec. 3B.02. Commuter Rail Board.

9 (a) Until April 1, 2008, the governing body of the Commuter
10 Rail Division shall be a board consisting of 7 directors
11 appointed pursuant to Sections 3B.03 and 3B.04, as follows:

12 (1) One director shall be appointed by the Chairman of
13 the Board of DuPage County with the advice and consent of
14 the County Board of DuPage County and shall reside in
15 DuPage County.

16 (2) Two directors appointed by the Chairmen of the
17 County Boards of Kane, Lake, McHenry and Will Counties with
18 the concurrence of not less than a majority of the chairmen
19 from such counties, from nominees by the Chairmen. Each
20 such chairman may nominate not more than two persons for
21 each position. Each such director shall reside in a county
22 in the metropolitan region other than Cook or DuPage
23 County.

1 (3) Three directors appointed by the members of the
2 Cook County Board elected from that part of Cook County
3 outside of Chicago, or, in the event such Board of
4 Commissioners becomes elected from single member
5 districts, by those Commissioners elected from districts,
6 a majority of the residents of which reside outside
7 Chicago. In either case, such appointment shall be with the
8 concurrence of four such Commissioners. Each such director
9 shall reside in that part of Cook County outside Chicago.

10 (4) One director appointed by the Mayor of the City of
11 Chicago, with the advice and consent of the City Council of
12 the City of Chicago. Such director shall reside in the City
13 of Chicago.

14 (5) The chairman shall be appointed by the directors,
15 from the members of the board, with the concurrence of 5 of
16 such directors.

17 (b) After April 1, 2008 and before the effective date of
18 this amendatory Act of the 101st General Assembly, the
19 governing body of the Commuter Rail Division shall be a board
20 consisting of 11 directors appointed, pursuant to Sections
21 3B.03 and 3B.04, as follows:

22 (1) One Director shall be appointed by the Chairman of
23 the DuPage County Board with the advice and consent of the
24 DuPage County Board and shall reside in DuPage County. To
25 implement the changes in appointing authority under this
26 Section, upon the expiration of the term of or vacancy in

1 office of the Director appointed under item (1) of
2 subsection (a) of this Section who resides in DuPage
3 County, a Director shall be appointed under this
4 subparagraph.

5 (2) One Director shall be appointed by the Chairman of
6 the McHenry County Board with the advice and consent of the
7 McHenry County Board and shall reside in McHenry County. To
8 implement the change in appointing authority under this
9 Section, upon the expiration of the term of or vacancy in
10 office of the Director appointed under item (2) of
11 subsection (a) of this Section who resides in McHenry
12 County, a Director shall be appointed under this
13 subparagraph.

14 (3) One Director shall be appointed by the Will County
15 Executive with the advice and consent of the Will County
16 Board and shall reside in Will County. To implement the
17 change in appointing authority under this Section, upon the
18 expiration of the term of or vacancy in office of the
19 Director appointed under item (2) of subsection (a) of this
20 Section who resides in Will County, a Director shall be
21 appointed under this subparagraph.

22 (4) One Director shall be appointed by the Chairman of
23 the Lake County Board with the advice and consent of the
24 Lake County Board and shall reside in Lake County.

25 (5) One Director shall be appointed by the Chairman of
26 the Kane County Board with the advice and consent of the

1 Kane County Board and shall reside in Kane County.

2 (6) One Director shall be appointed by the Mayor of the
3 City of Chicago with the advice and consent of the City
4 Council of the City of Chicago and shall reside in the City
5 of Chicago. To implement the changes in appointing
6 authority under this Section, upon the expiration of the
7 term of or vacancy in office of the Director appointed
8 under item (4) of subsection (a) of this Section who
9 resides in the City of Chicago, a Director shall be
10 appointed under this subparagraph.

11 (7) Five Directors residing in Cook County outside of
12 the City of Chicago, as follows:

13 (i) One Director who resides in Cook County outside
14 of the City of Chicago, appointed by the President of
15 the Cook County Board with the advice and consent of
16 the members of the Cook County Board.

17 (ii) One Director who resides in the township of
18 Barrington, Palatine, Wheeling, Hanover, Schaumburg,
19 or Elk Grove. To implement the changes in appointing
20 authority under this Section, upon the expiration of
21 the term of or vacancy in office of the Director
22 appointed under paragraph (3) of subsection (a) of this
23 Section who resides in the geographic area described in
24 this subparagraph, a Director shall be appointed under
25 this subparagraph.

26 (iii) One Director who resides in the township of

1 Northfield, New Trier, Maine, Niles, Evanston, Leyden,
2 Norwood Park, River Forest, or Oak Park.

3 (iv) One Director who resides in the township of
4 Proviso, Riverside, Berwyn, Cicero, Lyons, Stickney,
5 Lemont, Palos, or Orland. To implement the changes in
6 appointing authority under this Section, upon the
7 expiration of the term of or vacancy in office of the
8 Director appointed under paragraph (3) of subsection
9 (a) of this Section who resides in the geographic area
10 described in this subparagraph and whose term of office
11 had not expired as of August 1, 2007, a Director shall
12 be appointed under this subparagraph.

13 (v) One Director who resides in the township of
14 Worth, Calumet, Bremen, Thornton, Rich, or Bloom. To
15 implement the changes in appointing authority under
16 this Section, upon the expiration of the term of or
17 vacancy in office of the Director appointed under
18 paragraph (3) of subsection (a) of this Section who
19 resides in the geographic area described in this
20 subparagraph and whose term of office had expired as of
21 August 1, 2007, a Director shall be appointed under
22 this subparagraph.

23 (vi) The Directors identified under the provisions
24 of subparagraphs (ii) through (v) of this paragraph (7)
25 shall be appointed by the members of the Cook County
26 Board. Each individual Director shall be appointed by

1 those members of the Cook County Board whose Board
2 districts overlap in whole or in part with the
3 geographic territory described in the relevant
4 subparagraph. The vote of County Board members
5 eligible to appoint directors under the provisions of
6 subparagraphs (ii) through (v) of this paragraph (7)
7 shall be weighted by the number of electors residing in
8 those portions of their Board districts within the
9 geographic territory described in the relevant
10 subparagraph (ii) through (v) of this paragraph (7).

11 (8) The Chairman shall be appointed by the Directors,
12 from the members of the Board, with the concurrence of 8 of
13 such Directors. To implement the changes in appointing
14 authority under this Section, upon the expiration of the
15 term of or vacancy in office of the Chairman appointed
16 under item (5) of subsection (a) of this Section, a
17 Chairman shall be appointed under this subparagraph.

18 Notwithstanding any provision of law to the contrary, the
19 term of office of each director appointed under this Section
20 serving on the effective date of this amendatory Act of the
21 101st General Assembly is terminated and a vacancy in each
22 office is created on the effective date of this amendatory act
23 of the 101st General Assembly.

24 (b-5) On and after the effective date of this amendatory
25 Act of the 101st General Assembly, directors shall be appointed
26 by the Governor in the following manner:

1 (1) One director shall be appointed from DuPage County.

2 (2) One director shall be appointed from McHenry
3 County.

4 (3) One director shall be appointed from Will County.

5 (4) One director shall be appointed from Lake County.

6 (5) One director shall be appointed from Kane County.

7 (6) One director shall be appointed from the City of
8 Chicago.

9 (7) Five directors residing in Cook County outside of
10 the City of Chicago shall be appointed, as follows:

11 (A) One director who resides in Cook County outside
12 of the City of Chicago.

13 (B) One director who resides in the township of
14 Barrington, Palatine, Wheeling, Hanover, Schaumburg,
15 or Elk Grove.

16 (C) One director who resides in the township of
17 Northfield, New Trier, Maine, Nilas, Evanston, Leyden,
18 Norwood Park, River Forest, or Oak Park.

19 (D) One director who resides in the township of
20 Proviso, Riverside, Berwyn, Cicero, Lyons, Stickney,
21 Lemont, Palos, or Orland.

22 (E) One director who resides in the township of
23 Worth, Calumet, Bremen, Thornton, Rich, or Bloom.

24 The Chairman shall be appointed by the directors, from the
25 members of the Board, with the concurrence of 8 of the
26 directors.

1 (c) No director, while serving as such, shall be an
2 officer, a member of the board of directors or trustee or an
3 employee of any transportation agency, or be an employee of the
4 State of Illinois or any department or agency thereof, or of
5 any county, municipality, or any other unit of local government
6 or receive any compensation from any elected or appointed
7 office under the Constitution and laws of Illinois.

8 (d) Each appointment made under subsections (a) and (b) of
9 this Section and under Section 3B.03 shall be certified by the
10 appointing authority to the Commuter Rail Board which shall
11 maintain the certifications as part of the official records of
12 the Commuter Rail Board.

13 (Source: P.A. 98-709, eff. 7-16-14.)

14 (70 ILCS 3615/3B.04) (from Ch. 111 2/3, par. 703B.04)

15 Sec. 3B.04. Chairman and Other Officers.

16 (a) The Chairman shall preside at meetings of the Commuter
17 Rail Board and shall be entitled to vote on all matters. The
18 Commuter Rail Board shall select a Secretary and a Treasurer
19 and may select persons to fill such other offices of the
20 Division and to perform such duties as it shall from time to
21 time determine. The Secretary, Treasurer and other officers of
22 the Division may but need not be members of the Commuter Rail
23 Board.

24 (b) The Secretary, Treasurer, and any other officers
25 selected under this Section serving on the effective date of

1 this amendatory Act of the 101st General Assembly shall
2 continue to serve until his or her successor is appointed and
3 qualified or a vacancy occurs in the office. This subsection
4 does not apply to an officer that is also a director serving on
5 the effective date of this amendatory Act of the 101st General
6 Assembly.

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

8 (70 ILCS 3615/3B.05) (from Ch. 111 2/3, par. 703B.05)

9 Sec. 3B.05. Appointment of officers and employees. The
10 Commuter Rail Board shall appoint an Executive Director who
11 shall be the chief executive officer of the Division,
12 appointed, retained or dismissed with the concurrence of 8 of
13 the directors of the Commuter Rail Board. The Executive
14 Director shall appoint, retain and employ officers, attorneys,
15 agents, engineers, employees and shall organize the staff,
16 shall allocate their functions and duties, fix compensation and
17 conditions of employment, and consistent with the policies of
18 and direction from the Commuter Rail Board take all actions
19 necessary to achieve its purposes, fulfill its
20 responsibilities and carry out its powers, and shall have such
21 other powers and responsibilities as the Commuter Rail Board
22 shall determine. The Executive Director shall be an individual
23 of proven transportation and management skills and may not be a
24 member of the Commuter Rail Board. The Division may employ its
25 own professional management personnel to provide professional

1 and technical expertise concerning its purposes and powers and
2 to assist it in assessing the performance of transportation
3 agencies in the metropolitan region.

4 The Executive Director serving on the effective date of
5 this amendatory Act of the 101st General Assembly shall
6 continue to serve as Executive Director until the expiration of
7 his or her term of office and until his or her successor is
8 appointed and qualified or a vacancy occurs in the office.

9 No employee, officer, or agent of the Commuter Rail Board
10 may receive a bonus that exceeds 10% of his or her annual
11 salary unless that bonus has been reviewed by the Regional
12 Transportation Authority Board for a period of 14 days. After
13 14 days, the contract shall be considered reviewed. This
14 Section does not apply to usual and customary salary
15 adjustments.

16 No unlawful discrimination, as defined and prohibited in
17 the Illinois Human Rights Act, shall be made in any term or
18 aspect of employment nor shall there be discrimination based
19 upon political reasons or factors. The Commuter Rail Board
20 shall establish regulations to insure that its discharges shall
21 not be arbitrary and that hiring and promotion are based on
22 merit.

23 The Division shall be subject to the "Illinois Human Rights
24 Act", as now or hereafter amended, and the remedies and
25 procedure established thereunder. The Commuter Rail Board
26 shall file an affirmative action program for employment by it

1 with the Department of Human Rights to ensure that applicants
2 are employed and that employees are treated during employment,
3 without regard to unlawful discrimination. Such affirmative
4 action program shall include provisions relating to hiring,
5 upgrading, demotion, transfer, recruitment, recruitment
6 advertising, selection for training and rates of pay or other
7 forms of compensation.

8 (Source: P.A. 98-1027, eff. 1-1-15.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.