

# HB5376



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB5376**

by Rep. Michael J. Madigan - Barbara Flynn Currie - Annazette Collins

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/2-101

from Ch. 111 2/3, par. 2-101

Amends the Public Utilities Act. Makes a technical change in a Section concerning the Illinois Commerce Commission.

LRB095 19465 MJR 45760 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Public Utilities Act is amended by changing  
5 Section 2-101 as follows:

6 (220 ILCS 5/2-101) (from Ch. 111 2/3, par. 2-101)

7 Sec. 2-101. Commerce Commission created. There is created  
8 an Illinois Commerce Commission consisting of 5 members not  
9 more than 3 of whom shall be members of the ~~the~~ same political  
10 party at the time of appointment. The Governor shall appoint  
11 the members of such Commission by and with the advice and  
12 consent of the Senate. In case of a vacancy in such office  
13 during the recess of the Senate the Governor shall make a  
14 temporary appointment until the next meeting of the Senate,  
15 when he shall nominate some person to fill such office; and any  
16 person so nominated who is confirmed by the Senate, shall hold  
17 his office during the remainder of the term and until his  
18 successor shall be appointed and qualified. Each member of the  
19 Commission shall hold office for a term of 5 years from the  
20 third Monday in January of the year in which his predecessor's  
21 term expires.

22 Notwithstanding any provision of this Section to the  
23 contrary, the term of office of each member of the Commission

1 is terminated on the effective date of this amendatory Act of  
2 1995, but the incumbent members shall continue to exercise all  
3 of the powers and be subject to all of the duties of members of  
4 the Commission until their respective successors are appointed  
5 and qualified. Of the members initially appointed under the  
6 provisions of this amendatory Act of 1995, one member shall be  
7 appointed for a term of office which shall expire on the third  
8 Monday of January, 1997; 2 members shall be appointed for terms  
9 of office which shall expire on the third Monday of January,  
10 1998; one member shall be appointed for a term of office which  
11 shall expire on the third Monday of January, 1999; and one  
12 member shall be appointed for a term of office which shall  
13 expire on the third Monday of January, 2000. Each respective  
14 successor shall be appointed for a term of 5 years from the  
15 third Monday of January of the year in which his predecessor's  
16 term expires in accordance with the provisions of the first  
17 paragraph of this Section.

18 Each member shall serve until his successor is appointed  
19 and qualified, except that if the Senate refuses to consent to  
20 the appointment of any member, such office shall be deemed  
21 vacant, and within 2 weeks of the date the Senate refuses to  
22 consent to the reappointment of any member, such member shall  
23 vacate such office. The Governor shall from time to time  
24 designate the member of the Commission who shall be its  
25 chairman. Consistent with the provisions of this Act, the  
26 Chairman shall be the chief executive officer of the Commission

1 for the purpose of ensuring that the Commission's policies are  
2 properly executed.

3 If there is no vacancy on the Commission, 4 members of the  
4 Commission shall constitute a quorum to transact business;  
5 otherwise, a majority of the Commission shall constitute a  
6 quorum to transact business, and no vacancy shall impair the  
7 right of the remaining commissioners to exercise all of the  
8 powers of the Commission. Every finding, order, or decision  
9 approved by a majority of the members of the Commission shall  
10 be deemed to be the finding, order, or decision of the  
11 Commission.

12 (Source: P.A. 92-22, eff. 6-30-01.)