

SB3828



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3828

Introduced 2/11/2010, by Sen. Gary Forby

SYNOPSIS AS INTRODUCED:

220 ILCS 5/2-101

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

Amends the Public Utilities Act. Provides that the Illinois Commerce Commission shall consist of 7 members (rather than 5 members) not more than 4 (rather than 3) of whom shall be members of the same political party at the time of appointment. With respect to the 2 additional members of the Commission, the Governor shall appoint at least one member from a county that has a population of less than 70,000 and at least one member from a county that has a population of not less than 70,000 and not more than 190,000. Effective immediately.

LRB096 19953 MJR 35433 b

A BILL FOR

1 AN ACT concerning utilities.

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 7 ~~5~~ members not
9 more than 4 ~~3~~ of whom shall be members of 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. Of the 2 members
19 added by this amendatory Act of the 96th General Assembly, the
20 Governor shall appoint at least one member from a county that
21 has a population of less than 70,000 and at least one member
22 from a county that has a population of not less than 70,000 and
23 not more than 190,000. Each member of the Commission shall hold

1 office for a term of 5 years from the third Monday in January
2 of the year in which his predecessor's term expires.

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

22 Each member shall serve until his successor is appointed
23 and qualified, except that if the Senate refuses to consent to
24 the appointment of any member, such office shall be deemed
25 vacant, and within 2 weeks of the date the Senate refuses to
26 consent to the reappointment of any member, such member shall

1 vacate such office. The Governor shall from time to time
2 designate the member of the Commission who shall be its
3 chairman. Consistent with the provisions of this Act, the
4 Chairman shall be the chief executive officer of the Commission
5 for the purpose of ensuring that the Commission's policies are
6 properly executed.

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

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.