

# SB3943



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3943

Introduced 5/27/2010, by Sen. Terry Link

#### SYNOPSIS AS INTRODUCED:

70 ILCS 3615/3B.02  
70 ILCS 3615/3B.03

from Ch. 111 2/3, par. 703B.02  
from Ch. 111 2/3, par. 703B.03

Amends the Regional Transportation Authority Act. Provides for the termination of the terms of the current members of the Commuter Rail Board (METRA) and for the appointment of a new board by the Governor, with the advice and consent of the Senate. Sets forth the procedure for filling a vacancy in the Commuter Rail Board. Effective immediately.

LRB096 22492 RLJ 41789 b

A BILL FOR

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 and 3B.03 as follows:

6 (70 ILCS 3615/3B.02) (from Ch. 111 2/3, par. 703B.02)

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

8 (a) ~~(Blank). Until April 1, 2008, the governing body of the~~  
9 ~~Commuter Rail Division shall be a board consisting of 7~~  
10 ~~directors appointed pursuant to Sections 3B.03 and 3B.04, as~~  
11 ~~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) Until 30 days after the effective date of this  
18           ~~amendatory Act of the 96th General Assembly, After April 1,~~  
19           ~~2008~~ the governing body of the Commuter Rail Division shall be  
20           a board consisting of 11 directors appointed, pursuant to  
21           Sections 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 (b-5) Notwithstanding any provision of this Article to the  
19 contrary, the term of office of each Director ends 30 days  
20 after the effective date of this amendatory Act of the 96th  
21 General Assembly or when their successors are appointed and  
22 qualified. Within 30 days after the effective date of this  
23 amendatory Act of the 96th General Assembly, the Governor shall  
24 appoint, with the advice and consent of the Senate, 11 members  
25 to the Board who otherwise meet the qualifications under this  
26 Section. No Director whose term was ended under this subsection

1 shall be reappointed as a Director under this subsection.

2 On and after the effective date of this amendatory Act of  
3 the 96th General Assembly, the governing body of the Commuter  
4 Rail Division shall be a board consisting of 11 directors  
5 appointed, pursuant to Sections 3B.03 and 3B.04, by the  
6 Governor, with the advice and consent of the Senate, as  
7 follows:

8 (1) One Director shall reside in DuPage County.

9 (2) One Director shall reside in McHenry County.

10 (3) One Director shall reside in Will County.

11 (4) One Director shall reside in Lake County.

12 (5) One Director shall reside in Kane County.

13 (6) One Director shall reside in the City of Chicago.

14 (7) Five Directors shall reside in Cook County outside  
15 of the City of Chicago, as follows:

16 (A) One Director shall reside in Cook County  
17 outside of the City of Chicago.

18 (B) One Director shall reside in the township of  
19 Barrington, Palatine, Wheeling, Hanover, Schaumburg,  
20 or Elk Grove.

21 (C) One Director shall reside in the township of  
22 Northfield, New Trier, Maine, Niles, Evanston, Leyden,  
23 Norwood Park, River Forest, or Oak Park.

24 (D) One Director shall reside in the township of  
25 Proviso, Riverside, Berwyn, Cicero, Lyons, Stickney,  
26 Lemont, Palos, or Orland.



1                   (E) One Director shall reside in the township of  
2                   Worth, Calumet, Bremen, Thornton, Rich, or Bloom.

3                   No more than 6 directors shall be affiliated with the same  
4                   political party.

5                   The chairperson shall be appointed by the Directors, from  
6                   the members of the Board, with the concurrence of 8 of such  
7                   Directors.

8                   (c) No director, while serving as such, shall be an  
9                   officer, a member of the board of directors or trustee or an  
10                  employee of any transportation agency, or be an employee of the  
11                  State of Illinois or any department or agency thereof, or of  
12                  any unit of local government or receive any compensation from  
13                  any elected or appointed office under the Constitution and laws  
14                  of Illinois.

15                  (d) (Blank). ~~Each appointment made under subsections (a)~~  
16                  ~~and (b) of this Section and under Section 3B.03 shall be~~  
17                  ~~certified by the appointing authority to the Commuter Rail~~  
18                  ~~Board which shall maintain the certifications as part of the~~  
19                  ~~official records of the Commuter Rail Board.~~

20                  (Source: P.A. 95-708, eff. 1-18-08.)

21                  (70 ILCS 3615/3B.03) (from Ch. 111 2/3, par. 703B.03)

22                  Sec. 3B.03. Terms, Vacancies. Each director shall be  
23                  appointed for a term of 4 years, and until his or her successor  
24                  has been appointed and qualified. A vacancy shall occur upon  
25                  the resignation, death, conviction of a felony, or removal from

1 office of a director. Each director must be a resident of the  
2 geographic area from which he or she was appointed. The failure  
3 of a director to meet or maintain this residency requirement  
4 constitutes a resignation by that director, and creates a  
5 vacancy which shall be filled by the Governor with the advice  
6 and consent of the Senate. Any director may be removed from  
7 office by the Governor for ~~upon the concurrence of not less~~  
8 ~~than 8 directors, on a formal finding of~~ incompetence, neglect  
9 of duty, or malfeasance in office. Within 30 days after the  
10 office of any director becomes vacant for any reason, the  
11 Governor, with the advice and consent of the Senate,  
12 ~~appropriate appointing authorities of such director, as~~  
13 ~~provided in Section 3B.02,~~ shall make an appointment to fill  
14 the vacancy. A vacancy shall be filled for the unexpired term.  
15 (Source: P.A. 95-708, eff. 1-18-08.)

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