



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3659

by Rep. Jack D. Franks

#### SYNOPSIS AS INTRODUCED:

70 ILCS 3605/2	from Ch. 111 2/3, par. 302
70 ILCS 3605/19	from Ch. 111 2/3, par. 319
70 ILCS 3615/3.01	from Ch. 111 2/3, par. 703.01
70 ILCS 3615/3B.02	from Ch. 111 2/3, par. 703B.02

Amends the Metropolitan Transit Authority Act. Prohibits employees and members of the Chicago Transit Board from holding any other office or employment under the Federal, State or any County or any municipal government, or any other unit of local government. Makes corresponding changes in the Regional Transportation Authority Act that apply to members serving on the Regional Transportation Authority Board and the Commuter Rail Board. Effective immediately.

LRB098 13071 OMW 47585 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 Metropolitan Transit Authority Act is  
5 amended by changing Sections 2 and 19 as follows:

6 (70 ILCS 3605/2) (from Ch. 111 2/3, par. 302)

7 Sec. 2. When used in this Act:

8 "Transportation System" means all plants, equipment,  
9 property and rights useful for transportation of passengers for  
10 hire except taxicabs and includes, without limiting the  
11 generality of the foregoing, street railways, elevated  
12 railroads, subways and underground railroads, motor vehicles,  
13 trolley buses, motor buses and any combination thereof.

14 "Metropolitan area of Cook County" embraces all the  
15 territory in the County of Cook, State of Illinois East of the  
16 east line of Range Eleven (11), East of the Third Principal  
17 Meridian of the United States Government survey.

18 "Metropolitan area" means the metropolitan area of Cook  
19 County, as above defined.

20 "Authority" means Chicago Transit Authority created by  
21 this Act.

22 "Board" means Chicago Transit Board.

23 "Governor" means Governor of the State of Illinois.

1 "Mayor" means Mayor of the City of Chicago.

2 "Motor vehicle" means every vehicle which is  
3 self-propelled or which is propelled by electric power obtained  
4 from overhead trolley wires but not operated on rails.

5 "Municipal government" means a "municipality" as defined  
6 in Section 1 of Article VII of the Illinois Constitution.

7 "Unit of local government" has the meaning ascribed to it  
8 in Section 1 of Article VII of the Illinois Constitution.

9 (Source: Laws 1955, p. 1166.)

10 (70 ILCS 3605/19) (from Ch. 111 2/3, par. 319)

11 Sec. 19. The governing and administrative body of the  
12 Authority shall be a board consisting of seven members, to be  
13 known as Chicago Transit Board. Members of the Board shall be  
14 residents of the metropolitan area and persons of recognized  
15 business ability. No member of the Board of the Authority shall  
16 hold any other office or employment under the Federal, State or  
17 any County or any municipal government, or any other unit of  
18 local government, except an honorary office without  
19 compensation or an office in the National Guard. No employee of  
20 the Authority shall hold any other office or employment under  
21 the Federal, State or any County or any municipal government, or  
22 any other unit of local government, except an office with  
23 compensation not exceeding \$15,000 annually or a position in  
24 the National Guard or the United States military reserves.  
25 Provided, however, that the Chairman may be a member of the

1 Board of the Regional Transportation Authority. No member of  
2 the Board or employee of the Authority shall have any private  
3 financial interest, profit or benefit in any contract, work or  
4 business of the Authority nor in the sale or lease of any  
5 property to or from the Authority. The salary of each member of  
6 the initial Board shall be \$15,000.00 per annum, and such  
7 salary shall not be increased or diminished during his or her  
8 term of office. The salaries of successor members of the Board  
9 shall be fixed by the Board and shall not be increased or  
10 diminished during their respective terms of office. No Board  
11 member shall be allowed any fees, perquisites or emoluments,  
12 reward or compensation for his or her services as a member or  
13 officer of the Authority aside from his or her salary or  
14 pension, but he or she shall be reimbursed for actual expenses  
15 incurred by him or her in the performance of his or her duties.

16 (Source: P.A. 95-968, eff. 1-1-09.)

17 Section 10. The Regional Transportation Authority Act is  
18 amended by changing Sections 3.01 and 3B.02 as follows:

19 (70 ILCS 3615/3.01) (from Ch. 111 2/3, par. 703.01)

20 Sec. 3.01. Board of Directors. The corporate authorities  
21 and governing body of the Authority shall be a Board consisting  
22 of 13 Directors until April 1, 2008, and 16 Directors  
23 thereafter, appointed as follows:

24 (a) Four Directors appointed by the Mayor of the City of

1 Chicago, with the advice and consent of the City Council of the  
2 City of Chicago, and, only until April 1, 2008, a fifth  
3 director who shall be the Chairman of the Chicago Transit  
4 Authority. After April 1, 2008, the Mayor of the City of  
5 Chicago, with the advice and consent of the City Council of the  
6 City of Chicago, shall appoint a fifth Director. The Directors  
7 appointed by the Mayor of the City of Chicago shall not be the  
8 Chairman or a Director of the Chicago Transit Authority. Each  
9 such Director shall reside in the City of Chicago.

10 (b) Four Directors appointed by the votes of a majority of  
11 the members of the Cook County Board elected from districts, a  
12 majority of the electors of which reside outside Chicago. After  
13 April 1, 2008, a fifth Director appointed by the President of  
14 the Cook County Board with the advice and consent of the  
15 members of the Cook County Board. Each Director appointed under  
16 this subparagraph shall reside in that part of Cook County  
17 outside Chicago.

18 (c) Until April 1, 2008, 3 Directors appointed by the  
19 Chairmen of the County Boards of DuPage, Kane, Lake, McHenry,  
20 and Will Counties, as follows:

21 (i) Two Directors appointed by the Chairmen of the  
22 county boards of Kane, Lake, McHenry and Will Counties,  
23 with the concurrence of not less than a majority of the  
24 Chairmen from such counties, from nominees by the Chairmen.  
25 Each such Chairman may nominate not more than 2 persons for  
26 each position. Each such Director shall reside in a county

1 in the metropolitan region other than Cook or DuPage  
2 Counties.

3 (ii) One Director appointed by the Chairman of the  
4 DuPage County Board with the advice and consent of the  
5 DuPage County Board. Such Director shall reside in DuPage  
6 County.

7 (d) After April 1, 2008, 5 Directors appointed by the  
8 Chairmen of the County Boards of DuPage, Kane, Lake and McHenry  
9 Counties and the County Executive of Will County, as follows:

10 (i) One Director appointed by the Chairman of the Kane  
11 County Board with the advice and consent of the Kane County  
12 Board. Such Director shall reside in Kane County.

13 (ii) One Director appointed by the County Executive of  
14 Will County with the advice and consent of the Will County  
15 Board. Such Director shall reside in Will County.

16 (iii) One Director appointed by the Chairman of the  
17 DuPage County Board with the advice and consent of the  
18 DuPage County Board. Such Director shall reside in DuPage  
19 County.

20 (iv) One Director appointed by the Chairman of the Lake  
21 County Board with the advice and consent of the Lake County  
22 Board. Such Director shall reside in Lake County.

23 (v) One Director appointed by the Chairman of the  
24 McHenry County Board with the advice and consent of the  
25 McHenry County Board. Such Director shall reside in McHenry  
26 County.

1           (vi) To implement the changes in appointing authority  
2           under this subparagraph (d) the three Directors appointed  
3           under subparagraph (c) and residing in Lake County, DuPage  
4           County, and Kane County respectively shall each continue to  
5           serve as Director until the expiration of their respective  
6           term of office and until his or her successor is appointed  
7           and qualified or a vacancy occurs in the office. Thereupon,  
8           the appointment shall be made by the officials given  
9           appointing authority with respect to the Director whose  
10          term has expired or office has become vacant.

11          (e) The Chairman serving on the effective date of this  
12          amendatory Act of the 95th General Assembly shall continue to  
13          serve as Chairman until the expiration of his or her term of  
14          office and until his or her successor is appointed and  
15          qualified or a vacancy occurs in the office. Upon the  
16          expiration or vacancy of the term of the Chairman then serving  
17          upon the effective date of this amendatory Act of the 95th  
18          General Assembly, the Chairman shall be appointed by the other  
19          Directors, by the affirmative vote of at least 11 of the then  
20          Directors with at least 2 affirmative votes from Directors who  
21          reside in the City of Chicago, at least 2 affirmative votes  
22          from Directors who reside in Cook County outside the City of  
23          Chicago, and at least 2 affirmative votes from Directors who  
24          reside in the Counties of DuPage, Lake, Will, Kane, or McHenry.  
25          The chairman shall not be appointed from among the other  
26          Directors. The chairman shall be a resident of the metropolitan

1 region.

2 (f) Except as otherwise provided by this Act no Director  
3 shall, while serving as such, be an officer, a member of the  
4 Board of Directors or Trustees or an employee of any Service  
5 Board or transportation agency, or be an employee or elected or  
6 appointed officer of the State of Illinois or any department or  
7 agency thereof, or of any municipality, county, or any other  
8 unit of local government or receive any compensation from any  
9 elected or appointed office under the Constitution and laws of  
10 Illinois; except that a Director may be a member of a school  
11 board.

12 (g) Each appointment made under this Section and under  
13 Section 3.03 shall be certified by the appointing authority to  
14 the Board, which shall maintain the certifications as part of  
15 the official records of the Authority.

16 (h) (Blank).

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

18 (70 ILCS 3615/3B.02) (from Ch. 111 2/3, par. 703B.02)

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

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

23 (1) One director shall be appointed by the Chairman of  
24 the Board of DuPage County with the advice and consent of  
25 the County Board of DuPage County and shall reside in



1 DuPage County.

2 (2) Two directors appointed by the Chairmen of the  
3 County Boards of Kane, Lake, McHenry and Will Counties with  
4 the concurrence of not less than a majority of the chairmen  
5 from such counties, from nominees by the Chairmen. Each  
6 such chairman may nominate not more than two persons for  
7 each position. Each such director shall reside in a county  
8 in the metropolitan region other than Cook or DuPage  
9 County.

10 (3) Three directors appointed by the members of the  
11 Cook County Board elected from that part of Cook County  
12 outside of Chicago, or, in the event such Board of  
13 Commissioners becomes elected from single member  
14 districts, by those Commissioners elected from districts,  
15 a majority of the residents of which reside outside  
16 Chicago. In either case, such appointment shall be with the  
17 concurrence of four such Commissioners. Each such director  
18 shall reside in that part of Cook County outside Chicago.

19 (4) One director appointed by the Mayor of the City of  
20 Chicago, with the advice and consent of the City Council of  
21 the City of Chicago. Such director shall reside in the City  
22 of Chicago.

23 (5) The chairman shall be appointed by the directors,  
24 from the members of the board, with the concurrence of 5 of  
25 such directors.

26 (b) After April 1, 2008 the governing body of the Commuter

1 Rail Division shall be a board consisting of 11 directors  
2 appointed, pursuant to Sections 3B.03 and 3B.04, as follows:

3 (1) One Director shall be appointed by the Chairman of  
4 the DuPage County Board with the advice and consent of the  
5 DuPage County Board and shall reside in DuPage County. To  
6 implement the changes in appointing authority under this  
7 Section, upon the expiration of the term of or vacancy in  
8 office of the Director appointed under item (1) of  
9 subsection (a) of this Section who resides in DuPage  
10 County, a Director shall be appointed under this  
11 subparagraph.

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

21 (3) One Director shall be appointed by the Will County  
22 Executive with the advice and consent of the Will County  
23 Board and shall reside in Will County. To implement the  
24 change in appointing authority under this Section, upon the  
25 expiration of the term of or vacancy in office of the  
26 Director appointed under item (2) of subsection (a) of this

1 Section who resides in Will County, a Director shall be  
2 appointed under this subparagraph.

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

6 (5) One Director shall be appointed by the Chairman of  
7 the Kane County Board with the advice and consent of the  
8 Kane County Board and shall reside in Kane County.

9 (6) One Director shall be appointed by the Mayor of the  
10 City of Chicago with the advice and consent of the City  
11 Council of the City of Chicago and shall reside in the City  
12 of Chicago. To implement the changes in appointing  
13 authority under this Section, upon the expiration of the  
14 term of or vacancy in office of the Director appointed  
15 under item (4) of subsection (a) of this Section who  
16 resides in the City of Chicago, a Director shall be  
17 appointed under this subparagraph.

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

20 (i) One Director who resides in Cook County outside  
21 of the City of Chicago, appointed by the President of  
22 the Cook County Board with the advice and consent of  
23 the members of the Cook County Board.

24 (ii) One Director who resides in the township of  
25 Barrington, Palatine, Wheeling, Hanover, Schaumburg,  
26 or Elk Grove. To implement the changes in appointing

1 authority under this Section, upon the expiration of  
2 the term of or vacancy in office of the Director  
3 appointed under paragraph (3) of subsection (a) of this  
4 Section who resides in the geographic area described in  
5 this subparagraph, a Director shall be appointed under  
6 this subparagraph.

7 (iii) One Director who resides in the township of  
8 Northfield, New Trier, Maine, Niles, Evanston, Leyden,  
9 Norwood Park, River Forest, or Oak Park.

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

20 (v) One Director who resides in the township of  
21 Worth, Calumet, Bremen, Thornton, Rich, or Bloom. To  
22 implement the changes in appointing authority under  
23 this Section, upon the expiration of the term of or  
24 vacancy in office of the Director appointed under  
25 paragraph (3) of subsection (a) of this Section who  
26 resides in the geographic area described in this

1           subparagraph and whose term of office had expired as of  
2           August 1, 2007, a Director shall be appointed under  
3           this subparagraph.

4           (vi) The Directors identified under the provisions  
5           of subparagraphs (ii) through (v) of this paragraph (7)  
6           shall be appointed by the members of the Cook County  
7           Board. Each individual Director shall be appointed by  
8           those members of the Cook County Board whose Board  
9           districts overlap in whole or in part with the  
10          geographic territory described in the relevant  
11          subparagraph. The vote of County Board members  
12          eligible to appoint directors under the provisions of  
13          subparagraphs (ii) through (v) of this paragraph (7)  
14          shall be weighted by the number of electors residing in  
15          those portions of their Board districts within the  
16          geographic territory described in the relevant  
17          subparagraph (ii) through (v) of this paragraph (7).

18          (8) The Chairman shall be appointed by the Directors,  
19          from the members of the Board, with the concurrence of 8 of  
20          such Directors. To implement the changes in appointing  
21          authority under this Section, upon the expiration of the  
22          term of or vacancy in office of the Chairman appointed  
23          under item (5) of subsection (a) of this Section, a  
24          Chairman shall be appointed under this subparagraph.

25          (c) No director, while serving as such, shall be an  
26          officer, a member of the board of directors or trustee or an

1 employee of any transportation agency, or be an employee or  
2 elected or appointed officer of the State of Illinois or any  
3 department or agency thereof, or of any county, municipality,  
4 or any other unit of local government or receive any  
5 compensation from any elected or appointed office under the  
6 Constitution and laws of Illinois.

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

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

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