



Rep. David E. Miller

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LRB095 01093 DRH 36415 a

1 AMENDMENT TO HOUSE BILL 2135

2 AMENDMENT NO. _____. Amend House Bill 2135 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Metropolitan Transit Authority Act is
5 amended by changing Sections 19 and 20 and by adding Section
6 28d as follows:

7 (70 ILCS 3605/19) (from Ch. 111 2/3, par. 319)

8 Sec. 19. The governing and administrative body of the
9 Authority shall be a board consisting of 8 ~~seven~~ members, to be
10 known as Chicago Transit Board. Members of the Board shall be
11 residents of the metropolitan area and persons of recognized
12 business ability. No member of the Board of the Authority shall
13 hold any other office or employment under the Federal, State or
14 any County or any municipal government except an honorary
15 office without compensation or an office in the National Guard.
16 No employee of the Authority shall hold any other office or

1 employment under the Federal, State or any County or any
2 municipal government except an office with compensation not
3 exceeding \$5,000 annually or a position in the National Guard
4 or the United States military reserves. Provided, however, that
5 the Chairman may be a member of the Board of the Regional
6 Transportation Authority. No member of the Board or employee of
7 the Authority shall have any private financial interest, profit
8 or benefit in any contract, work or business of the Authority
9 nor in the sale or lease of any property to or from the
10 Authority. The salary of each member of the initial Board shall
11 be \$15,000.00 per annum, and such salary shall not be increased
12 or diminished during his or her term of office. The salaries of
13 successor members of the Board shall be fixed by the Board and
14 shall not be increased or diminished during their respective
15 terms of office. No Board member shall be allowed any fees,
16 perquisites or emoluments, reward or compensation for his or
17 her services as a member or officer of the Authority aside from
18 his or her salary or pension, but he or she shall be reimbursed
19 for actual expenses incurred by him or her in the performance
20 of his or her duties.

21 (Source: P.A. 84-939.)

22 (70 ILCS 3605/20) (from Ch. 111 2/3, par. 320)

23 Sec. 20. Within sixty (60) days after the adoption of this
24 Act by the electors of one or more cities, villages and
25 incorporated towns within the metropolitan area having a

1 population in the aggregate of at least 100,000 according to
2 the Federal census of 1940, the Governor, by and with the
3 advice and consent of the Senate, shall appoint three members
4 of the Board for initial terms expiring September first of the
5 years 1947, 1948 and 1949, respectively, at least one of which
6 members shall be a resident of that portion of the metropolitan
7 area which is outside the corporate limits of the City of
8 Chicago, and the Mayor, with advice and consent of the City
9 Council of the City of Chicago, shall appoint four members of
10 the Board for initial terms expiring September first of the
11 years 1946, 1950, 1951 and 1952, respectively. At the
12 expiration of the term of any member appointed by the Governor
13 his successor shall be appointed by the Governor, and at the
14 expiration of the term of any member appointed by the Mayor his
15 successor shall be appointed by the Mayor in like manner, and
16 with like regard as to the place of residence of the appointee,
17 as appointments for the initial terms. All successors shall
18 hold office for the term of seven years from the first day of
19 September of the year in which they are appointed, except in
20 case of an appointment to fill a vacancy. In case of vacancy in
21 the office of any member appointed by the Governor during the
22 recess of the Senate, the Governor shall make a temporary
23 appointment until the next meeting of the Senate when he shall
24 nominate some person to fill such office; and any person so
25 nominated, who is confirmed by the Senate, shall hold his
26 office during the remainder of the term and until his successor

1 shall be appointed and qualified. If the Senate is not in
2 session at the time this Act takes effect, the Governor shall
3 make temporary appointments as in case of vacancies. Each
4 appointment by the Governor shall be subject to approval by the
5 Mayor, and each appointment by the Mayor shall be subject to
6 approval by the Governor and, when so approved, the Governor
7 and the Mayor shall certify their respective appointments and
8 approvals to the Secretary of State. If the Governor or the
9 Mayor does not approve or disapprove the appointment by the
10 Mayor or the Governor, respectively, within 15 days after
11 receipt thereof, the person is appointed. Within thirty days
12 after certification and approval of his appointment, and before
13 entering upon the duties of his office, each member of the
14 Board shall take and subscribe the constitutional oath of
15 office and file it in the office of the Secretary of State.
16 There shall also be one non-voting member of the Board. The
17 non-voting member shall be appointed by the Governor and
18 recommended by the labor organization representing the
19 majority of the employees within the Authority. The non-voting
20 member shall be appointed for a term of 7 years. The board
21 chairman, at his or her discretion, may exclude the non-voting
22 member from attending any portion of a meeting of the board or
23 of any committee held for the purpose of discussing
24 negotiations with labor organizations.

25 (Source: P.A. 79-938.)

1 (70 ILCS 3605/28d new)

2 Sec. 28d. Employee convenience and safety; restroom
3 breaks. The Authority shall ensure that the work schedule of
4 each employee of the Authority allows the employee a reasonable
5 amount of time to use restroom facilities.

6 Section 10. The Local Mass Transit District Act is amended
7 by changing Section 4 and by adding Section 5.5 as follows:

8 (70 ILCS 3610/4) (from Ch. 111 2/3, par. 354)

9 Sec. 4. The powers of the local Mass Transit District shall
10 repose in, and be exercised by, a Board of Trustees. If the
11 District is created by only one municipality or only one county
12 the corporate authorities or the county board chairman with the
13 consent of the county board of such municipality or county
14 shall appoint either 3 or 5 trustees to the Board; provided
15 that in any Metro East Mass Transit District created by a
16 single county, 5 trustees shall be appointed and the trustees
17 so appointed shall be: (1) a mayor of a municipality within the
18 District; (2) a township supervisor from within the District,
19 or if in a county without township supervisors, another mayor
20 within the District; (3) the county board chairman in which the
21 District was formed or such other county board member as he
22 shall designate; and (4) 2 members of the general public. There
23 shall also be one non-voting member of the Board of Trustees.
24 The non-voting member shall be recommended by the labor

1 organization representing the majority of the employees within
2 the local Mass Transit District. The non-voting member shall be
3 appointed for a term of 4 years. The board chairman, at his or
4 her discretion, may exclude the non-voting member from
5 attending any portion of a meeting of the board or of any
6 committee held for the purpose of discussing negotiations with
7 labor organizations. If the District is created by one or more
8 municipalities or one or more counties or any combination
9 thereof, the corporate authorities and the county board
10 chairman of each participating municipality or county shall
11 determine the percentage of service that the District provides
12 to each municipality or county. Each participating
13 municipality and county shall appoint trustees in proportion to
14 the percentage of service received from the District by that
15 municipality or county. The corporate authorities or the county
16 board chairman, with the consent of the county board, of each
17 participating municipality or county shall appoint one trustee
18 to the Board for each 30% or fraction thereof of service that
19 the municipality or county receives from the District. If an
20 even number of trustees are appointed to the Board, the
21 corporate authorities or the county board chairman, with the
22 consent of the county board, of the municipality or county that
23 receives the largest percentage of service from the District
24 shall appoint one additional trustee. The first Trustees
25 appointed to the Board and any 2 additional trustees, initially
26 appointed as a result of this amendatory Act of 1983 shall

1 serve for terms of 4 years or less, the terms to be staggered
2 to the extent possible so that they expire one year apart and
3 so that the terms of not more than 2 trustees expire in the
4 same year, with the Trustees to serve less than 4 years to be
5 selected by lot. Thereafter, their successors shall serve for 4
6 years. Vacancies shall be filled for the unexpired term in the
7 same manner as the original appointment.

8 Except in a Metro East Mass Transit District, no Trustee of
9 any District may be an elected official of the municipality or
10 municipalities or county or counties creating the District. A
11 Trustee shall hold office until his successor has been
12 appointed and has qualified. A certificate of the appointment
13 or reappointment of any Trustee shall be filed with the clerk
14 or clerks and such certificate shall be conclusive evidence of
15 the due and proper appointment of such Trustee. A Trustee shall
16 receive, as compensation for his services, not more than \$100
17 for each day devoted to the business of the Board but not more
18 than \$400 per month. For the purposes of this Section, each
19 District may determine what constitutes a business day. He
20 shall also be entitled to the necessary expenses, including
21 traveling expenses, incurred in the discharge of his duties.
22 The powers of each District and the Board shall be vested in
23 the Trustees thereof in office from time to time. A majority
24 shall constitute a quorum of the Board for the purpose of
25 conducting its business and exercising its powers and for all
26 other purposes. Action may be taken by the Board upon a vote of

1 the majority of the Trustees present, unless in any case the
2 bylaws of the Board shall require a larger number. The Board
3 shall select a chairman and a vice-chairman from among the
4 Trustees.

5 No Trustee or employee of the Board shall acquire or have
6 any interest direct or indirect in any contract or proposed
7 contract for materials or services to be furnished or used in
8 connection with operations of the District. For inefficiency or
9 neglect of duty or misconduct in office, a Trustee may be
10 removed by the person or body which made the original
11 appointment, but a Trustee shall be removed only after he shall
12 have been given a copy of the charges against him at least 10
13 days prior to the hearing thereon and has had an opportunity to
14 be heard in person or by counsel. In the event of the removal
15 of any Trustee, a record of the proceedings, together with the
16 charges and findings thereon, shall be filed in the office of
17 the clerk or clerks of the creating county or counties or
18 municipality or municipalities.

19 The Board shall employ a managing director of the District
20 and may employ a secretary, treasurer, technical experts and
21 such other officers, agents and employees, permanent and
22 temporary, as it may require, and shall fix and determine their
23 qualifications, duties and compensation and the amount of bond
24 to be furnished for such offices and positions. For such legal
25 services as it may require, the Board may call upon any chief
26 law officers of the municipality, municipalities, or the county

1 or counties as the case may be, or may employ and fix the
2 compensation of its own counsel and legal staff. The Board may
3 delegate to one or more of its agents or employees such powers
4 and duties as it may deem proper. Notwithstanding the other
5 provisions of this paragraph, employment of any person other
6 than a managing director or secretary by any Metro East Mass
7 Transit District created by a single county shall require the
8 authorization of the county board of such county.

9 Neither the District, the members of its Board nor its
10 officers or employees shall be held liable for failure to
11 provide a security or police force or, if a security or police
12 force is provided, for failure to provide adequate police
13 protection or security, failure to prevent the commission of
14 crimes by fellow passengers or other third persons or for the
15 failure to apprehend criminals.

16 (Source: P.A. 93-590, eff. 1-1-04; 93-792, eff. 7-22-04.)

17 (70 ILCS 3610/5.5 new)

18 Sec. 5.5. Employee convenience and safety; restroom
19 breaks. Each local Mass Transit District shall ensure that the
20 work schedule of each employee of the local Mass Transit
21 District allows the employee a reasonable amount of time to use
22 restroom facilities.

23 Section 15. The Regional Transportation Authority Act is
24 amended by adding Section 2.16.1 as follows:

1 (70 ILCS 3615/2.16.1 new)

2 Sec. 2.16.1. Employee convenience and safety; restroom
3 breaks. The Authority shall ensure that the work schedule of
4 each employee of the Authority allows the employee a reasonable
5 amount of time to use restroom facilities."