



Rep. Jay C. Hoffman

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09300HB4881ham001

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1 AMENDMENT TO HOUSE BILL 4881

2 AMENDMENT NO. _____. Amend House Bill 4881 on page 16,
3 line 25, by replacing "Section 18c-1201.1," with "Sections
4 18c-1201.1 and 18c-1201.2,"; and

5 on page 27, line 16, by replacing "rights of" with "rights, or
6 change in the collective bargaining unit, of"; and

7 on page 27, below line 22, by inserting the following:

8 "(625 ILCS 5/18c-1201.2 new)

9 Sec. 18c-1201.2. Joint Committee on Railroad Safety.

10 (a) There is created a Joint Committee on Railroad Safety,
11 which is authorized to conduct a review, prior to publication
12 of first notice of the review in the Illinois Register, of each
13 railroad safety rule proposed for adoption, amendment, or
14 repeal by the Department in accordance with the Illinois
15 Administrative Procedure Act. No proposed rule, amendment, or
16 repealer may be filed with the Secretary of State to initiate
17 first notice of publication unless the rule, amendment, or
18 repealer has been approved by an affirmative vote of 3 members
19 of the Committee. The Committee must also review and approve by
20 an affirmative vote of 3 members all emergency and peremptory
21 rulemakings before adoption by the Department in accordance
22 with the Illinois Administrative Procedure Act. The initial
23 transfer of existing rules of the Illinois Commerce Commission

1 to the Illinois Department of Transportation does not require
2 the review and approval by the Committee prescribed by this
3 subsection (a).

4 (b) The Committee shall be composed of 4 members chosen by
5 the Governor.

6 The Governor shall appoint 2 members of the same political
7 party with which the Governor is affiliated.

8 The Governor shall appoint 2 members of the political party
9 whose candidate for Governor in the most recent general
10 election received the second highest number of votes from a
11 list of nominees submitted by the first State executive
12 officer, in the order indicated, affiliated with that political
13 party: Attorney General, Secretary of State, Comptroller, and
14 Treasurer. If none of the State executive officers listed is
15 affiliated with that political party, the nominating State
16 officer shall be the first State executive officer, in the
17 order indicated, affiliated with an established political
18 party other than that of the Governor.

19 (c) The nominating State officer shall submit in writing to
20 the Governor 3 names of qualified persons for each membership
21 on the Committee to be appointed from the political party of
22 that officer. The Governor may reject any or all of the
23 nominees on the list and may request an additional list. The
24 second list shall be submitted by the nominating officer and
25 shall contain 3 new names of qualified persons for each
26 remaining appointment, except that if the Governor expressly
27 reserves any nominee's name from the first list, that nominee
28 shall not be replaced on the second list. The second list shall
29 be final.

30 (d) Whenever all the State executive officers designated in
31 subsection (b) are affiliated with the same political party as
32 that of the Governor, all 4 members of the Committee to be
33 appointed that year, from both designated political parties,
34 shall be appointed by the Governor without nominations.

1 (e) The Governor shall submit in writing to the President
2 of the Senate the name of each person appointed to the
3 Committee, and shall designate the term for which the
4 appointment is made and the name of the member whom the
5 appointee is to succeed.

6 (f) Of the members initially appointed to the Committee
7 under this amendatory Act of the 93rd General Assembly, one
8 member affiliated with each political party shall serve a term
9 commencing July 1, 2005 and ending July 1, 2007, and the other
10 initial members shall serve terms commencing July 1, 2005 and
11 ending July 1, 2009.

12 The terms of subsequent members of the Committee shall be 4
13 years commencing on July 1 of the year in which the
14 appointments are made.

15 A member shall serve until his or her successor is duly
16 appointed and has qualified. An appointee may not enter upon
17 the duties of office until all members required to be appointed
18 in that year have been confirmed by the Senate by record vote
19 under subsection (g).

20 (g) All appointments of members to the Committee are
21 subject to the advice and consent of the Senate. Appointments
22 by the Governor under subsection (b) require the advice and
23 consent of a 3/5 vote of the members elected to the Senate.
24 Appointments by the Governor under subsection (d) require the
25 advice and consent of a 2/3 vote of the members elected to the
26 Senate.

27 (h) An appointment to fill each vacancy on the Committee
28 shall be made under subsection (b) or (d) in the same manner as
29 the appointment of members for new terms. Each appointment to
30 fill a vacancy shall be for the completion of the term of that
31 position.

32 The Governor shall make an appointment to fill each vacancy
33 and shall submit it to the President of the Senate within 30
34 days of the occurrence of the vacancy, or within 30 days of the

1 submission of a list of nominees to him or her under subsection
2 (c), whichever is later. A nominating State officer shall
3 submit to the Governor the required list of nominees to fill a
4 vacancy within 15 days of the occurrence of the vacancy. If the
5 Governor does not fill a vacancy required to be filled under
6 subsection (c) within the required 30 days, the nominating
7 State officer shall make the appointment from among the
8 nominees he or she previously submitted.

9 (i) One member of the Committee shall be elected by the
10 members of the Committee to be Chairman and shall serve as
11 Chairman of the Committee for a term ending July 1, 2007. On
12 July 1 of 2007 and on July 1 of each succeeding odd-numbered
13 year, a Chairman shall be elected by the members of the
14 Committee for a 2-year term ending July 1 of the next
15 odd-numbered year. If July 1 of any odd-numbered year does not
16 fall on a business day, the election shall be held on the next
17 business day. The Chairman elected for each 2-year term may not
18 be of the same political party affiliation as the prior
19 Chairman. Whenever a vacancy occurs in the office of Chairman,
20 a new Chairman of the same political party affiliation shall be
21 elected for the remainder of the vacating Chairman's term.
22 Whenever a Chairman is elected, the Committee shall elect, from
23 among its members, a Vice Chairman, who may not be of the same
24 political party affiliation as the Chairman.

25 Upon the confirmation of all of the members of the
26 Committee initially appointed under this amendatory Act of the
27 93rd General Assembly, the Governor shall designate one of the
28 members as interim Chairman, who shall preside over the
29 Committee until a Chairman is elected under this subsection
30 (i).

31 (j) A member of the Committee may serve no more than 4
32 years on the Committee. Committee members shall receive no
33 compensation, but shall be reimbursed for reasonable and
34 necessary expenses.

1 The Senate must confirm or reject appointments within 30
2 session days or 60 calendar days after they are submitted by
3 the Governor, whichever occurs first. Except in the case of
4 appointments to fill vacancies, the confirmation time period
5 specified in this Section does not commence until all
6 appointments required to be made in that year have been
7 submitted by the Governor.

8 (k) If the Department submits a rulemaking to the Committee
9 for approval in accordance with subsection (a), the Department
10 shall state the specific statutory authority or other
11 requirement under which the rulemaking is necessary and any
12 other relevant information the Committee may require.

13 (l) The Committee's powers and duties shall not include
14 projects or appropriations."; and

15 on page 39, by replacing lines 15 through 25 with the
16 following:

17 "in either direction from each grade crossing. The Department
18 ~~Commission~~ shall have power, upon its own motion, or upon
19 complaint, ~~and after having made proper investigation,~~ to
20 require the installation of ~~adequate and appropriate luminous~~
21 reflective warning signs, luminous flashing signals, crossing
22 gates ~~illuminated at night,~~ or other protective devices in
23 order to promote and safeguard the health and safety of the
24 public. The installation of luminous flashing signal or
25 crossing gate devices at a grade crossing does not displace or
26 preempt a railroad's common law duty to provide any additional
27 warning devices which may be necessary to adequately alert
28 motorists or pedestrians of approaching trains. Nothing in this
29 Act prohibits a railroad from unilaterally initiating the
30 installation of luminous flashing signals or automatic
31 crossing gates at public grade crossings, if engineering and
32 construction plans are first submitted to, and approved by, the

1 Department. ~~Luminous flashing signal or crossing gate devices~~
2 ~~installed at grade crossings, which have been approved by the~~
3 ~~Commission, shall be deemed adequate and appropriate.~~ The
4 Department Commission shall have authority to"; and

5 on page 41, line 14, after the period, by inserting "The
6 Department may not utilize federal funding for the installation
7 or improvement of passive or reflectorized crossbuck signs or
8 other warning signs at or near any public grade crossing. The
9 Department may not utilize any federal funding for the
10 installation of luminous flashing signals at grade crossings,
11 unless the devices are installed in conjunction with automatic
12 crossing gates."; and

13 on page 51, lines 15 and 16, by replacing "July 1, 2004." with
14 "January 1, 2005."