



Rep. Suzanne Bassi

**Filed: 3/28/2007**

09500HB1134ham001

LRB095 10897 JAM 34227 a

1 AMENDMENT TO HOUSE BILL 1134

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1134 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Finance Authority Act is amended  
5 by adding Section 825-14 as follows:

6 (20 ILCS 3501/825-14 new)

7 Sec. 825-14. Supervision of the Chicago Metropolitan  
8 Agency for Planning bond issuances.

9 (a) All bond issuances of the Chicago Metropolitan Agency  
10 for Planning are subject to supervision, management, control,  
11 and approval of the Authority.

12 (b) All bonds issued by the Chicago Metropolitan Agency for  
13 Planning under the supervision of the Authority are subject to  
14 the terms and conditions that are set forth in the Regional  
15 Planning Act.

1           Section 10. The Illinois Pension Code is amended by  
2 changing Sections 7-132 and 14-103.05 and by adding Sections  
3 7-139.12 and 14-104.13 as follows:

4           (40 ILCS 5/7-132)   (from Ch. 108 1/2, par. 7-132)  
5           Sec. 7-132. Municipalities, instrumentalities and  
6 participating instrumentalities included and effective dates.

7           (A) Municipalities and their instrumentalities.

8           (a) The following described municipalities, but not  
9 including any with more than 1,000,000 inhabitants, and the  
10 instrumentalities thereof, shall be included within and be  
11 subject to this Article beginning upon the effective dates  
12 specified by the Board:

13           (1) Except as to the municipalities and  
14 instrumentalities thereof specifically excluded under this  
15 Article, every county shall be subject to this Article, and  
16 all cities, villages and incorporated towns having a  
17 population in excess of 5,000 inhabitants as determined by  
18 the last preceding decennial or subsequent federal census,  
19 shall be subject to this Article following publication of  
20 the census by the Bureau of the Census. Within 90 days  
21 after publication of the census, the Board shall notify any  
22 municipality that has become subject to this Article as a  
23 result of that census, and shall provide information to the  
24 corporate authorities of the municipality explaining the

1 duties and consequences of participation. The notification  
2 shall also include a proposed date upon which participation  
3 by the municipality will commence.

4 However, for any city, village or incorporated town  
5 that attains a population over 5,000 inhabitants after  
6 having provided social security coverage for its employees  
7 under the Social Security Enabling Act, participation  
8 under this Article shall not be mandatory but may be  
9 elected in accordance with subparagraph (3) or (4) of this  
10 paragraph (a), whichever is applicable.

11 (2) School districts, other than those specifically  
12 excluded under this Article, shall be subject to this  
13 Article, without election, with respect to all employees  
14 thereof.

15 (3) Towns and all other bodies politic and corporate  
16 which are formed by vote of, or are subject to control by,  
17 the electors in towns and are located in towns which are  
18 not participating municipalities on the effective date of  
19 this Act, may become subject to this Article by election  
20 pursuant to Section 7-132.1.

21 (4) Any other municipality (together with its  
22 instrumentalities), other than those specifically excluded  
23 from participation and those described in paragraph (3)  
24 above, may elect to be included either by referendum under  
25 Section 7-134 or by the adoption of a resolution or  
26 ordinance by its governing body. A copy of such resolution

1           or ordinance duly authenticated and certified by the clerk  
2           of the municipality or other appropriate official of its  
3           governing body shall constitute the required notice to the  
4           board of such action.

5           (b) A municipality that is about to begin participation  
6           shall submit to the Board an application to participate, in a  
7           form acceptable to the Board, not later than 90 days prior to  
8           the proposed effective date of participation. The Board shall  
9           act upon the application within 90 days, and if it finds that  
10          the application is in conformity with its requirements and the  
11          requirements of this Article, participation by the applicant  
12          shall commence on a date acceptable to the municipality and  
13          specified by the Board, but in no event more than one year from  
14          the date of application.

15          (c) A participating municipality which succeeds to the  
16          functions of a participating municipality which is dissolved or  
17          terminates its existence shall assume and be transferred the  
18          net accumulation balance in the municipality reserve and the  
19          municipality account receivable balance of the terminated  
20          municipality.

21          (d) In the case of a Veterans Assistance Commission whose  
22          employees were being treated by the Fund on January 1, 1990 as  
23          employees of the county served by the Commission, the Fund may  
24          continue to treat the employees of the Veterans Assistance  
25          Commission as county employees for the purposes of this  
26          Article, unless the Commission becomes a participating

1 instrumentality in accordance with subsection (B) of this  
2 Section.

3 (B) Participating instrumentalities.

4 (a) The participating instrumentalities designated in  
5 paragraph (b) of this subsection shall be included within and  
6 be subject to this Article if:

7 (1) an application to participate, in a form acceptable  
8 to the Board and adopted by a two-thirds vote of the  
9 governing body, is presented to the Board not later than 90  
10 days prior to the proposed effective date; and

11 (2) the Board finds that the application is in  
12 conformity with its requirements, that the applicant has  
13 reasonable expectation to continue as a political entity  
14 for a period of at least 10 years and has the prospective  
15 financial capacity to meet its current and future  
16 obligations to the Fund, and that the actuarial soundness  
17 of the Fund may be reasonably expected to be unimpaired by  
18 approval of participation by the applicant.

19 The Board shall notify the applicant of its findings within  
20 90 days after receiving the application, and if the Board  
21 approves the application, participation by the applicant shall  
22 commence on the effective date specified by the Board.

23 (b) The following participating instrumentalities, so long  
24 as they meet the requirements of Section 7-108 and the area  
25 served by them or within their jurisdiction is not located

1 entirely within a municipality having more than one million  
2 inhabitants, may be included hereunder:

3 i. Township School District Trustees.

4 ii. Multiple County and Consolidated Health  
5 Departments created under Division 5-25 of the Counties  
6 Code or its predecessor law.

7 iii. Public Building Commissions created under the  
8 Public Building Commission Act, and located in counties of  
9 less than 1,000,000 inhabitants.

10 iv. A multitype, consolidated or cooperative library  
11 system created under the Illinois Library System Act. Any  
12 library system created under the Illinois Library System  
13 Act that has one or more predecessors that participated in  
14 the Fund may participate in the Fund upon application. The  
15 Board shall establish procedures for implementing the  
16 transfer of rights and obligations from the predecessor  
17 system to the successor system.

18 v. Regional Planning Commissions created under  
19 Division 5-14 of the Counties Code or its predecessor law.

20 vi. Local Public Housing Authorities created under the  
21 Housing Authorities Act, located in counties of less than  
22 1,000,000 inhabitants.

23 vii. Illinois Municipal League.

24 viii. Northeastern Illinois Metropolitan Area Planning  
25 Commission.

26 ix. Southwestern Illinois Metropolitan Area Planning

1 Commission.

2 x. Illinois Association of Park Districts.

3 xi. Illinois Supervisors, County Commissioners and  
4 Superintendents of Highways Association.

5 xii. Tri-City Regional Port District.

6 xiii. An association, or not-for-profit corporation,  
7 membership in which is authorized under Section 85-15 of  
8 the Township Code.

9 xiv. Drainage Districts operating under the Illinois  
10 Drainage Code.

11 xv. Local mass transit districts created under the  
12 Local Mass Transit District Act.

13 xvi. Soil and water conservation districts created  
14 under the Soil and Water Conservation Districts Law.

15 xvii. Commissions created to provide water supply or  
16 sewer services or both under Division 135 or Division 136  
17 of Article 11 of the Illinois Municipal Code.

18 xviii. Public water districts created under the Public  
19 Water District Act.

20 xix. Veterans Assistance Commissions established under  
21 Section 9 of the Military Veterans Assistance Act that  
22 serve counties with a population of less than 1,000,000.

23 xx. The governing body of an entity, other than a  
24 vocational education cooperative, created under an  
25 intergovernmental cooperative agreement established  
26 between participating municipalities under the

1 Intergovernmental Cooperation Act, which by the terms of  
2 the agreement is the employer of the persons performing  
3 services under the agreement under the usual common law  
4 rules determining the employer-employee relationship. The  
5 governing body of such an intergovernmental cooperative  
6 entity established prior to July 1, 1988 may make  
7 participation retroactive to the effective date of the  
8 agreement and, if so, the effective date of participation  
9 shall be the date the required application is filed with  
10 the fund. If any such entity is unable to pay the required  
11 employer contributions to the fund, then the participating  
12 municipalities shall make payment of the required  
13 contributions and the payments shall be allocated as  
14 provided in the agreement or, if not so provided, equally  
15 among them.

16       xxi. The Illinois Municipal Electric Agency.

17       xxii. The Waukegan Port District.

18       xxiii. The Fox Waterway Agency created under the Fox  
19 Waterway Agency Act.

20       xxiv. The Illinois Municipal Gas Agency.

21       xxv. The Kaskaskia Regional Port District.

22       xxvi. The Southwestern Illinois Development Authority.

23       xxvii. The Cairo Public Utility Company.

24       xxviii. Except with respect to employees who elect to  
25 participate in the State Employees' Retirement System of  
26 Illinois under Section 14-104.13 of this Code, the Chicago



1       Metropolitan Agency for Planning created under the  
2       Regional Planning Act, provided that, with respect to the  
3       benefits payable pursuant to Sections 7-146, 7-150, and  
4       7-164 and the requirement that eligibility for such  
5       benefits is conditional upon satisfying a minimum period of  
6       service or a minimum contribution, any employee of the  
7       Chicago Metropolitan Agency for Planning that was  
8       immediately prior to such employment an employee of the  
9       Chicago Area Transportation Study or the Northeastern  
10       Illinois Planning Commission, such employee's service at  
11       the Chicago Area Transportation Study or the Northeastern  
12       Illinois Planning Commission and contributions to the  
13       State Employees' Retirement System of Illinois established  
14       under Article 14 and the Illinois Municipal Retirement Fund  
15       shall count towards the satisfaction of such requirements.

16       (c) The governing boards of special education joint  
17 agreements created under Section 10-22.31 of the School Code  
18 without designation of an administrative district shall be  
19 included within and be subject to this Article as participating  
20 instrumentalities when the joint agreement becomes effective.  
21 However, the governing board of any such special education  
22 joint agreement in effect before September 5, 1975 shall not be  
23 subject to this Article unless the joint agreement is modified  
24 by the school districts to provide that the governing board is  
25 subject to this Article, except as otherwise provided by this  
26 Section.

1           The governing board of the Special Education District of  
2 Lake County shall become subject to this Article as a  
3 participating instrumentality on July 1, 1997. Notwithstanding  
4 subdivision (a)1 of Section 7-139, on the effective date of  
5 participation, employees of the governing board of the Special  
6 Education District of Lake County shall receive creditable  
7 service for their prior service with that employer, up to a  
8 maximum of 5 years, without any employee contribution.  
9 Employees may establish creditable service for the remainder of  
10 their prior service with that employer, if any, by applying in  
11 writing and paying an employee contribution in an amount  
12 determined by the Fund, based on the employee contribution  
13 rates in effect at the time of application for the creditable  
14 service and the employee's salary rate on the effective date of  
15 participation for that employer, plus interest at the effective  
16 rate from the date of the prior service to the date of payment.  
17 Application for this creditable service must be made before  
18 July 1, 1998; the payment may be made at any time while the  
19 employee is still in service. The employer may elect to make  
20 the required contribution on behalf of the employee.

21           The governing board of a special education joint agreement  
22 created under Section 10-22.31 of the School Code for which an  
23 administrative district has been designated, if there are  
24 employees of the cooperative educational entity who are not  
25 employees of the administrative district, may elect to  
26 participate in the Fund and be included within this Article as

1 a participating instrumentality, subject to such application  
2 procedures and rules as the Board may prescribe.

3 The Boards of Control of cooperative or joint educational  
4 programs or projects created and administered under Section  
5 3-15.14 of the School Code, whether or not the Boards act as  
6 their own administrative district, shall be included within and  
7 be subject to this Article as participating instrumentalities  
8 when the agreement establishing the cooperative or joint  
9 educational program or project becomes effective.

10 The governing board of a special education joint agreement  
11 entered into after June 30, 1984 and prior to September 17,  
12 1985 which provides for representation on the governing board  
13 by less than all the participating districts shall be included  
14 within and subject to this Article as a participating  
15 instrumentality. Such participation shall be effective as of  
16 the date the joint agreement becomes effective.

17 The governing boards of educational service centers  
18 established under Section 2-3.62 of the School Code shall be  
19 included within and subject to this Article as participating  
20 instrumentalities. The governing boards of vocational  
21 education cooperative agreements created under the  
22 Intergovernmental Cooperation Act and approved by the State  
23 Board of Education shall be included within and be subject to  
24 this Article as participating instrumentalities. If any such  
25 governing boards or boards of control are unable to pay the  
26 required employer contributions to the fund, then the school

1 districts served by such boards shall make payment of required  
2 contributions as provided in Section 7-172. The payments shall  
3 be allocated among the several school districts in proportion  
4 to the number of students in average daily attendance for the  
5 last full school year for each district in relation to the  
6 total number of students in average attendance for such period  
7 for all districts served. If such educational service centers,  
8 vocational education cooperatives or cooperative or joint  
9 educational programs or projects created and administered  
10 under Section 3-15.14 of the School Code are dissolved, the  
11 assets and obligations shall be distributed among the districts  
12 in the same proportions unless otherwise provided.

13 (d) The governing boards of special recreation joint  
14 agreements created under Section 8-10b of the Park District  
15 Code, operating without designation of an administrative  
16 district or an administrative municipality appointed to  
17 administer the program operating under the authority of such  
18 joint agreement shall be included within and be subject to this  
19 Article as participating instrumentalities when the joint  
20 agreement becomes effective. However, the governing board of  
21 any such special recreation joint agreement in effect before  
22 January 1, 1980 shall not be subject to this Article unless the  
23 joint agreement is modified, by the districts and  
24 municipalities which are parties to the agreement, to provide  
25 that the governing board is subject to this Article.

26 If the Board returns any employer and employee

1 contributions to any employer which erroneously submitted such  
2 contributions on behalf of a special recreation joint  
3 agreement, the Board shall include interest computed from the  
4 end of each year to the date of payment, not compounded, at the  
5 rate of 7% per annum.

6 (e) Each multi-township assessment district, the board of  
7 trustees of which has adopted this Article by ordinance prior  
8 to April 1, 1982, shall be a participating instrumentality  
9 included within and subject to this Article effective December  
10 1, 1981. The contributions required under Section 7-172 shall  
11 be included in the budget prepared under and allocated in  
12 accordance with Section 2-30 of the Property Tax Code.

13 (f) The Illinois Medical District Commission created under  
14 the Illinois Medical District Act may be included within and  
15 subject to this Article as a participating instrumentality,  
16 notwithstanding that the location of the District is entirely  
17 within the City of Chicago. To become a participating  
18 instrumentality, the Commission must apply to the Board in the  
19 manner set forth in paragraph (a) of this subsection (B). If  
20 the Board approves the application, under the criteria and  
21 procedures set forth in paragraph (a) and any other applicable  
22 rules, criteria, and procedures of the Board, participation by  
23 the Commission shall commence on the effective date specified  
24 by the Board.

25 (C) Prospective participants.

1           Beginning January 1, 1992, each prospective participating  
2 municipality or participating instrumentality shall pay to the  
3 Fund the cost, as determined by the Board, of a study prepared  
4 by the Fund or its actuary, detailing the prospective costs of  
5 participation in the Fund to be expected by the municipality or  
6 instrumentality.

7           (Source: P.A. 93-777, eff. 7-21-04; 94-1046, eff. 7-24-06.)

8           (40 ILCS 5/7-139.12 new)

9           Sec. 7-139.12. Transfer of creditable service to Article  
10 14. A person employed by the Chicago Metropolitan Agency for  
11 Planning (formerly the Regional Planning Board) on the  
12 effective date of this Section who was a member of the State  
13 Employees' Retirement System of Illinois as an employee of the  
14 Chicago Area Transportation Study may apply for transfer of his  
15 or her creditable service as an employee of the Chicago  
16 Metropolitan Agency for Planning upon payment of (1) the  
17 amounts accumulated to the credit of the applicant for such  
18 service on the books of the Fund on the date of transfer and  
19 (2) the corresponding municipality credits, including  
20 interest, on the books of the Fund on the date of transfer.  
21 Participation in this Fund with respect to the transferred  
22 credits shall terminate on the date of transfer.

23           (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)

24           Sec. 14-103.05. Employee.

1 (a) Any person employed by a Department who receives salary  
2 for personal services rendered to the Department on a warrant  
3 issued pursuant to a payroll voucher certified by a Department  
4 and drawn by the State Comptroller upon the State Treasurer,  
5 including an elected official described in subparagraph (d) of  
6 Section 14-104, shall become an employee for purpose of  
7 membership in the Retirement System on the first day of such  
8 employment.

9 A person entering service on or after January 1, 1972 and  
10 prior to January 1, 1984 shall become a member as a condition  
11 of employment and shall begin making contributions as of the  
12 first day of employment.

13 A person entering service on or after January 1, 1984  
14 shall, upon completion of 6 months of continuous service which  
15 is not interrupted by a break of more than 2 months, become a  
16 member as a condition of employment. Contributions shall begin  
17 the first of the month after completion of the qualifying  
18 period.

19 A person employed by the Chicago Metropolitan Agency for  
20 Planning on the effective date of this amendatory Act of the  
21 95th General Assembly who was a member of this System as an  
22 employee of the Chicago Area Transportation Study and makes an  
23 election under Section 14-104.13 to participate in this System  
24 for his or her employment with the Chicago Metropolitan Agency  
25 for Planning.

26 The qualifying period of 6 months of service is not

1 applicable to: (1) a person who has been granted credit for  
2 service in a position covered by the State Universities  
3 Retirement System, the Teachers' Retirement System of the State  
4 of Illinois, the General Assembly Retirement System, or the  
5 Judges Retirement System of Illinois unless that service has  
6 been forfeited under the laws of those systems; (2) a person  
7 entering service on or after July 1, 1991 in a noncovered  
8 position; or (3) a person to whom Section 14-108.2a or  
9 14-108.2b applies.

10 (b) The term "employee" does not include the following:

11 (1) members of the State Legislature, and persons  
12 electing to become members of the General Assembly  
13 Retirement System pursuant to Section 2-105;

14 (2) incumbents of offices normally filled by vote of  
15 the people;

16 (3) except as otherwise provided in this Section, any  
17 person appointed by the Governor with the advice and  
18 consent of the Senate unless that person elects to  
19 participate in this system;

20 (3.1) any person serving as a commissioner of an ethics  
21 commission created under the State Officials and Employees  
22 Ethics Act unless that person elects to participate in this  
23 system with respect to that service as a commissioner;

24 (3.2) any person serving as a part-time employee in any  
25 of the following positions: Legislative Inspector General,  
26 Special Legislative Inspector General, employee of the



1 Office of the Legislative Inspector General, Executive  
2 Director of the Legislative Ethics Commission, or staff of  
3 the Legislative Ethics Commission, regardless of whether  
4 he or she is in active service on or after July 8, 2004  
5 (the effective date of Public Act 93-685), unless that  
6 person elects to participate in this System with respect to  
7 that service; in this item (3.2), a "part-time employee" is  
8 a person who is not required to work at least 35 hours per  
9 week;

10 (3.3) any person who has made an election under Section  
11 1-123 and who is serving either as legal counsel in the  
12 Office of the Governor or as Chief Deputy Attorney General;

13 (4) except as provided in Section 14-108.2 or  
14 14-108.2c, any person who is covered or eligible to be  
15 covered by the Teachers' Retirement System of the State of  
16 Illinois, the State Universities Retirement System, or the  
17 Judges Retirement System of Illinois;

18 (5) an employee of a municipality or any other  
19 political subdivision of the State;

20 (6) any person who becomes an employee after June 30,  
21 1979 as a public service employment program participant  
22 under the Federal Comprehensive Employment and Training  
23 Act and whose wages or fringe benefits are paid in whole or  
24 in part by funds provided under such Act;

25 (7) enrollees of the Illinois Young Adult Conservation  
26 Corps program, administered by the Department of Natural

1 Resources, authorized grantee pursuant to Title VIII of the  
2 "Comprehensive Employment and Training Act of 1973", 29 USC  
3 993, as now or hereafter amended;

4 (8) enrollees and temporary staff of programs  
5 administered by the Department of Natural Resources under  
6 the Youth Conservation Corps Act of 1970;

7 (9) any person who is a member of any professional  
8 licensing or disciplinary board created under an Act  
9 administered by the Department of Professional Regulation  
10 or a successor agency or created or re-created after the  
11 effective date of this amendatory Act of 1997, and who  
12 receives per diem compensation rather than a salary,  
13 notwithstanding that such per diem compensation is paid by  
14 warrant issued pursuant to a payroll voucher; such persons  
15 have never been included in the membership of this System,  
16 and this amendatory Act of 1987 (P.A. 84-1472) is not  
17 intended to effect any change in the status of such  
18 persons;

19 (10) any person who is a member of the Illinois Health  
20 Care Cost Containment Council, and receives per diem  
21 compensation rather than a salary, notwithstanding that  
22 such per diem compensation is paid by warrant issued  
23 pursuant to a payroll voucher; such persons have never been  
24 included in the membership of this System, and this  
25 amendatory Act of 1987 is not intended to effect any change  
26 in the status of such persons;

1           (11) any person who is a member of the Oil and Gas  
2 Board created by Section 1.2 of the Illinois Oil and Gas  
3 Act, and receives per diem compensation rather than a  
4 salary, notwithstanding that such per diem compensation is  
5 paid by warrant issued pursuant to a payroll voucher; or

6           (12) a person employed by the State Board of Higher  
7 Education in a position with the Illinois Century Network  
8 as of June 30, 2004, who remains continuously employed  
9 after that date by the Department of Central Management  
10 Services in a position with the Illinois Century Network  
11 and participates in the Article 15 system with respect to  
12 that employment.

13           (Source: P.A. 92-14, eff. 6-28-01; 93-685, eff. 7-8-04; 93-839,  
14 eff. 7-30-04; 93-1069, eff. 1-15-05.)

15           (40 ILCS 5/14-104.13 new)

16           Sec. 14-104.13. Chicago Metropolitan Agency for Planning;  
17 employee election.

18           (a) Within one year after the effective date of this  
19 Section, a person employed by the Chicago Metropolitan Agency  
20 for Planning (formerly the Regional Planning Board) on the  
21 effective date of this Section who was a member of this System  
22 as an employee of the Chicago Area Transportation Study may  
23 elect to participate in this System for his or her employment  
24 with the Chicago Metropolitan Agency for Planning.

25           (b) An employee who elects to participate in the System

1 pursuant to subsection (a) may elect to transfer any creditable  
2 service earned by the employee under the Illinois Municipal  
3 Retirement Fund for his or her employment with the Chicago  
4 Metropolitan Agency for Planning (formerly the Regional  
5 Planning Board) upon payment to this System of the amount by  
6 which (1) the employer and employee contributions that would  
7 have been required if the employee had participated in this  
8 System during the period for which the credit under Section  
9 7-139.12 is being transferred, plus interest thereon from the  
10 date of such participation to the date of payment, exceeds (2)  
11 the amounts actually transferred under Section 7-139.12 to this  
12 System.

13 Section 15. The Regional Planning Act is amended by  
14 changing Sections 5, 10, 15, 20, 25, 45, 55, 60, and 65 and by  
15 adding Sections 44, 47, 48, 51, 52, 55, 61, 62, 63, and 65 as  
16 follows:

17 (70 ILCS 1707/5)

18 Sec. 5. Purpose. The General Assembly declares and  
19 determines that a streamlined, consolidated regional planning  
20 agency is necessary in order to plan for the most effective  
21 public and private investments in the northeastern Illinois  
22 region and to better integrate plans for land use and  
23 transportation. The purpose of this Act is to define and  
24 describe the powers and responsibilities of the Chicago

1 Metropolitan Agency for Planning, a unit of government whose  
2 purpose it is to effectively address the development and  
3 transportation challenges in the northeastern Illinois region.

4 ~~It is the intent of the General Assembly to consolidate,~~  
5 ~~through an orderly transition, the functions of the~~  
6 ~~Northeastern Illinois Planning Commission (NIPC) and the~~  
7 ~~Chicago Area Transportation Study (CATS) in order to address~~  
8 ~~the development and transportation challenges in the~~  
9 ~~northeastern Illinois region.~~

10 (Source: P.A. 94-510, eff. 8-9-05.)

11 (70 ILCS 1707/10)

12 Sec. 10. Definitions.

13 "Board" means the ~~Regional Planning Board~~ of the Chicago  
14 Metropolitan Agency for Planning.

15 "CMAP" means the Chicago Metropolitan Agency for Planning.

16 ~~"CATS" means the Chicago Area Transportation Study.~~

17 ~~"CATS Policy Committee" means the policy board of the~~  
18 ~~Chicago Area Transportation Study.~~

19 "Chief elected county official" means the Board Chairman in  
20 DuPage, Kane, Kendall, Lake, and McHenry Counties and the  
21 County Executive in Will County.

22 "Fiscal year" means the fiscal year of the State.

23 "IDOT" means the Illinois Department of Transportation.

24 "MPO" means the metropolitan planning organization  
25 designated under 23 U.S.C. 134.

1 "Members" means the members of the ~~Regional Planning~~ Board.

2 ~~"NIPC" means the Northeastern Illinois Planning~~  
3 ~~Commission.~~

4 "Person" means an individual, partnership, firm, public or  
5 private corporation, State agency, transportation agency, or  
6 unit of local government.

7 "Region" or "northeastern Illinois region" means Cook,  
8 DuPage, Kane, Kendall, Lake, McHenry, and Will Counties.

9 "State agency" means "agency" as defined in Section 1-20 of  
10 the Illinois Administrative Procedure Act.

11 ~~"Transition period" means the period of time the Regional~~  
12 ~~Planning Board takes to fully implement the funding and~~  
13 ~~implementation strategy described under subsection (a) of~~  
14 ~~Section 15.~~

15 "Transportation agency" means the Regional Transportation  
16 Authority and its Service Boards; the Illinois Toll Highway  
17 Authority; the Illinois Department of Transportation; and the  
18 transportation functions of units of local government.

19 "Unit of local government" means a unit of local  
20 government, as defined in Section 1 of Article VII of the  
21 Illinois Constitution, that is located within the jurisdiction  
22 and area of operation of the Board.

23 "USDOT" means the United States Department of  
24 Transportation.

25 (Source: P.A. 94-510, eff. 8-9-05.)

1 (70 ILCS 1707/15)

2 Sec. 15. Chicago Metropolitan Agency for Planning;  
3 structure Regional Planning Board; powers.

4 (a) The Chicago Metropolitan Agency for Planning ~~Regional~~  
5 ~~Planning Board~~ is established as a political subdivision, body  
6 politic, and municipal corporation. The Board shall be  
7 responsible for developing and adopting a funding and  
8 implementation strategy for an integrated land use and  
9 transportation planning process for the northeastern Illinois  
10 region. ~~The strategy shall include a process for the orderly~~  
11 ~~transition of the CATS Policy Committee to be a standing~~  
12 ~~transportation planning body of the Board and NIPC to be a~~  
13 ~~standing comprehensive planning body of the Board. The CATS~~  
14 ~~Policy Committee and NIPC shall continue to exist and perform~~  
15 ~~their duties throughout the transition period. The strategy~~  
16 ~~must also include recommendations for legislation for~~  
17 ~~transition, which must contain a complete description of~~  
18 ~~recommended comprehensive planning functions of the Board and~~  
19 ~~an associated funding strategy and recommendations related to~~  
20 ~~consolidating the functions of the Board, the CATS Policy~~  
21 ~~Committee, and NIPC. The Board shall submit its strategy to the~~  
22 ~~General Assembly no later than September 1, 2006.~~

23 (b) (Blank.) ~~The Regional Planning Board shall, in addition~~  
24 ~~to those powers enumerated elsewhere in this Act:~~

25 ~~(1) Provide a policy framework under which all regional~~  
26 ~~plans are developed.~~

1           ~~(2) Coordinate regional transportation and land use~~  
2 ~~planning.~~

3           ~~(3) Identify and promote regional priorities.~~

4           ~~(4) Serve as a single point of contact and direct all~~  
5 ~~public involvement activities.~~

6           ~~(5) Create a Citizens' Advisory Committee.~~

7           (c) The Board shall consist of 15 voting members as  
8 follows:

9           (1) One member from DuPage County appointed  
10 cooperatively by the mayors of DuPage County and the chief  
11 elected county official of DuPage County.

12           (2) One member representing both Kane and Kendall  
13 Counties appointed cooperatively by the mayors of Kane  
14 County and Kendall County and the chief elected county  
15 officials of Kane County and Kendall County.

16           (3) One member from Lake County appointed  
17 cooperatively by the mayors of Lake County and the chief  
18 elected county official of Lake County.

19           (4) One member from McHenry County appointed  
20 cooperatively by the mayors of McHenry County and the chief  
21 elected county official of McHenry County.

22           (5) One member from Will County appointed  
23 cooperatively by the mayors of Will County and the chief  
24 elected county official of Will County.

25           (6) Five members from the City of Chicago appointed by  
26 the Mayor of the City of Chicago.



1           (7) One member from that portion of Cook County outside  
2 of the City of Chicago appointed by the President of the  
3 Cook County Board of Commissioners.

4           (8) Four members from that portion of Cook County  
5 outside of the City of Chicago appointed, with the consent  
6 of the President of the Cook County Board of Commissioners,  
7 as follows:

8           (i) One by the mayors representing those  
9 communities in Cook County that are outside of the City  
10 of Chicago and north of Devon Avenue.

11           (ii) One by the mayors representing those  
12 communities in Cook County that are outside of the City  
13 of Chicago, south of Devon Avenue, and north of  
14 Interstate 55, and in addition the Village of Summit.

15           (iii) One by the mayors representing those  
16 communities in Cook County that are outside of the City  
17 of Chicago, south of Interstate 55, and west of  
18 Interstate 57, excluding the communities of Summit,  
19 Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and  
20 Tinley Park.

21           (iv) One by the mayors representing those  
22 communities in Cook County that are outside of the City  
23 of Chicago and east of Interstate 57, and, in addition,  
24 the communities of Dixmoor, Posen, Robbins,  
25 Midlothian, Oak Forest, and Tinley Park.

26 The terms of the members initially appointed to the Board shall

1 begin within 60 days after this Act takes effect.

2 (d) The CMAP Board may ~~CATS Policy Committee and NIPC shall~~  
3 ~~each~~ appoint ~~one of their members to serve as a~~ non-voting  
4 members ~~member~~ of the ~~Regional Planning~~ Board.

5 (e) Concurrence of four-fifths of the Board members in  
6 office is necessary for the Board to approve and amend ~~take any~~  
7 ~~action, including remanding regional~~ plans and programs, adopt  
8 a budget, and hire an executive director. ~~with comments to the~~  
9 ~~CATS Policy Committee and NIPC.~~

10 (Source: P.A. 94-510, eff. 8-9-05.)

11 (70 ILCS 1707/20)

12 Sec. 20. Duties. In addition to those duties enumerated  
13 elsewhere in this Act, the Regional Planning Board shall:

14 (a) ~~(1)~~ Hire an executive director to act as the chief  
15 administrative officer and to direct and coordinate all  
16 staff work.

17 (b) Provide a policy framework under which all regional  
18 plans are developed.

19 (c) Coordinate regional transportation and land use  
20 planning.

21 (d) Identify and promote regional priorities. ~~to~~  
22 ~~coordinate staff work of CATS and NIPC. The executive~~  
23 ~~director shall hire a deputy for comprehensive planning and~~  
24 ~~a deputy for transportation planning with the approval of~~  
25 ~~NIPC and the CATS Policy Committee, respectively.~~

1           ~~(2) Merge the staffs of CATS and NIPC into a single~~  
2           ~~staff over a transition period that protects current~~  
3           ~~employees' benefits.~~

4           ~~(3) Secure agreements with funding agencies to provide~~  
5           ~~support for Board operations.~~

6           ~~(4) Develop methods to handle operational and~~  
7           ~~administrative matters relating to the transition,~~  
8           ~~including labor and employment matters, pension benefits,~~  
9           ~~equipment and technology, leases and contracts, office~~  
10           ~~space, and excess property.~~

11           ~~(5) Notwithstanding any other provision of law to the~~  
12           ~~contrary, within 180 days after this Act becomes law,~~  
13           ~~locate the staffs of CATS and NIPC within the same office.~~

14       (Source: P.A. 94-510, eff. 8-9-05.)

15           (70 ILCS 1707/25)

16           Sec. 25. Operations.

17           (a) Each appointing authority shall give notice of its  
18       Board appointments to each other appointing authority, to the  
19       Board, and to the Secretary of State. Within 30 days after his  
20       or her appointment and before entering upon the duties of the  
21       office, each Board member shall take and subscribe to the  
22       constitutional oath of office and file it with the Secretary of  
23       State. Board members shall hold office for a term of 4 years or  
24       until successors are appointed and qualified. The terms of the  
25       initial Board members shall expire as follows:

1           (1) The terms of the member from DuPage County and the  
2 member representing both Kane and Kendall Counties shall  
3 expire on July 1, 2007.

4           (2) The terms of those members from Lake, McHenry, and  
5 Will Counties shall expire on July 1, 2009.

6           (3) As designated at the time of appointment, the terms  
7 of 2 members from the City of Chicago shall expire on July  
8 1, 2007 and the terms of 3 members from the City of Chicago  
9 shall expire on July 1, 2009.

10          (4) The term of the member appointed by the President  
11 of the Cook County Board of Commissioners shall expire on  
12 July 1, 2007.

13          (5) The terms of those members appointed, with the  
14 consent of the President of the Cook County Board of  
15 Commissioners, by the mayors representing those  
16 communities in Cook County that are outside of the City of  
17 Chicago and north of Devon Avenue shall expire on July 1,  
18 2007.

19          (6) The terms of those members appointed, with the  
20 consent of the President of the Cook County Board of  
21 Commissioners, by the mayors representing those  
22 communities in Cook County that are outside of the City of  
23 Chicago, south of Interstate 55, and west of Interstate 57,  
24 excluding the communities of Summit, Dixmoor, Posen,  
25 Robbins, Midlothian, Oak Forest, and Tinley Park, shall  
26 expire on July 1, 2007.

1           (7) The terms of those members appointed, with the  
2 consent of the President of the Cook County Board of  
3 Commissioners, by the mayor representing those communities  
4 in Cook County that are outside of the City of Chicago,  
5 south of Devon Avenue, and north of Interstate 55, and, in  
6 addition, the Village of Summit, shall expire on July 1,  
7 2009.

8           (8) The terms of those members appointed, with the  
9 consent of the President of the Cook County Board of  
10 Commissioners, by the mayors representing those  
11 communities in Cook County that are outside of the City of  
12 Chicago and east of Interstate 57, and, in addition, the  
13 communities of Dixmoor, Posen, Robbins, Midlothian, Oak  
14 Forest, and Tinley Park, shall expire on July 1, 2009.

15           (b) If a vacancy occurs, the appropriate appointing  
16 authority shall fill the vacancy by an appointment for the  
17 unexpired term. Board members shall receive no compensation,  
18 but shall be reimbursed for expenses incurred in the  
19 performance of their duties.

20           (c) The Board shall be so appointed as to represent the  
21 City of Chicago, that part of Cook County outside the City of  
22 Chicago, and that part of the metropolitan region outside of  
23 Cook County on a one man one vote basis. Within 6 months after  
24 the release of each certified federal decennial census, the  
25 Board shall review its composition and, if a change is  
26 necessary in order to comply with the representation

1 requirements of this subsection (c), shall recommend the  
2 necessary revision for approval by the General Assembly.

3 (d) Regular meetings of the Board shall be held at least  
4 once in each calendar quarter. The time and place of Board  
5 meetings shall be fixed by resolution of the Board. Special  
6 meetings of the Board may be called by the chairman or a  
7 majority of the Board members. A written notice of the time and  
8 place of any special meeting shall be provided to all Board  
9 members at least 3 days prior to the date fixed for the  
10 meeting, except that if the time and place of a special meeting  
11 is fixed at a regular meeting at which all Board members are  
12 present, no such written notice is required. A majority of the  
13 Board members in office constitutes a quorum for the purpose of  
14 convening a meeting of the Board.

15 (e) The meetings of the Board shall be held in compliance  
16 with the Open Meetings Act. The Board shall maintain records in  
17 accordance with the provisions of the State Records Act.

18 (f) At its initial meeting and its first regular meeting  
19 after July 1 of each year thereafter, the Board ~~shall appoint~~  
20 from its membership shall appoint a chairman and may appoint  
21 vice chairmen ~~chairman~~ and shall provide the term and duties of  
22 those officers pursuant to its bylaws. ~~The vice chairman shall~~  
23 ~~act as chairman during the absence or disability of the~~  
24 ~~chairman and in case of resignation or death of the chairman.~~  
25 Before entering upon duties of office, the chairman shall  
26 execute a bond with corporate sureties to be approved by the

1 Board and shall file it with the principal office of the Board.  
2 The bond shall be payable to the Board in whatever penal sum  
3 may be directed and shall be conditioned upon the faithful  
4 performance of the duties of office and the payment of all  
5 money received by the chairman according to law and the orders  
6 of the Board. The Board may appoint, from time to time, an  
7 executive committee and standing and ad hoc committees to  
8 assist in carrying out its responsibilities.

9 (Source: P.A. 94-510, eff. 8-9-05.)

10 (70 ILCS 1707/44 new)

11 Sec. 44. Regional Data and Information Program. CMAP shall  
12 be the authoritative source for regional data collection,  
13 exchange, dissemination, analysis, evaluation, forecasting and  
14 modeling. With the involvement of state, regional, and local  
15 governments and agencies, CMAP shall create and maintain a  
16 timely, ongoing, and coordinated data and information sharing  
17 program that will provide the best available data on the  
18 region. This program shall include a publicly accessible  
19 mechanism for data access and distribution. CMAP's official  
20 forecasts shall be the foundation for all planning in the  
21 region.

22 (70 ILCS 1707/45)

23 Sec. 45. Regional comprehensive plan. At intervals not to  
24 exceed every 5 years, or as needed to be consistent with

1 federal law, the Board shall develop a regional comprehensive  
2 plan that integrates land use and transportation. The regional  
3 comprehensive plan and any modifications to it shall be  
4 developed ~~cooperatively~~ by the Board, ~~the CATS Policy~~  
5 ~~Committee,~~ and NIPC with the involvement of citizens, units of  
6 local government, business and labor organizations,  
7 environmental organizations, transportation and planning  
8 agencies, State agencies, private and civic organizations,  
9 public and private providers of transportation, and land  
10 preservation agencies. Units of local government shall  
11 continue to maintain control over land use and zoning  
12 decisions.

13 Scope of Regional Comprehensive Plan. The Regional  
14 Comprehensive Plan shall present the goals, policies,  
15 guidelines, and recommendations to guide the physical  
16 development of the Region. It shall include, but shall not be  
17 limited to:

18 (a) Official forecasts for overall growth and change and an  
19 evaluation of alternative scenarios for the future of the  
20 Region including alternatives for public and private  
21 investments in housing, economic development, preservation of  
22 natural resources, transportation, water supply, flood  
23 control, sewers, and other physical infrastructure. It shall  
24 present a preferred plan that makes optimum use of public and  
25 private resources to achieve the goals of the Plan.

26 (b) Land use and transportation policies that reflect the



1 relationship of transportation to land use, economic  
2 development, the environment, air quality, and energy  
3 consumption; foster the efficient movement of people and goods;  
4 coordinate modes of transportation; coordinate planning among  
5 federal agencies, state agencies, transportation agencies, and  
6 local governments; and address the safety and equity of  
7 transportation services across the Region.

8 (c) A plan for a coordinated and integrated transportation  
9 system for the region consisting of a multimodal network of  
10 facilities and services to be developed over a 20-year period  
11 to support efficient movement of people and goods. The  
12 transportation system plan shall include statements of minimum  
13 levels of service that describe the performance for each mode  
14 in order to meet the goals and policies of the Plan.

15 (d) A listing of proposed public investment priorities in  
16 transportation and other public facilities and utilities of  
17 regional significance. The list shall include a project  
18 description, an identification of the responsible agency, the  
19 timeframe that the facility or utility is proposed for  
20 construction or installation, an estimate of costs, and sources  
21 of public and private revenue for covering such costs.

22 (e) The criteria and procedures for evaluating and ranking  
23 projects in the Plan and for the allocation of transportation  
24 funds.

25 (f) Measures to best coordinate programs of local  
26 governments, transportation agencies, and State agencies to

1 promote the goals and policies of the Regional Comprehensive  
2 Plan.

3 (g) Proposals for model ordinances and agreements that may  
4 be enacted by local governments.

5 (h) Recommendations for legislation as may be necessary to  
6 fully implement the Regional Comprehensive Plan.

7 (i) Developing components for regional functional issues  
8 including:

9 (1) A regional housing component that documents the  
10 needs for housing in the region and the extent to which  
11 private-sector and public-sector programs are meeting  
12 those needs; provides the framework for and facilitates  
13 planning for the housing needs of the region, including the  
14 need for affordable housing, especially as it relates to  
15 the location of such housing proximate to job sites, and  
16 develops sound strategies, programs and other actions to  
17 address the need for housing choice throughout the region.

18 (2) A regional freight component, the purpose of which  
19 is to create an efficient system of moving goods that  
20 supports economic growth of the region and sound regional  
21 and community development by identifying investments in  
22 freight facilities of regional, State, and national  
23 significance that will be needed to eliminate existing and  
24 forecasted bottlenecks and inefficiencies in the  
25 functioning of the region's freight network; recommending  
26 improvements in the operation and management of the freight

1 network; and recommending policies to effect the efficient  
2 multi-modal movement of goods to, through, and from the  
3 region.

4 (3) A component for protecting and enhancing the  
5 environment and the region's natural resources the purpose  
6 of which is to improve the region's environmental health,  
7 quality of life, and community well-being by defining and  
8 protecting environmentally critical areas; encouraging  
9 development that does not harm environmentally critical  
10 areas; promoting sustainable land use and transportation  
11 practices and policies by local governments.

12 (4) Optionally, other regional components for services  
13 and facilities, including, but not limited to: water,  
14 sewer, transportation, solid waste, historic preservation,  
15 and flood control. Such plans shall provide additional  
16 goals, policies, guidelines, and supporting analyses that  
17 add detail, and are consistent with, the adopted Regional  
18 Comprehensive Plan.

19 (Source: P.A. 94-510, eff. 8-9-05.)

20 (70 ILCS 1707/47 new)

21 Sec. 47. Developments of Regional Importance. The Board  
22 shall consider the regional and intergovernmental impacts of  
23 proposed major developments, infrastructure investments and  
24 major policies and actions by public and private entities on  
25 natural resources, neighboring communities, and residents. The

1 Board shall:

2 (a) Define the Scope of Developments of Regional Importance  
3 (DRI) and create an efficient process for reviewing them.

4 (b) Require any DRI project sponsor, which can be either a  
5 public or private entity, to submit information about the  
6 proposed DRI to CMAP and neighboring communities, counties, and  
7 regional planning and transportation agencies for review.

8 (c) Review and comment on a proposed DRI regarding  
9 consistency with regional plans and intergovernmental and  
10 regional impacts.

11 The Board shall review applications to change the  
12 boundaries of a waste water facility planning area as an  
13 amendment to the State of Illinois Water Quality Management  
14 Plan required under the federal Clean Water Act when that  
15 review is required under that Act and is requested by the  
16 appropriate designated management agency under the  
17 Environmental Protection Act or the federal Clean Water Act.  
18 Such review shall be consistent with the review process for  
19 DRIs and evaluate the regional impact of proposed boundary  
20 changes.

21 The Board shall complete a review under this Section within  
22 a timeframe established when creating the DRI process. A delay  
23 in the review process either requested or agreed to by the  
24 applicant shall toll the running of the review period. If the  
25 Board fails to complete the review within the required period,  
26 the review fee paid by the applicant under this Section shall

1 be refunded in full to the applicant. If, however, the  
2 applicant withdraws the application at any time after the Board  
3 commences its review, no part of the review fee shall be  
4 refunded to the applicant.

5 (70 ILCS 1707/48 new)

6 Sec. 48. Incentives for Creating More Sustainable  
7 Communities. CMAP shall establish an incentive program to  
8 enable local governments and developers to: create more  
9 affordable workforce housing options near jobs and transit;  
10 create jobs near existing affordable workforce housing; create  
11 transit-oriented development; integrate transportation and  
12 land use planning; provide a range of viable transportation  
13 choices in addition to the car; encourage compact and mixed-use  
14 development; and support neighborhood revitalization. CMAP  
15 shall work with federal, State, regional, and local agencies to  
16 identify funding opportunities for these incentives from  
17 existing and proposed programs.

18 (70 ILCS 1707/51 new)

19 Sec. 51. Certification; cooperation between local and  
20 regional plans; plan review.

21 Certification of regional plan and forecasts. Upon the  
22 adoption of a Regional Plan or segment of a Regional Plan, the  
23 Board shall certify a copy thereof to the State, each  
24 transportation agency and each local government affected by

1 such plan. CMAP's official forecasts and plans shall be the  
2 foundation for all planning in the region.

3 Agencies to provide information and cooperate. Each local  
4 government, transportation agency, and State agency shall  
5 cooperate with and assist the Board in carrying out its  
6 functions and shall provide to the Board all information  
7 requested by the Board. Counties and municipalities shall  
8 submit copies of any official plans to CMAP, including but not  
9 limited to comprehensive, transportation, housing, and capital  
10 improvement plans.

11 Review of county and municipal plans. The Board may review  
12 and comment on proposed county and municipal plans and plan  
13 amendments within its jurisdiction for consistency with the  
14 regional comprehensive plan and maintain a copy of such plans.

15 (70 ILCS 1707/52 new)

16 Sec. 52. Revenue Bonds.

17 (a) CMAP shall have the power to issue revenue bonds,  
18 notes, or other evidences of indebtedness under the supervision  
19 of the Illinois Finance Authority in an aggregate amount not to  
20 exceed \$500,000,000 for the purpose of developing,  
21 constructing, acquiring, or improving infrastructure projects  
22 of regional importance. For the purpose of evidencing the  
23 obligations of CMAP to repay any money borrowed, CMAP may,  
24 pursuant to resolution, from time to time issue and dispose of  
25 its interest bearing revenue bonds, notes, or other evidences

1 of indebtedness and may also from time to time issue and  
2 dispose of such bonds, notes, or other evidences of  
3 indebtedness to refund, at maturity, at a redemption date, or  
4 in advance of either, any revenue bonds, notes, or other  
5 evidences of indebtedness pursuant to redemption provisions or  
6 at any time before maturity. All such revenue bonds, notes, or  
7 other evidences of indebtedness shall be payable solely from  
8 the revenues or income to be derived from loans made with  
9 respect to projects, from the leasing or sale of the projects,  
10 or from any other funds available to CMAP for such purposes,  
11 including, when so provided by resolution of CMAP authorizing  
12 the issuance of revenue bonds or notes. The revenue bonds,  
13 notes, or other evidences of indebtedness may bear such date or  
14 dates, may mature at such time or times not exceeding 40 years  
15 from their respective dates, may bear interest at such rate or  
16 rates not exceeding the maximum rate permitted by the Bond  
17 Authorization Act, may be in such form, may carry such  
18 registration privileges, may be executed in such manner, may be  
19 payable at such place or places, may be made subject to  
20 redemption in such manner and upon such terms, with or without  
21 premium as is stated on the face thereof, may be authenticated  
22 in such manner, and may contain such terms and covenants as may  
23 be provided by an applicable resolution.

24 (b) The holder or holders of any revenue bonds, notes, or  
25 other evidences of indebtedness issued by CMAP may bring suits  
26 at law or proceedings in equity to compel the performance and

1 observance by any corporation or person or by CMAP or any of  
2 its agents or employees of any contract or covenant made with  
3 the holders of such revenue bonds, notes, or other evidences of  
4 indebtedness, to compel such corporation, person, CMAP, and any  
5 of its agents or employees to perform any duties required to be  
6 performed for the benefit of the holders of any such revenue  
7 bonds, notes, or other evidences of indebtedness by the  
8 provision of the resolution authorizing their issuance and to  
9 enjoin such corporation, person, CMAP, and any of its agents or  
10 employees from taking any action in conflict with any such  
11 contract or covenant.

12 (c) If CMAP fails to pay the principal of or interest on  
13 any of the revenue bonds or premium, if any, as the same become  
14 due, a civil action to compel payment may be instituted in the  
15 appropriate circuit court by the holder or holders of the  
16 revenue bonds on which such default of payment exists or by an  
17 indenture trustee acting on behalf of such holders. Delivery of  
18 a summons and a copy of the complaint to the chairperson of the  
19 Board shall constitute sufficient service to give the circuit  
20 court jurisdiction of the subject matter of such a suit and  
21 jurisdiction over CMAP and its officers named as defendants for  
22 the purpose of compelling such payment. Any case, controversy,  
23 or cause of action concerning the validity of this Act relates  
24 to the revenue of the State of Illinois.

25 (d) Notwithstanding the form and tenor of any such revenue  
26 bonds, notes, or other evidences of indebtedness and in the



1 absence of any express recital on the face of any such revenue  
2 bond, note, or other evidence of indebtedness that it is  
3 non-negotiable, all such revenue bonds, notes, and other  
4 evidences of indebtedness shall be negotiable instruments.  
5 Pending the preparation and execution of any such revenue  
6 bonds, notes, or other evidences of indebtedness, temporary  
7 revenue bonds, notes, or evidences of indebtedness may be  
8 issued as provided by resolution.

9 (e) To secure the payment of any or all of such revenue  
10 bonds, notes, or other evidences of indebtedness, the revenues  
11 to be received by CMAP from a lease agreement or loan agreement  
12 shall be pledged, and, for the purpose of setting forth the  
13 covenants and undertakings of CMAP in connection with the  
14 issuance thereof and the issuance of any additional revenue  
15 bonds, notes, or other evidences of indebtedness payable from  
16 such revenues, income, or other funds to be derived from  
17 projects, CMAP may execute and deliver a mortgage or trust  
18 agreement. A remedy for any breach or default of the terms of  
19 any such mortgage or trust agreement by CMAP may be by mandamus  
20 proceedings in the appropriate circuit court to compel the  
21 performance and compliance therewith, but the trust agreement  
22 may prescribe by whom or on whose behalf the action may be  
23 instituted.

24 (f) The revenue bonds or notes shall be secured as provided  
25 in the authorizing resolution that may, notwithstanding any  
26 other provision of this Act, include in addition to any other

1 security a specific pledge or assignment of and lien on or  
2 security interest in any or all revenues or money of CMAP from  
3 whatever source that may by law be used for debt service  
4 purposes and a specific pledge or assignment of and lien on or  
5 security interest in any funds or accounts established or  
6 provided for by resolution of CMAP authorizing the issuance of  
7 such revenue bonds or notes.

8 (g) The State of Illinois pledges to and agrees with the  
9 holders of the revenue bonds and notes of CMAP issued pursuant  
10 to this Section that the State will not limit or alter the  
11 rights and powers vested in CMAP by this Act so as to impair  
12 the terms of any contract made by CMAP with such holders or in  
13 any way impair the rights and remedies of such holders until  
14 such revenue bonds and notes, together with interest thereon,  
15 with interest on any unpaid installments of interest, and all  
16 costs and expenses in connection with any action or proceedings  
17 by or on behalf of such holders, are fully met and discharged.  
18 CMAP is authorized to include these pledges and agreements of  
19 the State in any contract with the holders of revenue bonds or  
20 notes issued pursuant to this Section.

21 (h) Under no circumstances shall any bonds issued by CMAP  
22 or any other obligation of CMAP be or become an indebtedness or  
23 obligation of the State of Illinois or of any other political  
24 subdivision of or municipality within the State, nor shall any  
25 such bond or obligation be or become an indebtedness of CMAP  
26 within the purview of any constitutional limitation or

1 provision, and it shall be plainly stated on the face of each  
2 bond that it does not constitute such an indebtedness or  
3 obligation but is payable solely from the revenues or income as  
4 above.

5 (i) For the purpose of financing a project pursuant to this  
6 Act, CMAP shall be authorized to apply for an allocation of  
7 tax-exempt bond financing authorization provided by Section  
8 11143 of the Safe, Accountable, Flexible, Efficient  
9 Transportation Equity Act: A Legacy for Users (SAFETEA-LU),  
10 Public Law 109- 59, as well as financing available under any  
11 other federal law or program.

12 (70 ILCS 1707/55)

13 Sec. 55. Transportation financial plan.

14 (a) Concurrent with preparation of the regional  
15 transportation and comprehensive plans, the Board shall  
16 prepare and adopt, in cooperation with transportation agencies  
17 in the region ~~the CATS Policy Committee~~, a transportation  
18 financial plan for the region in accordance with federal and  
19 State laws, rules, and regulations.

20 (b) The transportation financial plan shall address the  
21 following matters related to the transportation agencies: (i)  
22 adequacy of funding to meet identified needs; and (ii)  
23 allocation of funds to regional priorities.

24 (c) The transportation financial plan may propose  
25 recommendations for additional funding by the federal

1 government, the State, or units of local government that may be  
2 necessary to fully implement regional plans.

3 (Source: P.A. 94-510, eff. 8-9-05.)

4 (70 ILCS 1707/60)

5 Sec. 60. Transportation decision-making Metropolitan  
6 planning organization.

7 (a) It is the intent of this Act that the transportation  
8 planning and investment decision-making process be fully  
9 integrated into the regional planning process.

10 (b) The Board, in cooperation with local governments and  
11 transportation providers, shall create a transportation  
12 decision-making process that meets all federal requirements.  
13 The adopted process shall ensure that all MPO plans, reports,  
14 and programs shall be approved by the CMAP Board prior to final  
15 approval by the MPO. If redesignation of the MPO by the federal  
16 government becomes necessary, then this Section shall not take  
17 effect until the redesignation has been completed.

18 (c) The Board shall continue directly involving local  
19 elected officials in federal program allocations for the  
20 Surface Transportation Program and Congestion Mitigation and  
21 Air Quality funds and in addressing other regional  
22 transportation issues.

23 ~~(a) It is the intent of this Act that the CATS Policy~~  
24 ~~Committee, as the Transportation Planning Committee for the~~  
25 ~~Board, remain the federally designated Metropolitan Planning~~

1 ~~Organization for the Chicago region under the requirements of~~  
2 ~~federal regulations promulgated by USDOT. The CATS Policy~~  
3 ~~Committee shall prepare and approve all plans, reports, and~~  
4 ~~programs required of an MPO, including the federally mandated~~  
5 ~~Regional Transportation Plan, Transportation Improvement~~  
6 ~~Program and Unified Work Program.~~

7 ~~(b) The processes previously established by the CATS Policy~~  
8 ~~Committee shall be continued as the means by which local~~  
9 ~~elected officials program federal Surface Transportation~~  
10 ~~Program and Congestion, Mitigation, and Air Quality funds and~~  
11 ~~address other regional transportation issues.~~

12 (Source: P.A. 94-510, eff. 8-9-05.)

13 (70 ILCS 1707/61 new)

14 Sec. 61. Agency Designated Planning Grant Recipient and  
15 Other Designations. The Board is eligible to apply for and  
16 receive federal grants and loans for regional planning in the  
17 northeastern Illinois region. The Board shall review  
18 applications requesting significant federal grants and loans  
19 to transportation agencies and local governments based on  
20 criteria including conformity with the Regional Comprehensive  
21 Plan and relevant functional components.

22 (70 ILCS 1707/62 new)

23 Sec. 62. Board Funding. In order to carry out any of the  
24 powers or purposes of CMAP, the Board shall allocate

1 traditional sources of funds such as those from the federal  
2 Metropolitan Planning Program, State Planning and Research  
3 Program and CMAP as well as non-traditional federal funds  
4 consistent with the Board's broader mission. These funds may be  
5 supplemented by fees for services and by grants from  
6 nongovernmental agencies. The Board may also pursue and accept  
7 funding from State, regional, and local sources in order to  
8 meet its planning objectives.

9 Additional funding shall be provided to CMAP to support  
10 those functions and programs authorized by this Act. Such  
11 additional funding shall be raised in the following manner:

12 The capital element of any highway appropriation  
13 passed by the State of Illinois shall allocate 1/2 of 1% of  
14 those capital expenditures for comprehensive planning.  
15 These funds shall be deposited into the State metropolitan  
16 planning appropriation for use by metropolitan and rural  
17 areas in Illinois to undertake comprehensive planning  
18 activities. The funding allocation shall be 60% for CMAP,  
19 30% for other metropolitan planning organizations, and 10%  
20 for non-urbanized areas.

21 (70 ILCS 1707/63 new)

22 Sec. 63. Succession; Transfers Related to NIPC. CMAP shall  
23 succeed to all rights and interests of NIPC. Such transfer and  
24 succession shall not limit or restrict any power or authority  
25 of CMAP exercised pursuant to this Act and shall not limit any

1 rights or obligations of CMAP with respect to any contracts,  
2 agreements, bonds or other indebtedness, right or interest  
3 relating to any cause of action then in existence of NIPC that  
4 shall continue and shall be assumed by CMAP. Funds appropriated  
5 or otherwise made available to NIPC shall become available to  
6 CMAP for the balance of the current State fiscal year for  
7 interim use as determined by CMAP. NIPC shall transfer all of  
8 the records, documents, property, and assets of NIPC to CMAP.

9 (70 ILCS 1707/65)

10 Sec. 65. Annual report. The Board shall prepare, publish,  
11 and distribute a concise ~~an~~ annual report on the region's  
12 progress toward achieving its priorities and on the degree to  
13 which consistency exists between local and regional plans. Any  
14 ~~and any~~ other reports and plans that relate to the purpose of  
15 this Act may also be included.

16 (Source: P.A. 94-510, eff. 8-9-05.)

17 (70 ILCS 1705/Act rep.)

18 Section 20. The Northeastern Illinois Planning Act is  
19 repealed.

20 Section 90. The State Mandates Act is amended by adding  
21 Section 8.31 as follows:

22 (30 ILCS 805/8.31 new)

1           Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
2 of this Act, no reimbursement by the State is required for the  
3 implementation of any mandate created by this amendatory Act of  
4 the 95th General Assembly.

5           Section 99. Effective date. This Act takes effect upon  
6 becoming law.".