

## 95TH GENERAL ASSEMBLY State of Illinois 2007 and 2008 HB0002

Introduced 1/19/2007, by Rep. Suzanne Bassi

## SYNOPSIS AS INTRODUCED:

See Index

Amends the Regional Planning Act. Changes "Regional Planning Board" to the "Chicago Metropolitan Agency for Planning". Deletes a provision that requires the executive director of the Chicago Metropolitan Agency for Planning to hire a deputy for comprehensive planning and a deputy for transportation planning. Requires the Chicago Metropolitan Agency for Planning to develop a regional comprehensive plan at intervals not to exceed every 4 years (now, every 5 years). Amends the IMRF Article of the Illinois Pension Code. Adds the Chicago Metropolitan Agency for Planning to the list of participating instrumentalities under the Article, provided that, with respect to the benefits payable pursuant to certain provisions concerning eligibility for temporary disability benefits, total and permanent disability benefits, and death benefits, for any employee of the Chicago Metropolitan Agency for Planning that was immediately prior to such employment an employee of the Chicago Area Transportation Study or the Northeastern Illinois Planning Commission, such employee's service at the Chicago Area Transportation Study or the Northeastern Illinois Planning Commission and contributions to the State Employees' Retirement System of Illinois established under Article 14 and the Illinois Municipal Retirement Fund shall count towards the satisfaction of the eligibility requirements. Makes other changes. Amends the State Mandates Act to require implementation without reimbursement.

LRB095 03780 HLH 23809 b

FISCAL NOTE ACT MAY APPLY

PENSION IMPACT NOTE ACT MAY APPLY STATE MANDATES ACT MAY REQUIRE REIMBURSEMENT 1 AN ACT concerning local government.

## Be it enacted by the People of the State of Illinois, represented in the General Assembly:

- 4 Section 5. The Illinois Pension Code is amended by changing
- 5 Section 7-132 as follows:
- 6 (40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)
- 7 Sec. 7-132. Municipalities, instrumentalities and
- 8 participating instrumentalities included and effective dates.
- 9 (A) Municipalities and their instrumentalities.
- 10 (a) The following described municipalities, but not
- 11 including any with more than 1,000,000 inhabitants, and the
- instrumentalities thereof, shall be included within and be
- 13 subject to this Article beginning upon the effective dates
- specified by the Board:
- 15 (1) Except as to the municipalities and
- instrumentalities thereof specifically excluded under this
- Article, every county shall be subject to this Article, and
- 18 all cities, villages and incorporated towns having a
- population in excess of 5,000 inhabitants as determined by
- the last preceding decennial or subsequent federal census,
- 21 shall be subject to this Article following publication of
- 22 the census by the Bureau of the Census. Within 90 days

after publication of the census, the Board shall notify any municipality that has become subject to this Article as a result of that census, and shall provide information to the corporate authorities of the municipality explaining the duties and consequences of participation. The notification shall also include a proposed date upon which participation by the municipality will commence.

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

- (2) School districts, other than those specifically excluded under this Article, shall be subject to this Article, without election, with respect to all employees thereof.
- (3) Towns and all other bodies politic and corporate which are formed by vote of, or are subject to control by, the electors in towns and are located in towns which are not participating municipalities on the effective date of this Act, may become subject to this Article by election pursuant to Section 7-132.1.
- (4) Any other municipality (together with its instrumentalities), other than those specifically excluded

from participation and those described in paragraph (3) above, may elect to be included either by referendum under Section 7-134 or by the adoption of a resolution or ordinance by its governing body. A copy of such resolution or ordinance duly authenticated and certified by the clerk of the municipality or other appropriate official of its governing body shall constitute the required notice to the board of such action.

- (b) A municipality that is about to begin participation shall submit to the Board an application to participate, in a form acceptable to the Board, not later than 90 days prior to the proposed effective date of participation. The Board shall act upon the application within 90 days, and if it finds that the application is in conformity with its requirements and the requirements of this Article, participation by the applicant shall commence on a date acceptable to the municipality and specified by the Board, but in no event more than one year from the date of application.
- (c) A participating municipality which succeeds to the functions of a participating municipality which is dissolved or terminates its existence shall assume and be transferred the net accumulation balance in the municipality reserve and the municipality account receivable balance of the terminated municipality.
- (d) In the case of a Veterans Assistance Commission whose employees were being treated by the Fund on January 1, 1990 as

- 1 employees of the county served by the Commission, the Fund may
- 2 continue to treat the employees of the Veterans Assistance
- 3 Commission as county employees for the purposes of this
- 4 Article, unless the Commission becomes a participating
- 5 instrumentality in accordance with subsection (B) of this
- 6 Section.
- 7 (B) Participating instrumentalities.
- 8 (a) The participating instrumentalities designated in
- 9 paragraph (b) of this subsection shall be included within and
- 10 be subject to this Article if:
- 11 (1) an application to participate, in a form acceptable
- to the Board and adopted by a two-thirds vote of the
- governing body, is presented to the Board not later than 90
- days prior to the proposed effective date; and
- 15 (2) the Board finds that the application is in
- 16 conformity with its requirements, that the applicant has
- 17 reasonable expectation to continue as a political entity
- for a period of at least 10 years and has the prospective
- 19 financial capacity to meet its current and future
- obligations to the Fund, and that the actuarial soundness
- of the Fund may be reasonably expected to be unimpaired by
- approval of participation by the applicant.
- The Board shall notify the applicant of its findings within
- 24 90 days after receiving the application, and if the Board
- approves the application, participation by the applicant shall

- 1 commence on the effective date specified by the Board.
- 2 (b) The following participating instrumentalities, so long
  3 as they meet the requirements of Section 7-108 and the area
  4 served by them or within their jurisdiction is not located
  5 entirely within a municipality having more than one million
  6 inhabitants, may be included hereunder:
  - i. Township School District Trustees.
  - ii. Multiple County and Consolidated Health Departments created under Division 5-25 of the Counties Code or its predecessor law.
  - iii. Public Building Commissions created under the Public Building Commission Act, and located in counties of less than 1,000,000 inhabitants.
  - iv. A multitype, consolidated or cooperative library system created under the Illinois Library System Act. Any library system created under the Illinois Library System Act that has one or more predecessors that participated in the Fund may participate in the Fund upon application. The Board shall establish procedures for implementing the transfer of rights and obligations from the predecessor system to the successor system.
  - v. Regional Planning Commissions created under Division 5-14 of the Counties Code or its predecessor law.
  - vi. Local Public Housing Authorities created under the Housing Authorities Act, located in counties of less than 1,000,000 inhabitants.

- vii. Illinois Municipal League.
- viii. Northeastern Illinois Metropolitan Area Planning
- 3 Commission.
- 4 ix. Southwestern Illinois Metropolitan Area Planning
- 5 Commission.
- 6 x. Illinois Association of Park Districts.
- 7 xi. Illinois Supervisors, County Commissioners and
- 8 Superintendents of Highways Association.
- 9 xii. Tri-City Regional Port District.
- 10 xiii. An association, or not-for-profit corporation,
- 11 membership in which is authorized under Section 85-15 of
- 12 the Township Code.
- 13 xiv. Drainage Districts operating under the Illinois
- 14 Drainage Code.
- 15 xv. Local mass transit districts created under the
- 16 Local Mass Transit District Act.
- 17 xvi. Soil and water conservation districts created
- 18 under the Soil and Water Conservation Districts Law.
- 19 xvii. Commissions created to provide water supply or
- 20 sewer services or both under Division 135 or Division 136
- of Article 11 of the Illinois Municipal Code.
- 22 xviii. Public water districts created under the Public
- 23 Water District Act.
- 24 xix. Veterans Assistance Commissions established under
- 25 Section 9 of the Military Veterans Assistance Act that
- serve counties with a population of less than 1,000,000.

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xx. The governing body of an entity, other than a vocational education cooperative, created under intergovernmental cooperative agreement established participating municipalities under Intergovernmental Cooperation Act, which by the terms of the agreement is the employer of the persons performing services under the agreement under the usual common law rules determining the employer-employee relationship. The governing body of such an intergovernmental cooperative entity established prior to July 1, 1988 may make participation retroactive to the effective date of the agreement and, if so, the effective date of participation shall be the date the required application is filed with the fund. If any such entity is unable to pay the required employer contributions to the fund, then the participating municipalities shall make payment of the contributions and the payments shall be allocated as provided in the agreement or, if not so provided, equally among them.

xxi. The Illinois Municipal Electric Agency.

xxii. The Waukegan Port District.

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

xxiv. The Illinois Municipal Gas Agency.

xxv. The Kaskaskia Regional Port District.

xxvi. The Southwestern Illinois Development Authority.

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xxvii. The Cairo Public Utility Company.

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

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

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subject to this Article, except as otherwise provided by this Section.

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

The governing board of a special education joint agreement created under Section 10-22.31 of the School Code for which an administrative district has been designated, if there are employees of the cooperative educational entity who are not

employees of the administrative district, may elect to participate in the Fund and be included within this Article as a participating instrumentality, subject to such application procedures and rules as the Board may prescribe.

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

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

The governing boards of educational service centers established under Section 2-3.62 of the School Code shall be included within and subject to this Article as participating instrumentalities. The governing boards of vocational education cooperative agreements created under the Intergovernmental Cooperation Act and approved by the State Board of Education shall be included within and be subject to this Article as participating instrumentalities. If any such

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

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

1 that the governing board is subject to this Article.

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

- (e) Each multi-township assessment district, the board of trustees of which has adopted this Article by ordinance prior to April 1, 1982, shall be a participating instrumentality included within and subject to this Article effective December 1, 1981. The contributions required under Section 7-172 shall be included in the budget prepared under and allocated in accordance with Section 2-30 of the Property Tax Code.
- (f) The Illinois Medical District Commission created under the Illinois Medical District Act may be included within and subject to this Article as a participating instrumentality, notwithstanding that the location of the District is entirely within the City of Chicago. To become a participating instrumentality, the Commission must apply to the Board in the manner set forth in paragraph (a) of this subsection (B). If the Board approves the application, under the criteria and procedures set forth in paragraph (a) and any other applicable rules, criteria, and procedures of the Board, participation by the Commission shall commence on the effective date specified by the Board.

- 1 (C) Prospective participants.
- 2 Beginning January 1, 1992, each prospective participating
- 3 municipality or participating instrumentality shall pay to the
- 4 Fund the cost, as determined by the Board, of a study prepared
- 5 by the Fund or its actuary, detailing the prospective costs of
- 6 participation in the Fund to be expected by the municipality or
- 7 instrumentality.
- 8 (Source: P.A. 93-777, eff. 7-21-04; 94-1046, eff. 7-24-06.)
- 9 Section 10. The Regional Planning Act is amended by
- 10 changing Sections 10, 15, 20, and 45 as follows:
- 11 (70 ILCS 1707/10)
- 12 Sec. 10. Definitions.
- "Board" means the board of the Chicago Metropolitan Agency
- 14 for Planning Regional Planning Board.
- 15 "CATS" means the Chicago Area Transportation Study.
- "CATS Policy Committee" means the policy board of the
- 17 Chicago Area Transportation Study.
- "Chief elected county official" means the Board Chairman in
- 19 DuPage, Kane, Kendall, Lake, and McHenry Counties and the
- 20 County Executive in Will County.
- 21 "CMAP" means the Chicago Metropolitan Agency for Planning.
- "Fiscal year" means the fiscal year of the State.
- 23 "IDOT" means the Illinois Department of Transportation.

- 1 "MPO" means the metropolitan planning organization
- designated under 23 U.S.C. 134.
- 3 "Members" means the members of the <u>board of the Chicago</u>
- 4 Metropolitan Agency for Planning Regional Planning Board.
- 5 "NIPC" means the Northeastern Illinois Planning
- 6 Commission.
- 7 "Person" means an individual, partnership, firm, public or
- 8 private corporation, State agency, transportation agency, or
- 9 unit of local government.
- 10 "Region" or "northeastern Illinois region" means Cook,
- 11 DuPage, Kane, Kendall, Lake, McHenry, and Will Counties.
- "State agency" means "agency" as defined in Section 1-20 of
- the Illinois Administrative Procedure Act.
- "Transition period" means the period of time the Board
- 15 Regional Planning Board takes to fully implement the funding
- and implementation strategy described under subsection (a) of
- 17 Section 15.
- "Transportation agency" means the Regional Transportation
- 19 Authority and its Service Boards; the Illinois Toll Highway
- 20 Authority; the Illinois Department of Transportation; and the
- 21 transportation functions of units of local government.
- "Unit of local government" means a unit of local
- 23 government, as defined in Section 1 of Article VII of the
- 24 Illinois Constitution, that is located within the jurisdiction
- and area of operation of the Board.
- 26 "USDOT" means the United States Department of

- 1 Transportation.
- 2 (Source: P.A. 94-510, eff. 8-9-05.)
- 3 (70 ILCS 1707/15)
- Sec. 15. <u>Chicago Metropolitan Agency for Planning Regional</u>

  Planning Board; powers.
- 6 (a) The Chicago Metropolitan Agency for Planning Regional 7 Planning Board is established as a political subdivision, body 8 politic, and municipal corporation. The Board shall be 9 responsible for developing and adopting a funding and 10 implementation strategy for an integrated land use and 11 transportation planning process for the northeastern Illinois 12 region. The strategy shall include a process for the orderly transition of the CATS Policy Committee to be a standing 1.3 transportation planning body of the Board and NIPC to be a 14 15 standing comprehensive planning body of the Board. The CATS 16 Policy Committee and NIPC shall continue to exist and perform their duties throughout the transition period. The strategy 17 for 18 must also include recommendations legislation 19 transition, which must contain a complete description of 20 recommended comprehensive planning functions of the Board and 21 an associated funding strategy and recommendations related to 22 consolidating the functions of the Board, the CATS Policy Committee, and NIPC. The Board shall submit its strategy to the 23 24 General Assembly no later than September 1, 2006.
  - (b) The <u>Board</u> Regional Planning Board shall, in addition to

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- those powers enumerated elsewhere in this Act:
- 2 (1) Provide a policy framework under which all regional plans are developed.
- 4 (2) Coordinate regional transportation and land use planning.
  - (3) Identify and promote regional priorities.
  - (4) Serve as a single point of contact and direct all public involvement activities.
    - (5) Create a Citizens' Advisory Committee.
- 10 (c) The Board shall consist of 15 voting members as 11 follows:
  - (1) One member from DuPage County appointed cooperatively by the mayors of DuPage County and the chief elected county official of DuPage County.
  - (2) One member representing both Kane and Kendall Counties appointed cooperatively by the mayors of Kane County and Kendall County and the chief elected county officials of Kane County and Kendall County.
  - (3) One member from Lake County appointed cooperatively by the mayors of Lake County and the chief elected county official of Lake County.
  - (4) One member from McHenry County appointed cooperatively by the mayors of McHenry County and the chief elected county official of McHenry County.
  - (5) One member from Will County appointed cooperatively by the mayors of Will County and the chief

elected county official of Will Cou	inty.
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- (6) Five members from the City of Chicago appointed by the Mayor of the City of Chicago.
- (7) One member from that portion of Cook County outside of the City of Chicago appointed by the President of the Cook County Board of Commissioners.
- (8) Four members from that portion of Cook County outside of the City of Chicago appointed, with the consent of the President of the Cook County Board of Commissioners, as follows:
  - (i) One by the mayors representing those communities in Cook County that are outside of the City of Chicago and north of Devon Avenue.
  - (ii) One by the mayors representing those communities in Cook County that are outside of the City of Chicago, south of Devon Avenue, and north of Interstate 55, and in addition the Village of Summit.
  - (iii) One by the mayors representing those communities in Cook County that are outside of the City of Chicago, south of Interstate 55, and west of Interstate 57, excluding the communities of Summit, Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park.
  - (iv) One by the mayors representing those communities in Cook County that are outside of the City of Chicago and east of Interstate 57, and, in addition,

- the communities of Dixmoor, Posen, Robbins,
  Midlothian, Oak Forest, and Tinley Park.
- The terms of the members initially appointed to the Board shall begin within 60 days after this Act takes effect.
- 5 (d) The CATS Policy Committee and NIPC shall each appoint 6 one of their members to serve as a non-voting member of the 7 <u>Board Regional Planning Board</u>.
- 8 (e) Concurrence of four-fifths of the Board members in 9 office is necessary for the Board to take any action, including 10 remanding regional plans with comments to the CATS Policy 11 Committee and NIPC.
- 12 (Source: P.A. 94-510, eff. 8-9-05.)
- 13 (70 ILCS 1707/20)

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- Sec. 20. Duties. In addition to those duties enumerated elsewhere in this Act, the Board Regional Planning Board shall:
  - (1) Hire an executive director to coordinate staff work of <u>CMAP</u> CATS and NIPC. The executive director shall hire a deputy for comprehensive planning and a deputy for transportation planning with the approval of NIPC and the <u>CATS Policy Committee</u>, respectively.
    - (2) Merge the staffs of CATS and NIPC into a single staff over a transition period that protects current employees' benefits.
  - (3) Secure agreements with funding agencies to provide support for Board operations.

- 1 (4)Develop methods to handle operational 2 administrative matters relating to the transition, 3 including labor and employment matters, pension benefits, equipment and technology, leases and contracts, office 4 5 space, and excess property.
- 6 (5) Notwithstanding any other provision of law to the 7 contrary, within 180 days after this Act becomes law, 8 locate the staffs of CATS and NIPC within the same office.
  - (Source: P.A. 94-510, eff. 8-9-05.)

## 10 (70 ILCS 1707/45)

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Sec. 45. Regional comprehensive plan. At intervals not to exceed every 4  $\frac{5}{2}$  years, the Board shall develop a regional comprehensive plan that integrates land 11Se and transportation. The regional comprehensive plan and anv modifications to it shall be developed cooperatively by the Board, the CATS Policy Committee, and NIPC with the involvement of citizens, units of local government, business and labor organizations, environmental organizations, transportation and planning agencies, State agencies, private and organizations, public and private providers of transportation, and land preservation agencies. Units of local government shall continue to maintain control over land use and decisions.

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

- 1 Section 90. The State Mandates Act is amended by adding
- 2 Section 8.31 as follows:
- 3 (30 ILCS 805/8.31 new)
- 4 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
- 5 of this Act, no reimbursement by the State is required for the
- 6 implementation of any mandate created by this amendatory Act of
- 7 <u>the 95th General Assembly.</u>

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8 30 ILCS 805/8.31 new

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