



**Filed: 3/31/2004**

09300HB6848ham004

LRB093 21192 MKM 49428 a

1 AMENDMENT TO HOUSE BILL 6848

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 6848, AS AMENDED,  
3 with reference to page and line numbers of House Amendment No.  
4 3, on page 2, by replacing line 18 with the following:

5 "Section 10. The Local Planning Technical Assistance Act is  
6 amended by adding Sections 33 and 34 as follows:

7 (20 ILCS 662/33 new)

8 Sec. 33. Priority funding areas.

9 (a) The Department may designate certain units of local  
10 government and areas of the State as priority funding areas in  
11 which State infrastructure resources should be focused. These  
12 areas must have completed and adopted a comprehensive plan  
13 containing all elements defined in Section 25 of this Act. In  
14 designating priority funding areas, preference shall be given  
15 to (i) units of local government and areas where there is  
16 existing public infrastructure, including, without limitation,  
17 sewers, roads, street lighting and street signals, schools, and  
18 emergency response systems, (ii) units of local government that  
19 have adopted zoning or other ordinances or resolutions that  
20 promote compact development, including, but not limited to,  
21 ordinances or resolutions that promote mixed-use development  
22 or reduce street widths, lot sizes, parking requirements, and  
23 set-backs, and (iii) units of local government participating in  
24 an Intergovernmental Cooperation Council established under

1 Section 5-1130 of the Counties Code. Any county that has not  
2 established a planning commission under the Regional Planning  
3 Commission Act or under Division 5-14 of the Counties Code may  
4 enter into intergovernmental agreements with such a planning  
5 commission in order to assist the county in meeting the  
6 criteria required for priority funding area designation under  
7 this Section.

8 (b) The Department, from funds appropriated for this  
9 purpose, is authorized to make grants to units of local  
10 government designated as, or within areas designated as,  
11 priority funding areas for the expansion or improvement of  
12 public infrastructure. In making grants to priority funding  
13 areas, the Department shall use the criteria established by the  
14 Priority Funding Advisory Committee established under Section  
15 34.

16 (c) The Department may promulgate rules necessary to  
17 implement and administer this Section.

18 (20 ILCS 662/34 new)

19 Sec. 34. Priority Funding Advisory Committee.

20 (a) The Priority Funding Advisory Committee is established  
21 to develop detailed criteria for use by the Department in  
22 making funding decisions for priority funding areas designated  
23 by the Department under Section 33 of this Act and for  
24 Intergovernmental Cooperation Councils established under  
25 Section 5-1130 of the Counties Code.

26 (b) The committee shall consist of 19 members as follows:

27 (i) the Director, or his or her designee, of the following: the  
28 Department of Natural Resources, the Environmental Protection  
29 Agency, the Department of Agriculture, and the Governor's  
30 Office of Management and Budget; (ii) the Secretary of  
31 Transportation, or his or her designee; (iii) the Chairman of  
32 the Illinois Housing Development Authority, or his or her  
33 designee; (iv) the Executive Director of the Capital

1 Development Board, or his or her designee; (v) the presiding  
2 officer, or his or her designee, of the following: the Illinois  
3 Association of Regional Councils, the Northeastern Illinois  
4 Planning Commission, the Southwestern Illinois Metro Planning  
5 Commission, the Illinois Municipal League, and the  
6 Metropolitan Mayors Caucus; (vi) a representative of county  
7 government from outside the boundaries of the Northeastern  
8 Illinois Planning Commission and the Southwestern Illinois  
9 Metro Planning Commission; (vii) one member of the General  
10 Assembly appointed by each of the following: the Speaker of the  
11 House, the House Minority Leader, the President of the Senate,  
12 and the Senate Minority Leader; and (viii) 2 public members  
13 appointed by the Governor. The Director of the Department of  
14 Commerce and Economic Opportunity shall serve as the chair of  
15 the committee. Eight members shall constitute a quorum. Members  
16 of the committee are not entitled to compensation for their  
17 services as members but are entitled to reimbursement for all  
18 necessary expenses incurred in connection with the performance  
19 of their duties as members.

20 (c) The committee shall conduct a minimum of 8 meetings and  
21 shall report to the Governor and to the General Assembly within  
22 18 months of the effective date of this amendatory Act of the  
23 93rd General Assembly concerning its recommendations and a  
24 timetable for implementing funding for priority funding areas  
25 and Intergovernmental Cooperation Councils.

26 Section 15. The Governor's Office of Management and Budget  
27 Act is amended by adding Section 2.8 as follows:

28 (20 ILCS 3005/2.8 new)

29 Sec. 2.8. Authorization of funding for proposed projects or  
30 activities; review of negative interagency review comments and  
31 findings. If a Department or Agency of the State has conducted  
32 an interagency review of a proposed project or activity and if

1 the Department or Agency has received negative comments or  
2 findings as a result of that interagency review, then the  
3 Office must review those comments and findings before funding  
4 may be authorized for the proposed project or activity.

5 Section 20. The Regional Planning Commission Act is  
6 amended by changing Section 1 as follows:

7 (50 ILCS 15/1) (from Ch. 85, par. 1021)

8 Sec. 1. Governing bodies of counties, cities, or other  
9 local governmental units, ~~when authorized by the Department of~~  
10 ~~Commerce and Community Affairs,~~ may cooperate with the  
11 governing bodies of the counties and cities or other governing  
12 bodies of any adjoining state or states in the creation of a  
13 joint planning commission where such cooperation has been  
14 authorized by law by the adjoining state or states. Such a  
15 joint planning commission may be designated to be a regional or  
16 metropolitan planning commission and shall have powers, duties  
17 and functions as authorized by "An Act to provide for regional  
18 planning and for the creation, organization and powers of  
19 regional planning commissions", approved June 25, 1929, as  
20 heretofore or hereafter amended, and, as agreed among the  
21 governing bodies. Such a planning commission shall be a legal  
22 entity for all purposes.

23 An Intergovernmental Cooperation Council created in  
24 accordance with Section 5-1130 of the Counties Code may serve  
25 as the planning commission if so designated by the county board  
26 as provided in that Section.

27 (Source: P.A. 81-1509; revised 12-6-03.)

28 Section 25. The Counties Code is amended by adding Section  
29 5-1130 as follows:

30 (55 ILCS 5/5-1130 new)

1       Sec. 5-1130. Intergovernmental Cooperation Council.

2       (a) The purpose of this Section is to provide a framework  
3 and incentives for intergovernmental cooperation for  
4 development and implementation of coordinated land use,  
5 transportation, and infrastructure plans that reduce traffic  
6 congestion, conserve land, provide housing conveniently  
7 accessible to jobs, and make the most efficient use of public  
8 infrastructure investments.

9       (b) A county board may, by resolution, establish an  
10 Intergovernmental Cooperation Council ("Council") with its  
11 membership consisting of the mayor of each municipality within  
12 the county, up to 6 county board members, and such other  
13 members as may be determined by the county and municipal  
14 members, except that the number of county board members  
15 appointed to the Council shall not exceed the number of mayors  
16 appointed to the Council. The county board members shall be  
17 appointed by the chairman of the county board. If the county  
18 has an existing planning commission that was established by the  
19 county board under the Regional Planning Commission Act or  
20 under Division 5-14 of the Counties Code, then the county board  
21 may designate that planning commission as the  
22 Intergovernmental Cooperation Council for that county. If the  
23 county is within the Northeastern Illinois Planning Commission  
24 or the Southwestern Illinois Metro Planning Commission, then  
25 the county board may designate that commission as the  
26 Intergovernmental Cooperation Council for the county.

27       Within 60 days after the establishment of an  
28 Intergovernmental Cooperation Council in accordance with this  
29 Section, the Council must notify the Department of Commerce and  
30 Economic Opportunity of the establishment of the Council and  
31 the identity of the Council members.

32       Each municipal and county board representative shall be  
33 entitled to a vote; the other members shall be nonvoting  
34 members, unless authorized to vote by the unanimous consent of

1 the voting members.

2 A municipality that is located in more than one county may  
3 choose, at the time of formation of the Council, to participate  
4 in the Council program of either or both of the counties.

5 The Council shall adopt by-laws, by a majority vote of the  
6 county and municipal members, to govern the functions of the  
7 Council and its subcommittees.

8 Officers of the Council shall include a chair and vice  
9 chair, one of whom shall be a county representative and one a  
10 municipal representative.

11 Principal duties of the Council, as further described in  
12 this Section, shall be (i) to develop coordinated land use,  
13 transportation, and infrastructure plans and intergovernmental  
14 Local Land Resource Management Plans that include the elements  
15 required to be included in a comprehensive plan under Section  
16 25 of the Local Planning Technical Assistance Act and that  
17 foster intergovernmental cooperation and (ii) to direct  
18 implementation and revision of the plans and procedures.

19 The Council must coordinate all plans and activities with  
20 any Economic Development Districts designated by the Economic  
21 Development Administration Division of the U.S. Department of  
22 Commerce that are within the county.

23 The Council may retain planning, mediation, negotiation,  
24 engineering, legal, and financial advisors and administrative  
25 personnel, subject to the budgetary, purchasing, and personnel  
26 policies of the county.

27 The Council shall meet at least quarterly and shall hold at  
28 least one public hearing during the preparation of each plan.

29 (c) The county board may, by resolution, assign the  
30 Intergovernmental Cooperation Council to serve as the county  
31 planning commission as provided in Division 5-14 and in the  
32 Regional Planning Commission Act. In counties exercising this  
33 option, the Council shall assume all the duties and  
34 responsibilities of the county planning commission and the

1 Local Land Resource Management Plan shall meet the requirements  
2 of and serve as the county plan as provided in Section 5-14001.

3 (d) The Intergovernmental Cooperation Council shall have  
4 the responsibility to prepare, for recommendation to the county  
5 board, a Local Land Resource Management Plan for all or  
6 substantial portions of the county. The Local Land Resource  
7 Management Plan shall, to the greatest extent practical,  
8 include coordinated land use, transportation, and  
9 infrastructure plans and encourage development and  
10 redevelopment patterns that reduce traffic congestion, support  
11 transit, conserve land, protect natural resources, provide  
12 housing conveniently accessible to jobs, and make the most  
13 efficient use of public infrastructure investments. The Local  
14 Land Resource Management Plan should incorporate (i) municipal  
15 and intergovernmental plans and other countywide plans and (ii)  
16 the elements required to be included in a comprehensive plan  
17 under Section 25 of the Local Planning Technical Assistance  
18 Act, to the greatest extent practical.

19 (e) The Intergovernmental Cooperation Council may prepare,  
20 for recommendation to the county board, a procedure for  
21 intergovernmental cooperation that provides for:

22 (1) an efficient and timely process for  
23 intergovernmental review of public and private land use,  
24 development, and transportation proposals with greater  
25 than local impacts; and

26 (2) a voluntary procedure for early resolution of  
27 intergovernmental disputes regarding public and private  
28 land use, development, transportation, and annexation  
29 actions, prior to administrative or judicial hearings.

30 Public and private land use, development, and  
31 transportation proposals with greater than local impact shall  
32 require notification to interested governments, which shall  
33 include, at a minimum: (i) any local government with  
34 jurisdiction over the property in question; (ii) the county;

1 (iii) adjacent municipalities; (iv) the Metropolitan Planning  
2 Organization or any other regional transportation agency; (v)  
3 any regional planning agency established by State law having  
4 jurisdiction for the county; (vi) the Governor's Office of  
5 Management and Budget; (vii) the Illinois Departments of  
6 Transportation, Natural Resources, Agriculture, and Commerce  
7 and Economic Opportunity, and (viii) the Illinois  
8 Environmental Protection Agency. It shall be the  
9 responsibility of the Intergovernmental Cooperation Council to  
10 establish definitions and procedures for implementation of  
11 this subsection. The notification requirement shall extend to  
12 any local development project that (i) receives State funding  
13 or requires State regulatory approval and (ii) meets certain  
14 threshold conditions as to size and probable impact as defined  
15 by the Intergovernmental Cooperation Council. Within 45 days  
16 after notification, notified entities must prepare and submit  
17 comments. The sponsoring government may hold a meeting with  
18 interested parties to discuss and seek resolution of issues  
19 raised in the comments. Completion of notification and  
20 responsiveness to comments shall enhance the priority position  
21 for State funding in support of the proposed project.

22 (f) An Intergovernmental Cooperation Council may develop a  
23 procedure providing for the early voluntary resolution of  
24 intergovernmental disputes. These procedures shall allow local  
25 governmental entities to request the Council to review disputes  
26 regarding public and private land use, development,  
27 transportation, and annexation actions, prior to seeking  
28 administrative or judicial hearings. The Council shall review  
29 actions only if each party to the dispute requests it. In  
30 conducting the review, the Council shall provide each party the  
31 opportunity to present its case. In making its finding the  
32 Council shall determine whether the proposed action on the part  
33 of the first party does in fact have a negative impact on the  
34 second party, and if so, identify an appropriate mitigation or



1 alternative course of action. In making its decision, the  
2 Council shall consider the adopted Local Land Resource  
3 Management Plan and any other plans prepared by the Council.  
4 The Council shall forward its written findings to the governing  
5 body of each party. The findings of the Council shall be  
6 non-binding and shall in no case affect the ability of each  
7 party to pursue other administrative or judicial hearings,  
8 unless otherwise agreed in writing by each party.

9 (g) In the preparation of its plans, the Intergovernmental  
10 Cooperation Council shall coordinate the planning process with  
11 any regional or multi-county planning agency having  
12 jurisdiction for the county and shall coordinate with each  
13 adjoining county to ensure that recommended plans and projects  
14 have minimum adverse impacts. An adopted Local Land Resource  
15 Management Plan and any other plan prepared by the Council  
16 shall identify steps taken to coordinate the development of  
17 plan recommendations with adjoining counties and any regional  
18 or multi-county planning agency having jurisdiction for the  
19 county.

20 (h) A unit of local government shall receive priority  
21 consideration for State grants and other State programs if the  
22 affected unit of local government is located in a county that  
23 has: (i) established an Intergovernmental Cooperation Council;  
24 (ii) adopted a Local Land Resource Management Plan that has  
25 been deemed to be "joint and compatible" by resolution of the  
26 affected unit of local government; and (iii) established  
27 procedures for intergovernmental review.

28 (i) Within 60 days after completion, all plans developed  
29 and all priorities established in accordance with this Section  
30 must be provided to the Department of Commerce and Economic  
31 Opportunity for review and comment.

32 (j) The powers granted under this Section are in addition  
33 to any other powers granted under any other law.

1           Section 99. Effective date. This Act takes effect January  
2   1, 2006, except that Section 5 and this Section take effect  
3   upon".