



Rep. Julie Hamos

**Filed: 5/29/2007**

09500SB0572ham002

LRB095 04708 HLH 37307 a

1 AMENDMENT TO SENATE BILL 572

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 572, AS AMENDED,  
3 with reference to page and line numbers of House Amendment No.  
4 1, on page 6, by replacing lines 2 through 4 with "amended by  
5 changing Sections 1.02, 2.01, 2.04, 2.05, 2.12, 2.30, 3A.10,  
6 3B.10, 4.01, 4.02, 4.03, 4.09, 4.11, 4.13, and 5.01 and by  
7 adding Section 2.01a, 2.01b, 2.01c, 2.12b, 4.03.2, and 4.03.3  
8 as follows:"; and

9 by replacing line 20 on page 20 through line 4 on page 21 with  
10 the following:

11 "(a) The Authority shall establish an Innovation,  
12 Coordination, and Enhancement Fund and each year deposit into  
13 the Fund the amounts directed by Section 4.03.3 of this Act.  
14 Amounts on deposit in such Fund and interest and"; and

15 on page 27, below line 26, by inserting the following:

1           "(70 ILCS 3615/2.30)

2           Sec. 2.30. Paratransit services.

3           (a) For purposes of this Act, "ADA paratransit services"  
4 shall mean those comparable or specialized transportation  
5 services provided by, or under grant or purchase of service  
6 contracts of, the Service Boards to individuals with  
7 disabilities who are unable to use fixed route transportation  
8 systems and who are determined to be eligible, for some or all  
9 of their trips, for such services under the Americans with  
10 Disabilities Act of 1990 and its implementing regulations.

11           (b) Beginning July 1, 2005, the Authority is responsible  
12 for the funding, from amounts made available under Section  
13 4.09(a)(2) of this Act, financial review and oversight of all  
14 ADA paratransit services that are provided by the Authority or  
15 by any of the Service Boards. The Suburban Bus Board shall  
16 operate or provide for the operation of all ADA paratransit  
17 services by no later than July 1, 2006, except that this date  
18 may be extended to the extent necessary to obtain approval from  
19 the Federal Transit Administration of the plan prepared  
20 pursuant to subsection (c).

21           (c) No later than January 1, 2006, the Authority, in  
22 collaboration with the Suburban Bus Board and the Chicago  
23 Transit Authority, shall develop a plan for the provision of  
24 ADA paratransit services and submit such plan to the Federal  
25 Transit Administration for approval. Approval of such plan by

1 the Authority shall require the affirmative votes of 9 of the  
2 then Directors. The Suburban Bus Board, the Chicago Transit  
3 Authority and the Authority shall comply with the requirements  
4 of the Americans with Disabilities Act of 1990 and its  
5 implementing regulations in developing and approving such plan  
6 including, without limitation, consulting with individuals  
7 with disabilities and groups representing them in the  
8 community, and providing adequate opportunity for public  
9 comment and public hearings. The plan shall include the  
10 contents required for a paratransit plan pursuant to the  
11 Americans with Disabilities Act of 1990 and its implementing  
12 regulations. The plan shall also include, without limitation,  
13 provisions to:

14 (1) maintain, at a minimum, the levels of ADA  
15 paratransit service that are required to be provided by the  
16 Service Boards pursuant to the Americans with Disabilities  
17 Act of 1990 and its implementing regulations;

18 (2) transfer the appropriate ADA paratransit services,  
19 management, personnel, service contracts and assets from  
20 the Chicago Transit Authority to the Authority or the  
21 Suburban Bus Board, as necessary, by no later than July 1,  
22 2006, except that this date may be extended to the extent  
23 necessary to obtain approval from the Federal Transit  
24 Administration of the plan prepared pursuant to this  
25 subsection (c);

26 (3) provide for consistent policies throughout the

1 metropolitan region for scheduling of ADA paratransit  
2 service trips to and from destinations, with consideration  
3 of scheduling of return trips on a "will-call" open-ended  
4 basis upon request of the rider, if practicable, and with  
5 consideration of an increased number of trips available by  
6 subscription service than are available as of the effective  
7 date of this amendatory Act;

8 (4) provide that service contracts and rates, entered  
9 into or set after the approval by the Federal Transit  
10 Administration of the plan prepared pursuant to subsection  
11 (c) of this Section, with private carriers and taxicabs for  
12 ADA paratransit service are procured by means of an open  
13 procurement process;

14 (5) provide for fares, fare collection and billing  
15 procedures for ADA paratransit services throughout the  
16 metropolitan region;

17 (6) provide for performance standards for all ADA  
18 paratransit service transportation carriers, with  
19 consideration of door-to-door service;

20 (7) provide, in cooperation with the Illinois  
21 Department of Transportation, the Illinois Department of  
22 Public Aid and other appropriate public agencies and  
23 private entities, for the application and receipt of  
24 grants, including, without limitation, reimbursement from  
25 Medicaid or other programs for ADA paratransit services;

26 (8) provide for a system of dispatch of ADA paratransit

1 services transportation carriers throughout the  
2 metropolitan region, with consideration of county-based  
3 dispatch systems already in place as of the effective date  
4 of this amendatory Act;

5 (9) provide for a process of determining eligibility  
6 for ADA paratransit services that complies with the  
7 Americans with Disabilities Act of 1990 and its  
8 implementing regulations;

9 (10) provide for consideration of innovative methods  
10 to provide and fund ADA paratransit services; and

11 (11) provide for the creation of one or more ADA  
12 advisory boards, or the reconstitution of the existing ADA  
13 advisory boards for the Service Boards, to represent the  
14 diversity of individuals with disabilities in the  
15 metropolitan region and to provide appropriate ongoing  
16 input from individuals with disabilities into the  
17 operation of ADA paratransit services.

18 (d) All revisions and annual updates to the ADA paratransit  
19 services plan developed pursuant to subsection (c) of this  
20 Section, or certifications of continued compliance in lieu of  
21 plan updates, that are required to be provided to the Federal  
22 Transit Administration shall be developed by the Authority, in  
23 collaboration with the Suburban Bus Board and the Chicago  
24 Transit Authority, and the Authority shall submit such  
25 revision, update or certification to the Federal Transit  
26 Administration for approval. Approval of such revisions,

1 updates or certifications by the Authority shall require the  
2 affirmative votes of 9 of the then Directors.

3 (e) The Illinois Department of Transportation, the  
4 Illinois Department of Public Aid, the Authority, the Suburban  
5 Bus Board and the Chicago Transit Authority shall enter into  
6 intergovernmental agreements as may be necessary to provide  
7 funding and accountability for, and implementation of, the  
8 requirements of this Section.

9 (f) By no later than April 1, 2007, the Authority shall  
10 develop and submit to the General Assembly and the Governor a  
11 funding plan for ADA paratransit services. Approval of such  
12 plan by the Authority shall require the affirmative votes of 9  
13 of the then Directors. The funding plan shall, at a minimum,  
14 contain an analysis of the current costs of providing ADA  
15 paratransit services, projections of the long-term costs of  
16 providing ADA paratransit services, identification of and  
17 recommendations for possible cost efficiencies in providing  
18 ADA paratransit services, and identification of and  
19 recommendations for possible funding sources for providing ADA  
20 paratransit services. The Illinois Department of  
21 Transportation, the Illinois Department of Public Aid, the  
22 Suburban Bus Board, the Chicago Transit Authority and other  
23 State and local public agencies as appropriate shall cooperate  
24 with the Authority in the preparation of such funding plan.

25 (g) Any funds derived from the federal Medicaid program for  
26 reimbursement of the costs of providing ADA paratransit

1 services within the metropolitan region shall be directed to  
2 the Authority and shall be used to pay for or reimburse the  
3 costs of providing such services.

4 (h) Nothing in this amendatory Act shall be construed to  
5 conflict with the requirements of the Americans with  
6 Disabilities Act of 1990 and its implementing regulations.

7 (Source: P.A. 94-370, eff. 7-29-05.); and

8 by replacing everything from line 19 on page 34 through line 8  
9 on page 57 with the following:

10 "(70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

11 Sec. 4.01. Budget and Program.

12 (a) The Board shall control the finances of the Authority.  
13 It shall by ordinance adopted by the affirmative vote of at  
14 least 9 of its then Directors (i) appropriate money to perform  
15 the Authority's purposes and provide for payment of debts and  
16 expenses of the Authority, (ii) take action with respect to the  
17 budget and two-year financial plan of each Service Board, as  
18 provided in Section 4.11, and (iii) adopt an Annual Budget and  
19 Two-Year Financial Plan for the Authority that includes the  
20 annual budget and two-year financial plan of each Service Board  
21 that has been approved by the Authority. ~~Each year the~~  
22 Authority shall prepare and publish a comprehensive annual  
23 budget and program document describing the state of the

1 ~~Authority and presenting for the forthcoming fiscal year the~~  
2 ~~Authority's plans for such operations and capital expenditures~~  
3 ~~as the Authority intends to undertake and the means by which it~~  
4 ~~intends to finance them.~~ The Annual Budget and Two-Year  
5 Financial Plan ~~proposed program and budget~~ shall contain a  
6 statement of the funds estimated to be on hand for the  
7 Authority and each Service Board at the beginning of the fiscal  
8 year, the funds estimated to be received from all sources for  
9 such year, the estimated expenses and obligations of the  
10 Authority and each Service Board for all purposes, including  
11 expenses for contributions to be made with respect to pension  
12 and other employee benefits, and the funds estimated to be on  
13 hand at the end of such year. ~~After adoption of the Authority's~~  
14 ~~first Five Year Program, as provided in Section 2.01 of this~~  
15 ~~Act, the proposed program and budget shall specifically~~  
16 ~~identify any respect in which the recommended program deviates~~  
17 ~~from the Authority's then existing Five Year Program, giving~~  
18 ~~the reasons for such deviation.~~ The fiscal year of the  
19 Authority and each Service Board shall begin on January 1st and  
20 end on the succeeding December 31st ~~except that the fiscal year~~  
21 ~~that began October 1, 1982, shall end December 31, 1983.~~ By  
22 ~~July 1st 1981 and~~ July 1st of each year ~~thereafter~~ the Director  
23 of the Illinois Governor's Office of Management and Budget  
24 (formerly Bureau of the Budget) shall submit to the Authority  
25 an estimate of revenues for the next fiscal year of the  
26 Authority to be collected from the taxes imposed by the

1 Authority and the amounts to be available in the Public  
2 Transportation Fund and the Regional Transportation Authority  
3 Occupation and Use Tax Replacement Fund and the amounts  
4 otherwise to be appropriated by the State to the Authority for  
5 its purposes. The Authority shall file a copy of its Annual  
6 Budget and Two-Year Financial Plan with ~~For the fiscal year~~  
7 ~~ending on December 31, 1983, the Board shall report its results~~  
8 ~~from operations and financial condition to the General Assembly~~  
9 ~~and the Governor by January 31. For the fiscal year beginning~~  
10 ~~January 1, 1984, and thereafter, the budget and program shall~~  
11 ~~be presented to the General Assembly and the Governor~~ after its  
12 adoption ~~not later than the preceding December 31st.~~ Before the  
13 proposed Annual Budget and Two-Year Financial Plan ~~budget and~~  
14 ~~program~~ is adopted, the Authority shall hold at least one  
15 public hearing thereon in the metropolitan region, and shall  
16 meet . ~~The Board shall hold at least one meeting for~~  
17 ~~consideration of the proposed program and budget~~ with the  
18 county board or its designee of each of the several counties in  
19 the metropolitan region. After conducting such hearings and  
20 holding such meetings and after making such changes in the  
21 proposed Annual Budget and Two-Year Financial Plan ~~program and~~  
22 ~~budget~~ as the Board deems appropriate, the Board shall adopt  
23 its annual appropriation and Annual Budget and Two-Year  
24 Financial Plan ~~budget~~ ordinance. The ordinance may be adopted  
25 only upon the affirmative votes of 9 of its then Directors. The  
26 ordinance shall appropriate such sums of money as are deemed

1 necessary to defray all necessary expenses and obligations of  
2 the Authority, specifying purposes and the objects or programs  
3 for which appropriations are made and the amount appropriated  
4 for each object or program. Additional appropriations,  
5 transfers between items and other changes in such ordinance may  
6 be made from time to time by the Board upon the affirmative  
7 votes of 9 of its then Directors.

8 (b) The Annual Budget and Two-Year Financial Plan ~~budget~~  
9 shall show a balance between anticipated revenues from all  
10 sources and anticipated expenses including funding of  
11 operating deficits or the discharge of encumbrances incurred in  
12 prior periods and payment of principal and interest when due,  
13 and shall show cash balances sufficient to pay with reasonable  
14 promptness all obligations and expenses as incurred.

15 The Annual Budget and Two-Year Financial Plan ~~annual budget~~  
16 ~~and financial plan~~ must show:

17 (i) that the level of fares and charges for mass  
18 transportation provided by, or under grant or purchase of  
19 service contracts of, the Service Boards is sufficient to  
20 cause the aggregate of all projected fare revenues from  
21 such fares and charges received in each fiscal year to  
22 equal at least 50% of the aggregate costs of providing such  
23 public transportation in such fiscal year. "Fare revenues"  
24 include the proceeds of all fares and charges for services  
25 provided, contributions received in connection with public  
26 transportation from units of local government other than

1 the Authority and from the State pursuant to subsection (i)  
2 of Section 2705-305 of the Department of Transportation Law  
3 (20 ILCS 2705/2705-305), and all other operating revenues  
4 properly included consistent with generally accepted  
5 accounting principles but do not include: the proceeds of  
6 any borrowings, and, beginning with the 2007 fiscal year,  
7 all revenues and receipts, including but not limited to  
8 fares and grants received from the federal, State or any  
9 unit of local government or other entity, derived from  
10 providing ADA paratransit service pursuant to Section 2.30  
11 of the Regional Transportation Authority Act. "Costs"  
12 include all items properly included as operating costs  
13 consistent with generally accepted accounting principles,  
14 including administrative costs, but do not include:  
15 depreciation; payment of principal and interest on bonds,  
16 notes or other evidences of obligation for borrowed money  
17 issued by the Authority; payments with respect to public  
18 transportation facilities made pursuant to subsection (b)  
19 of Section 2.20 of this Act; any payments with respect to  
20 rate protection contracts, credit enhancements or  
21 liquidity agreements made under Section 4.14; any other  
22 cost to which it is reasonably expected that a cash  
23 expenditure will not be made; costs up to \$5,000,000  
24 annually for passenger security including grants,  
25 contracts, personnel, equipment and administrative  
26 expenses, except in the case of the Chicago Transit

1 Authority, in which case the term does not include costs  
2 spent annually by that entity for protection against crime  
3 as required by Section 27a of the Metropolitan Transit  
4 Authority Act; costs as exempted by the Board for projects  
5 pursuant to Section 2.09 of this Act; or, beginning with  
6 the 2007 fiscal year, expenses related to providing ADA  
7 paratransit service pursuant to Section 2.30 of the  
8 Regional Transportation Authority Act; and in fiscal years  
9 2008 through 2017 inclusive, costs in the amount of  
10 \$200,000,000 in fiscal year 2008, reducing by \$20,000,000  
11 in each fiscal year thereafter until this exemption is  
12 eliminated; and

13 (ii) that the level of fares charged for ADA  
14 paratransit services is sufficient to cause the aggregate  
15 of all projected revenues from such fares charged and  
16 received in each fiscal year to equal at least 10% of the  
17 aggregate costs of providing such ADA paratransit services  
18 in fiscal years 2007 and 2008 and at least 12% of the  
19 aggregate costs of providing such ADA paratransit services  
20 in fiscal years 2009 and thereafter; for purposes of this  
21 Act, the percentages in this subsection (b)(ii) shall be  
22 referred to as the "system generated ADA paratransit  
23 services revenue recovery ratio".

24 (c) The actual administrative expenses of the Authority for  
25 the fiscal year commencing January 1, 1985 may not exceed  
26 \$5,000,000. The actual administrative expenses of the

1 Authority for the fiscal year commencing January 1, 1986, and  
2 for each fiscal year thereafter shall not exceed the maximum  
3 administrative expenses for the previous fiscal year plus 5%.  
4 "Administrative expenses" are defined for purposes of this  
5 Section as all expenses except: (1) capital expenses and  
6 purchases of the Authority on behalf of the Service Boards; (2)  
7 payments to Service Boards; and (3) payment of principal and  
8 interest on bonds, notes or other evidence of obligation for  
9 borrowed money issued by the Authority; (4) costs for passenger  
10 security including grants, contracts, personnel, equipment and  
11 administrative expenses; (5) payments with respect to public  
12 transportation facilities made pursuant to subsection (b) of  
13 Section 2.20 of this Act; and (6) any payments with respect to  
14 rate protection contracts, credit enhancements or liquidity  
15 agreements made pursuant to Section 4.14.

16 (d) After withholding 15% of the proceeds of any tax  
17 imposed by the Authority and 15% of money received by the  
18 Authority from the Regional Transportation Authority  
19 Occupation and Use Tax Replacement Fund, the Board shall  
20 allocate the proceeds and money remaining to the Service Boards  
21 as follows: (1) an amount equal to 85% of the proceeds of those  
22 taxes collected within the City of Chicago and 85% of the money  
23 received by the Authority on account of transfers to the  
24 Regional Transportation Authority Occupation and Use Tax  
25 Replacement Fund from the County and Mass Transit District Fund  
26 attributable to retail sales within the City of Chicago shall

1 be allocated to the Chicago Transit Authority; (2) an amount  
2 equal to 85% of the proceeds of those taxes collected within  
3 Cook County outside the City of Chicago and 85% of the money  
4 received by the Authority on account of transfers to the  
5 Regional Transportation Authority Occupation and Use Tax  
6 Replacement Fund from the County and Mass Transit District Fund  
7 attributable to retail sales within Cook County outside of the  
8 city of Chicago shall be allocated 30% to the Chicago Transit  
9 Authority, 55% to the Commuter Rail Board and 15% to the  
10 Suburban Bus Board; and (3) an amount equal to 85% of the  
11 proceeds of the taxes collected within the Counties of DuPage,  
12 Kane, Lake, McHenry and Will shall be allocated 70% to the  
13 Commuter Rail Board and 30% to the Suburban Bus Board.

14 (e) Moneys received by the Authority on account of  
15 transfers to the Regional Transportation Authority Occupation  
16 and Use Tax Replacement Fund from the State and Local Sales Tax  
17 Reform Fund shall be allocated among the Authority and the  
18 Service Boards as follows: 15% of such moneys shall be retained  
19 by the Authority and the remaining 85% shall be transferred to  
20 the Service Boards as soon as may be practicable after the  
21 Authority receives payment. Moneys which are distributable to  
22 the Service Boards pursuant to the preceding sentence shall be  
23 allocated among the Service Boards on the basis of each Service  
24 Board's distribution ratio. The term "distribution ratio"  
25 means, for purposes of this subsection (e) of this Section  
26 4.01, the ratio of the total amount distributed to a Service

1 Board pursuant to subsection (d) of Section 4.01 for the  
2 immediately preceding calendar year to the total amount  
3 distributed to all of the Service Boards pursuant to subsection  
4 (d) of Section 4.01 for the immediately preceding calendar  
5 year.

6 (f) To carry out its duties and responsibilities under this  
7 Act, further and accomplish the preparation of the annual  
8 budget and program as well as the Five Year Program provided  
9 for in Section 2.01 of this Act and to make such interim  
10 management decisions as may be necessary, the Board shall  
11 employ staff which shall: (1) propose for adoption by the Board  
12 of the Authority rules for the Service Boards that establish  
13 (i) forms and schedules to be used and information required to  
14 be provided with respect to a Five-Year Capital Program, annual  
15 budgets, and two-year financial plans and regular reporting of  
16 actual results against adopted budgets and financial plans,  
17 (ii) financial practices to be followed in the budgeting and  
18 expenditure of public funds, (iii) assumptions and projections  
19 that must be followed in preparing and submitting its Annual  
20 Budget and Two-Year Financial plan or a Five-Year Capital  
21 Program; (2) evaluate for the Board public transportation  
22 programs operated or proposed by the Service Boards and  
23 transportation agencies in terms of the goals and objectives  
24 set out in the Strategic Plan , ~~costs and relative priorities;~~  
25 (3) ~~(2)~~ keep the Board and the public informed of the extent to  
26 which the Service Boards and transportation agencies are

1 meeting the goals and objectives adopted by the Authority in  
2 the Strategic Plan ~~public transportation programs and~~  
3 ~~accomplishments of such transportation agencies;~~ and (4)  
4 assess the efficiency or adequacy of public transportation  
5 services provided by a Service Board and make recommendations  
6 for change in that service ~~(3) coordinate the development and~~  
7 ~~implementation of public transportation programs to the end~~  
8 that the moneys ~~monies~~ available to the Authority may be  
9 expended in the most economical manner possible with the least  
10 possible duplication.

11 (g) All ~~Under such regulations as the Board may prescribe,~~  
12 ~~all~~ Service Boards, transportation agencies, comprehensive  
13 planning agencies, including the Chicago Metropolitan Agency  
14 for Planning, or transportation planning agencies in the  
15 metropolitan region shall furnish to the Authority ~~Board~~ such  
16 information pertaining to public transportation or relevant  
17 for plans therefor as it may from time to time require. The  
18 Executive Director, or his or her designee, ~~upon payment to any~~  
19 ~~such agency or Service Board of the reasonable additional cost~~  
20 ~~of its so providing such information except as may otherwise be~~  
21 ~~provided by agreement with the Authority, and the Board or any~~  
22 ~~duly authorized employee of the Board~~ shall, for the purpose of  
23 securing any such information necessary or appropriate to carry  
24 out any of the powers and responsibilities of the Authority  
25 under this Act, have access to, and the right to examine, all  
26 books, documents, papers or records of a Service Board or any

1 transportation ~~such~~ agency receiving funds from the Authority  
2 or Service Board, and such Service Board or transportation  
3 agency shall comply with any request by the Executive Director,  
4 or his or her designee, within 30 days or an extended time  
5 provided by the Executive Director ~~pertaining to public~~  
6 ~~transportation or relevant for plans therefor.~~

7 (Source: P.A. 94-370, eff. 7-29-05.)

8 (70 ILCS 3615/4.02) (from Ch. 111 2/3, par. 704.02)

9 Sec. 4.02. Federal, State and Other Funds.

10 (a) The Authority shall have the power to apply for,  
11 receive and expend grants, loans or other funds from the State  
12 of Illinois or any department or agency thereof, from any unit  
13 of local government, from the federal government or any  
14 department or agency thereof, for use in connection with any of  
15 the powers or purposes of the Authority as set forth in this  
16 Act. The Authority shall have power to make such studies as may  
17 be necessary and to enter into contracts or agreements with the  
18 State of Illinois or any department or agency thereof, with any  
19 unit of local government, or with the federal government or any  
20 department or agency thereof, concerning such grants, loans or  
21 other funds, or any conditions relating thereto, including  
22 obligations to repay such funds. The Authority may make such  
23 covenants concerning such grants, loans and funds as it deems  
24 proper and necessary in carrying out its responsibilities,  
25 purposes and powers as provided in this Act.

1           (b) The Authority shall be the primary public body in the  
2 metropolitan region with authority to apply for and receive any  
3 grants, loans or other funds relating to public transportation  
4 programs from the State of Illinois or any department or agency  
5 thereof, or from the federal government or any department or  
6 agency thereof. Any unit of local government, Service Board or  
7 transportation agency may apply for and receive any such  
8 federal or state capital grants, loans or other funds,  
9 provided, however that a Service Board may not apply for or  
10 receive any grant or loan which is not identified in the  
11 Five-Year Program. Any Service Board, unit of local government  
12 or transportation agency shall notify the Authority prior to  
13 making any such application and shall file a copy thereof with  
14 the Authority. Nothing in this Section shall be construed to  
15 impose any limitation on the ability of the State of Illinois  
16 or any department or agency thereof, any unit of local  
17 government or Service Board or transportation agency to make  
18 any grants or to enter into any agreement or contract with the  
19 National Rail Passenger Corporation. Nor shall anything in this  
20 Section impose any limitation on the ability of any school  
21 district to apply for or receive any grant, loan or other funds  
22 for transportation of school children.

23           (c) The Authority shall provide to the Service Board any  
24 monies received relating to public transportation services  
25 under the jurisdiction of the Service Boards as provided in  
26 Section 4.03.03 of this Act. ~~follows:~~

1           ~~(1) As soon as may be practicable after the Authority~~  
2           ~~receives payment, under Section 4.03(m) or Section~~  
3           ~~4.03.1(d), of the proceeds of those taxes levied by the~~  
4           ~~Authority, the Authority shall transfer to each Service~~  
5           ~~Board the amount to which it is entitled under Section~~  
6           ~~4.01(d);~~

7           ~~(2) The Authority by ordinance adopted by 9 of its then~~  
8           ~~Directors shall establish a formula apportioning any~~  
9           ~~federal funds for operating assistance purposes the~~  
10           ~~Authority receives to each Service Board. In establishing~~  
11           ~~the formula, the Board shall consider, among other factors:~~  
12           ~~ridership levels, the efficiency with which the service is~~  
13           ~~provided, the degree of transit dependence of the area~~  
14           ~~served and the cost of service. That portion of any federal~~  
15           ~~funds for operating assistance received by the Authority~~  
16           ~~shall be paid to each Service Board as soon as may be~~  
17           ~~practicable upon their receipt provided the Authority has~~  
18           ~~adopted a balanced budget as required by Section 4.01 and~~  
19           ~~further provided that the Service Boards are in compliance~~  
20           ~~with the requirements in Section 4.11.~~

21           ~~(3) The Authority by ordinance adopted by 9 of its then~~  
22           ~~Directors shall apportion to the Service Boards funds~~  
23           ~~provided by the State of Illinois under Section 4.09 and~~  
24           ~~shall make payment of said funds to each Service Board as~~  
25           ~~soon as may be practicable upon their receipt provided the~~  
26           ~~Authority has adopted a balanced budget as required by~~

1 ~~Section 4.01 and further provided the Service Board is in~~  
2 ~~compliance with the requirements in Section 4.11.~~

3 ~~(4) Beginning January 1, 2009, before making any~~  
4 ~~payments, transfers, or expenditures under this subsection~~  
5 ~~to a Service Board, the Authority must first comply with~~  
6 ~~Section 4.02a or 4.02b of this Act, whichever may be~~  
7 ~~applicable.~~

8 (Source: P.A. 94-839, eff. 6-6-06; revised 8-3-06.)

9 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

10 Sec. 4.03. Taxes.

11 (a) In order to carry out any of the powers or purposes of  
12 the Authority, the Board may by ordinance adopted with the  
13 concurrence of 9 of the then Directors, impose throughout the  
14 metropolitan region any or all of the taxes provided in this  
15 Section. Except as otherwise provided in this Act, taxes  
16 imposed under this Section and civil penalties imposed incident  
17 thereto shall be collected and enforced by the State Department  
18 of Revenue. The Department shall have the power to administer  
19 and enforce the taxes and to determine all rights for refunds  
20 for erroneous payments of the taxes.

21 (b) The Board may impose a public transportation tax upon  
22 all persons engaged in the metropolitan region in the business  
23 of selling at retail motor fuel for operation of motor vehicles  
24 upon public highways. The tax shall be at a rate not to exceed  
25 5% of the gross receipts from the sales of motor fuel in the

1 course of the business. As used in this Act, the term "motor  
2 fuel" shall have the same meaning as in the Motor Fuel Tax Law.  
3 The Board may provide for details of the tax. The provisions of  
4 any tax shall conform, as closely as may be practicable, to the  
5 provisions of the Municipal Retailers Occupation Tax Act,  
6 including without limitation, conformity to penalties with  
7 respect to the tax imposed and as to the powers of the State  
8 Department of Revenue to promulgate and enforce rules and  
9 regulations relating to the administration and enforcement of  
10 the provisions of the tax imposed, except that reference in the  
11 Act to any municipality shall refer to the Authority and the  
12 tax shall be imposed only with regard to receipts from sales of  
13 motor fuel in the metropolitan region, at rates as limited by  
14 this Section.

15 (c) In connection with the tax imposed under paragraph (b)  
16 of this Section the Board may impose a tax upon the privilege  
17 of using in the metropolitan region motor fuel for the  
18 operation of a motor vehicle upon public highways, the tax to  
19 be at a rate not in excess of the rate of tax imposed under  
20 paragraph (b) of this Section. The Board may provide for  
21 details of the tax.

22 (d) The Board may impose a motor vehicle parking tax upon  
23 the privilege of parking motor vehicles at off-street parking  
24 facilities in the metropolitan region at which a fee is  
25 charged, and may provide for reasonable classifications in and  
26 exemptions to the tax, for administration and enforcement

1       thereof and for civil penalties and refunds thereunder and may  
2       provide criminal penalties thereunder, the maximum penalties  
3       not to exceed the maximum criminal penalties provided in the  
4       Retailers' Occupation Tax Act. The Authority may collect and  
5       enforce the tax itself or by contract with any unit of local  
6       government. The State Department of Revenue shall have no  
7       responsibility for the collection and enforcement unless the  
8       Department agrees with the Authority to undertake the  
9       collection and enforcement. As used in this paragraph, the term  
10      "parking facility" means a parking area or structure having  
11      parking spaces for more than 2 vehicles at which motor vehicles  
12      are permitted to park in return for an hourly, daily, or other  
13      periodic fee, whether publicly or privately owned, but does not  
14      include parking spaces on a public street, the use of which is  
15      regulated by parking meters.

16           (e) The Board may impose a Regional Transportation  
17      Authority Retailers' Occupation Tax upon all persons engaged in  
18      the business of selling tangible personal property at retail in  
19      the metropolitan region. In Cook County the tax rate shall be  
20      1.25% ~~1%~~ of the gross receipts from sales of food for human  
21      consumption that is to be consumed off the premises where it is  
22      sold (other than alcoholic beverages, soft drinks and food that  
23      has been prepared for immediate consumption) and prescription  
24      and nonprescription medicines, drugs, medical appliances and  
25      insulin, urine testing materials, syringes and needles used by  
26      diabetics, and 1% ~~3/4%~~ of the gross receipts from other taxable

1 sales made in the course of that business. In DuPage, Kane,  
2 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%  
3 ~~1/4%~~ of the gross receipts from all taxable sales made in the  
4 course of that business. The tax imposed under this Section and  
5 all civil penalties that may be assessed as an incident thereof  
6 shall be collected and enforced by the State Department of  
7 Revenue. The Department shall have full power to administer and  
8 enforce this Section; to collect all taxes and penalties so  
9 collected in the manner hereinafter provided; and to determine  
10 all rights to credit memoranda arising on account of the  
11 erroneous payment of tax or penalty hereunder. In the  
12 administration of, and compliance with this Section, the  
13 Department and persons who are subject to this Section shall  
14 have the same rights, remedies, privileges, immunities, powers  
15 and duties, and be subject to the same conditions,  
16 restrictions, limitations, penalties, exclusions, exemptions  
17 and definitions of terms, and employ the same modes of  
18 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,  
19 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions  
20 therein other than the State rate of tax), 2c, 3 (except as to  
21 the disposition of taxes and penalties collected), 4, 5, 5a,  
22 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,  
23 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and  
24 Section 3-7 of the Uniform Penalty and Interest Act, as fully  
25 as if those provisions were set forth herein.

26 Persons subject to any tax imposed under the authority

1 granted in this Section may reimburse themselves for their  
2 seller's tax liability hereunder by separately stating the tax  
3 as an additional charge, which charge may be stated in  
4 combination in a single amount with State taxes that sellers  
5 are required to collect under the Use Tax Act, under any  
6 bracket schedules the Department may prescribe.

7 Whenever the Department determines that a refund should be  
8 made under this Section to a claimant instead of issuing a  
9 credit memorandum, the Department shall notify the State  
10 Comptroller, who shall cause the warrant to be drawn for the  
11 amount specified, and to the person named, in the notification  
12 from the Department. The refund shall be paid by the State  
13 Treasurer out of the Regional Transportation Authority tax fund  
14 established under paragraph (n) of this Section.

15 If a tax is imposed under this subsection (e), a tax shall  
16 also be imposed under subsections (f) and (g) of this Section.

17 For the purpose of determining whether a tax authorized  
18 under this Section is applicable, a retail sale by a producer  
19 of coal or other mineral mined in Illinois, is a sale at retail  
20 at the place where the coal or other mineral mined in Illinois  
21 is extracted from the earth. This paragraph does not apply to  
22 coal or other mineral when it is delivered or shipped by the  
23 seller to the purchaser at a point outside Illinois so that the  
24 sale is exempt under the Federal Constitution as a sale in  
25 interstate or foreign commerce.

26 No tax shall be imposed or collected under this subsection

1 on the sale of a motor vehicle in this State to a resident of  
2 another state if that motor vehicle will not be titled in this  
3 State.

4 Nothing in this Section shall be construed to authorize the  
5 Regional Transportation Authority to impose a tax upon the  
6 privilege of engaging in any business that under the  
7 Constitution of the United States may not be made the subject  
8 of taxation by this State.

9 (f) If a tax has been imposed under paragraph (e), a  
10 Regional Transportation Authority Service Occupation Tax shall  
11 also be imposed upon all persons engaged, in the metropolitan  
12 region in the business of making sales of service, who as an  
13 incident to making the sales of service, transfer tangible  
14 personal property within the metropolitan region, either in the  
15 form of tangible personal property or in the form of real  
16 estate as an incident to a sale of service. In Cook County, the  
17 tax rate shall be: (1) 1.25% ~~1%~~ of the serviceman's cost price  
18 of food prepared for immediate consumption and transferred  
19 incident to a sale of service subject to the service occupation  
20 tax by an entity licensed under the Hospital Licensing Act or  
21 the Nursing Home Care Act that is located in the metropolitan  
22 region; (2) 1.25% ~~1%~~ of the selling price of food for human  
23 consumption that is to be consumed off the premises where it is  
24 sold (other than alcoholic beverages, soft drinks and food that  
25 has been prepared for immediate consumption) and prescription  
26 and nonprescription medicines, drugs, medical appliances and

1 insulin, urine testing materials, syringes and needles used by  
2 diabetics; and (3) 1% ~~3/4%~~ of the selling price from other  
3 taxable sales of tangible personal property transferred. In  
4 DuPage, Kane, Lake, McHenry and Will Counties the rate shall be  
5 0.75% ~~1/4%~~ of the selling price of all tangible personal  
6 property transferred.

7 The tax imposed under this paragraph and all civil  
8 penalties that may be assessed as an incident thereof shall be  
9 collected and enforced by the State Department of Revenue. The  
10 Department shall have full power to administer and enforce this  
11 paragraph; to collect all taxes and penalties due hereunder; to  
12 dispose of taxes and penalties collected in the manner  
13 hereinafter provided; and to determine all rights to credit  
14 memoranda arising on account of the erroneous payment of tax or  
15 penalty hereunder. In the administration of and compliance with  
16 this paragraph, the Department and persons who are subject to  
17 this paragraph shall have the same rights, remedies,  
18 privileges, immunities, powers and duties, and be subject to  
19 the same conditions, restrictions, limitations, penalties,  
20 exclusions, exemptions and definitions of terms, and employ the  
21 same modes of procedure, as are prescribed in Sections 1a-1, 2,  
22 2a, 3 through 3-50 (in respect to all provisions therein other  
23 than the State rate of tax), 4 (except that the reference to  
24 the State shall be to the Authority), 5, 7, 8 (except that the  
25 jurisdiction to which the tax shall be a debt to the extent  
26 indicated in that Section 8 shall be the Authority), 9 (except

1 as to the disposition of taxes and penalties collected, and  
2 except that the returned merchandise credit for this tax may  
3 not be taken against any State tax), 10, 11, 12 (except the  
4 reference therein to Section 2b of the Retailers' Occupation  
5 Tax Act), 13 (except that any reference to the State shall mean  
6 the Authority), the first paragraph of Section 15, 16, 17, 18,  
7 19 and 20 of the Service Occupation Tax Act and Section 3-7 of  
8 the Uniform Penalty and Interest Act, as fully as if those  
9 provisions were set forth herein.

10 Persons subject to any tax imposed under the authority  
11 granted in this paragraph may reimburse themselves for their  
12 serviceman's tax liability hereunder by separately stating the  
13 tax as an additional charge, that charge may be stated in  
14 combination in a single amount with State tax that servicemen  
15 are authorized to collect under the Service Use Tax Act, under  
16 any bracket schedules the Department may prescribe.

17 Whenever the Department determines that a refund should be  
18 made under this paragraph to a claimant instead of issuing a  
19 credit memorandum, the Department shall notify the State  
20 Comptroller, who shall cause the warrant to be drawn for the  
21 amount specified, and to the person named in the notification  
22 from the Department. The refund shall be paid by the State  
23 Treasurer out of the Regional Transportation Authority tax fund  
24 established under paragraph (n) of this Section.

25 Nothing in this paragraph shall be construed to authorize  
26 the Authority to impose a tax upon the privilege of engaging in

1 any business that under the Constitution of the United States  
2 may not be made the subject of taxation by the State.

3 (g) If a tax has been imposed under paragraph (e), a tax  
4 shall also be imposed upon the privilege of using in the  
5 metropolitan region, any item of tangible personal property  
6 that is purchased outside the metropolitan region at retail  
7 from a retailer, and that is titled or registered with an  
8 agency of this State's government. In Cook County the tax rate  
9 shall be 1% ~~3/4%~~ of the selling price of the tangible personal  
10 property, as "selling price" is defined in the Use Tax Act. In  
11 DuPage, Kane, Lake, McHenry and Will counties the tax rate  
12 shall be 0.75% ~~1/4%~~ of the selling price of the tangible  
13 personal property, as "selling price" is defined in the Use Tax  
14 Act. The tax shall be collected from persons whose Illinois  
15 address for titling or registration purposes is given as being  
16 in the metropolitan region. The tax shall be collected by the  
17 Department of Revenue for the Regional Transportation  
18 Authority. The tax must be paid to the State, or an exemption  
19 determination must be obtained from the Department of Revenue,  
20 before the title or certificate of registration for the  
21 property may be issued. The tax or proof of exemption may be  
22 transmitted to the Department by way of the State agency with  
23 which, or the State officer with whom, the tangible personal  
24 property must be titled or registered if the Department and the  
25 State agency or State officer determine that this procedure  
26 will expedite the processing of applications for title or

1 registration.

2 The Department shall have full power to administer and  
3 enforce this paragraph; to collect all taxes, penalties and  
4 interest due hereunder; to dispose of taxes, penalties and  
5 interest collected in the manner hereinafter provided; and to  
6 determine all rights to credit memoranda or refunds arising on  
7 account of the erroneous payment of tax, penalty or interest  
8 hereunder. In the administration of and compliance with this  
9 paragraph, the Department and persons who are subject to this  
10 paragraph shall have the same rights, remedies, privileges,  
11 immunities, powers and duties, and be subject to the same  
12 conditions, restrictions, limitations, penalties, exclusions,  
13 exemptions and definitions of terms and employ the same modes  
14 of procedure, as are prescribed in Sections 2 (except the  
15 definition of "retailer maintaining a place of business in this  
16 State"), 3 through 3-80 (except provisions pertaining to the  
17 State rate of tax, and except provisions concerning collection  
18 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,  
19 19 (except the portions pertaining to claims by retailers and  
20 except the last paragraph concerning refunds), 20, 21 and 22 of  
21 the Use Tax Act, and are not inconsistent with this paragraph,  
22 as fully as if those provisions were set forth herein.

23 Whenever the Department determines that a refund should be  
24 made under this paragraph to a claimant instead of issuing a  
25 credit memorandum, the Department shall notify the State  
26 Comptroller, who shall cause the order to be drawn for the

1 amount specified, and to the person named in the notification  
2 from the Department. The refund shall be paid by the State  
3 Treasurer out of the Regional Transportation Authority tax fund  
4 established under paragraph (n) of this Section.

5 (h) The Authority may impose a replacement vehicle tax of  
6 \$50 on any passenger car as defined in Section 1-157 of the  
7 Illinois Vehicle Code purchased within the metropolitan region  
8 by or on behalf of an insurance company to replace a passenger  
9 car of an insured person in settlement of a total loss claim.  
10 The tax imposed may not become effective before the first day  
11 of the month following the passage of the ordinance imposing  
12 the tax and receipt of a certified copy of the ordinance by the  
13 Department of Revenue. The Department of Revenue shall collect  
14 the tax for the Authority in accordance with Sections 3-2002  
15 and 3-2003 of the Illinois Vehicle Code.

16 The Department shall immediately pay over to the State  
17 Treasurer, ex officio, as trustee, all taxes collected  
18 hereunder. On or before the 25th day of each calendar month,  
19 the Department shall prepare and certify to the Comptroller the  
20 disbursement of stated sums of money to the Authority. The  
21 amount to be paid to the Authority shall be the amount  
22 collected hereunder during the second preceding calendar month  
23 by the Department, less any amount determined by the Department  
24 to be necessary for the payment of refunds. Within 10 days  
25 after receipt by the Comptroller of the disbursement  
26 certification to the Authority provided for in this Section to

1 be given to the Comptroller by the Department, the Comptroller  
2 shall cause the orders to be drawn for that amount in  
3 accordance with the directions contained in the certification.

4 (i) The Board may not impose any other taxes except as it  
5 may from time to time be authorized by law to impose.

6 (j) A certificate of registration issued by the State  
7 Department of Revenue to a retailer under the Retailers'  
8 Occupation Tax Act or under the Service Occupation Tax Act  
9 shall permit the registrant to engage in a business that is  
10 taxed under the tax imposed under paragraphs (b), (e), (f) or  
11 (g) of this Section and no additional registration shall be  
12 required under the tax. A certificate issued under the Use Tax  
13 Act or the Service Use Tax Act shall be applicable with regard  
14 to any tax imposed under paragraph (c) of this Section.

15 (k) The provisions of any tax imposed under paragraph (c)  
16 of this Section shall conform as closely as may be practicable  
17 to the provisions of the Use Tax Act, including without  
18 limitation conformity as to penalties with respect to the tax  
19 imposed and as to the powers of the State Department of Revenue  
20 to promulgate and enforce rules and regulations relating to the  
21 administration and enforcement of the provisions of the tax  
22 imposed. The taxes shall be imposed only on use within the  
23 metropolitan region and at rates as provided in the paragraph.

24 (l) The Board in imposing any tax as provided in paragraphs  
25 (b) and (c) of this Section, shall, after seeking the advice of  
26 the State Department of Revenue, provide means for retailers,

1 users or purchasers of motor fuel for purposes other than those  
2 with regard to which the taxes may be imposed as provided in  
3 those paragraphs to receive refunds of taxes improperly paid,  
4 which provisions may be at variance with the refund provisions  
5 as applicable under the Municipal Retailers Occupation Tax Act.  
6 The State Department of Revenue may provide for certificates of  
7 registration for users or purchasers of motor fuel for purposes  
8 other than those with regard to which taxes may be imposed as  
9 provided in paragraphs (b) and (c) of this Section to  
10 facilitate the reporting and nontaxability of the exempt sales  
11 or uses.

12 (m) Any ordinance imposing or discontinuing any tax under  
13 this Section shall be adopted and a certified copy thereof  
14 filed with the Department on or before June 1, whereupon the  
15 Department of Revenue shall proceed to administer and enforce  
16 this Section on behalf of the Regional Transportation Authority  
17 as of September 1 next following such adoption and filing.  
18 Beginning January 1, 1992, an ordinance or resolution imposing  
19 or discontinuing the tax hereunder shall be adopted and a  
20 certified copy thereof filed with the Department on or before  
21 the first day of July, whereupon the Department shall proceed  
22 to administer and enforce this Section as of the first day of  
23 October next following such adoption and filing. Beginning  
24 January 1, 1993, an ordinance or resolution imposing or  
25 discontinuing the tax hereunder shall be adopted and a  
26 certified copy thereof filed with the Department on or before

1 the first day of October, whereupon the Department shall  
2 proceed to administer and enforce this Section as of the first  
3 day of January next following such adoption and filing.

4 (n) The State Department of Revenue shall, upon collecting  
5 any taxes as provided in this Section, pay the taxes over to  
6 the State Treasurer as trustee for the Authority. The taxes  
7 shall be held in a trust fund outside the State Treasury. On or  
8 before the 25th day of each calendar month, the State  
9 Department of Revenue shall prepare and certify to the  
10 Comptroller of the State of Illinois the amount to be paid to  
11 the Authority, which shall be the then balance in the fund,  
12 less any amount determined by the Department to be necessary  
13 for the payment of refunds. The State Department of Revenue  
14 shall also certify to the Authority the amount of taxes  
15 collected in each County other than Cook County in the  
16 metropolitan region less the amount necessary for the payment  
17 of refunds to taxpayers in the County. With regard to the  
18 County of Cook, the certification shall specify the amount of  
19 taxes collected within the City of Chicago less the amount  
20 necessary for the payment of refunds to taxpayers in the City  
21 of Chicago and the amount collected in that portion of Cook  
22 County outside of Chicago less the amount necessary for the  
23 payment of refunds to taxpayers in that portion of Cook County  
24 outside of Chicago. Within 10 days after receipt by the  
25 Comptroller of the certification of the amount to be paid to  
26 the Authority, the Comptroller shall cause an order to be drawn

1 for the payment for the amount in accordance with the direction  
2 in the certification.

3 In addition to the disbursement required by the preceding  
4 paragraph, an allocation shall be made in July 1991 and each  
5 year thereafter to the Regional Transportation Authority. The  
6 allocation shall be made in an amount equal to the average  
7 monthly distribution during the preceding calendar year  
8 (excluding the 2 months of lowest receipts) and the allocation  
9 shall include the amount of average monthly distribution from  
10 the Regional Transportation Authority Occupation and Use Tax  
11 Replacement Fund. The distribution made in July 1992 and each  
12 year thereafter under this paragraph and the preceding  
13 paragraph shall be reduced by the amount allocated and  
14 disbursed under this paragraph in the preceding calendar year.  
15 The Department of Revenue shall prepare and certify to the  
16 Comptroller for disbursement the allocations made in  
17 accordance with this paragraph.

18 (o) Failure to adopt a budget ordinance or otherwise to  
19 comply with Section 4.01 of this Act or to adopt a Five-year  
20 Program or otherwise to comply with paragraph (b) of Section  
21 2.01 of this Act shall not affect the validity of any tax  
22 imposed by the Authority otherwise in conformity with law.

23 (p) At no time shall a public transportation tax or motor  
24 vehicle parking tax authorized under paragraphs (b), (c) and  
25 (d) of this Section be in effect at the same time as any  
26 retailers' occupation, use or service occupation tax

1 authorized under paragraphs (e), (f) and (g) of this Section is  
2 in effect.

3 Any taxes imposed under the authority provided in  
4 paragraphs (b), (c) and (d) shall remain in effect only until  
5 the time as any tax authorized by paragraphs (e), (f) or (g) of  
6 this Section are imposed and becomes effective. Once any tax  
7 authorized by paragraphs (e), (f) or (g) is imposed the Board  
8 may not reimpose taxes as authorized in paragraphs (b), (c) and  
9 (d) of the Section unless any tax authorized by paragraphs (e),  
10 (f) or (g) of this Section becomes ineffective by means other  
11 than an ordinance of the Board.

12 (q) Any existing rights, remedies and obligations  
13 (including enforcement by the Regional Transportation  
14 Authority) arising under any tax imposed under paragraphs (b),  
15 (c) or (d) of this Section shall not be affected by the  
16 imposition of a tax under paragraphs (e), (f) or (g) of this  
17 Section.

18 (Source: P.A. 92-221, eff. 8-2-01; 92-651, eff. 7-11-02;  
19 93-1068, eff. 1-15-05.)

20 (70 ILCS 3615/4.03.2 new)

21 Sec. 4.03.2. Real Estate Transfer Tax. The Board may impose  
22 a tax upon the privilege of transferring title to real estate  
23 located in the City of Chicago, upon the privilege of  
24 transferring a beneficial interest in real estate located in  
25 the City of Chicago and upon the privilege of transferring a

1 controlling interest in a real estate entity holding real  
2 estate in the City of Chicago. The tax may be imposed at a rate  
3 up to \$1.50 for each \$500 of value or fraction thereof of real  
4 estate located in the City of Chicago that is subject to the  
5 transfer of title, beneficial interest or controlling  
6 interest. The tax shall be imposed on the value stated in the  
7 declaration required by Section 31-25 of the Property Tax Code.  
8 The terms "beneficial interest", "controlling interest" and  
9 "real estate entity" have the meaning defined in Article 31 of  
10 the Property Tax Code. If, however, the transferring document  
11 states that the real estate, beneficial interest or controlling  
12 interest in the real estate is transferred subject to a  
13 mortgage, the amount of the mortgage remaining outstanding at  
14 the time of the transfer shall not be included in the basis of  
15 computing the tax.

16 A tax imposed pursuant to this Section shall be collected  
17 by the recorder or registrar of titles of the county prior to  
18 recording the deed or trust document or registering the title  
19 subject to the tax and shall be paid to the Authority within 15  
20 days after the end of each month. Within 5 days after receipt  
21 of the proceeds of the tax, the Authority shall certify to the  
22 Illinois Department of Revenue the amount it received from the  
23 recorder of deeds on account of taxes collected in the previous  
24 month. All deeds or trust documents exempted in Section 31-45  
25 of the Property Tax Code shall also be exempt from any tax  
26 imposed pursuant to this Section. A tax imposed pursuant to

1 this Section shall be in addition to all other occupation and  
2 privilege taxes imposed by the State of Illinois or any  
3 municipal corporation or political subdivision thereof. A tax  
4 imposed under this Section is due if the transfer is made by  
5 one or more related transactions or involves one or more  
6 persons or entities, regardless of whether a document is  
7 recorded.

8 (70 ILCS 3615/4.03.3 new)

9 Sec. 4.03.3. Distribution of Revenues. After providing for  
10 payment of its obligations with respect to bonds and notes  
11 issued under the provisions of Section 4.04 and obligations  
12 related to those bonds and notes, the Authority shall disburse  
13 the remaining proceeds from taxes it has imposed under this  
14 Article IV and the remaining proceeds it has received from the  
15 State under Section 4.09(a) as follows:

16 (a) With respect to taxes imposed by the Authority under  
17 Section 4.03 after withholding 15% of 80% of the proceeds of  
18 those taxes collected in Cook County at a rate of 1.25%, 15% of  
19 75% of the proceeds of those taxes collected in Cook County at  
20 the rate of 1%, 15% of one-third of the proceeds of those taxes  
21 collected in DuPage, Kane, Lake, McHenry, and Will Counties,  
22 and 15% of money received by the Authority from the Regional  
23 Transportation Authority Occupation and Use Tax Replacement  
24 Fund, the Board shall allocate the proceeds and money remaining  
25 to the Service Boards as follows:

1           (1) an amount equal to (i) 85% of 80% of the proceeds  
2 of those taxes collected within the City of Chicago at a  
3 rate of 1.25%, (ii) 85% of 75% of the proceeds of those  
4 taxes collected in the City of Chicago at the rate of 1%,  
5 and (iii) 85% of the money received by the Authority on  
6 account of transfers to the Regional Transportation  
7 Authority Occupation and Use Tax Replacement Fund from the  
8 County and Mass Transit District Fund attributable to  
9 retail sales within the City of Chicago shall be allocated  
10 to the Chicago Transit Authority;

11           (2) an amount equal to (i) 85% of 80% of the proceeds  
12 of those taxes collected within Cook County outside of the  
13 City of Chicago at a rate of 1.25%, (ii) 85% of 75% of the  
14 proceeds of those taxes collected within Cook County  
15 outside the City of Chicago at a rate of 1%, and (iii) 85%  
16 of the money received by the Authority on account of  
17 transfers to the Regional Transportation Authority  
18 Occupation and Use Tax Replacement Fund from the County and  
19 Mass Transit District Fund attributable to retail sales  
20 within Cook County outside of the City of Chicago shall be  
21 allocated 30% to the Chicago Transit Authority, 55% to the  
22 Commuter Rail Board, and 15% to the Suburban Bus Board; and

23           (3) an amount equal to 85% of one-third of the proceeds  
24 of the taxes collected within the Counties of DuPage, Kane,  
25 Lake, McHenry, and Will shall be allocated 70% to the  
26 Commuter Rail Board and 30% to the Suburban Bus Board.

1       (b) Moneys received by the Authority on account of  
2 transfers to the Regional Transportation Authority Occupation  
3 and Use Tax Replacement Fund from the State and Local Sales Tax  
4 Reform Fund shall be allocated among the Authority and the  
5 Service Boards as follows: 15% of such moneys shall be retained  
6 by the Authority and the remaining 85% shall be transferred to  
7 the Service Boards as soon as may be practicable after the  
8 Authority receives payment. Moneys which are distributable to  
9 the Service Boards pursuant to the preceding sentence shall be  
10 allocated among the Service Boards on the basis of each Service  
11 Board's distribution ratio. The term "distribution ratio"  
12 means, for purposes of this subsection (b), the ratio of the  
13 total amount distributed to a Service Board pursuant to  
14 subsection (a) of Section 4.03.3 for the immediately preceding  
15 calendar year to the total amount distributed to all of the  
16 Service Boards pursuant to subsection (a) of Section 4.03.3 for  
17 the immediately preceding calendar year.

18       (c) (i) 100% of the proceeds of those taxes collected in the  
19 City of Chicago under Section 4.03.2, (ii) 20% of the proceeds  
20 of those taxes collected in Cook County under Section 4.03 at  
21 the rate of 1.25%, (iii) 25% of the proceeds of those taxes  
22 collected in Cook County under Section 4.03 at the rate of 1%,  
23 (iv) one-third of the proceeds of those taxes collected in  
24 DuPage, Kane, Lake, McHenry, and Will Counties under Section  
25 4.03, and (v) any remaining amounts received from the State  
26 under Section 4.09 (a) (2) and not used by the Authority to fund

1 ADA paratransit service under Section 2.30 shall distributed by  
2 the Authority as follows: in fiscal year 2008 \$30,000,000 and  
3 in subsequent fiscal years 103% of the previous year's amount  
4 shall be deposited in the Innovation, Coordination, and  
5 Enhancement Fund and used by the Authority for the purposes  
6 described in Section 2.01c, and the balance shall be  
7 distributed 60% to the Chicago Transit Authority, 30% to the  
8 Commuter Rail Board, and 10% to the Suburban Bus Board.

9 (d) One-third of those taxes collected in DuPage, Kane,  
10 Lake, McHenry, and Will Counties under Section 4.03 shall be  
11 distributed by the Authority to those counties based on  
12 collections of the tax within each county. The County Board of  
13 each county shall use amounts it receives from the Authority to  
14 fund operating and capital costs of public transportation  
15 services or facilities or to fund other transportation  
16 purposes, including road, bridge, public safety, and transit  
17 purposes intended to improve mobility or reduce congestion in  
18 the county and to advance the goals and objectives set out in  
19 the Strategic Plan of the Authority.

20 (e) The Authority by ordinance adopted by 9 of its then  
21 Directors shall apportion to the Service Boards funds provided  
22 by the State of Illinois under Section 4.09(a)(1) as it shall  
23 determine and shall make payment of the amounts to each Service  
24 Board as soon as may be practicable upon their receipt provided  
25 the Authority has adopted a balanced budget as required by  
26 Section 4.01 and further provided the Service Board is in

1 compliance with the requirements in Section 4.11.

2 (f) Beginning January 1, 2009, before making any payments,  
3 transfers, or expenditures under this Section to a Service  
4 Board, the Authority must first comply with Section 4.02a or  
5 4.02b of this Act, whichever may be applicable.

6 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

7 Sec. 4.09. Public Transportation Fund and the Regional  
8 Transportation Authority Occupation and Use Tax Replacement  
9 Fund.

10 (a) (1) ~~(a) As soon as possible after the first day of each~~  
11 ~~month, beginning November 1, 1983, the Comptroller shall order~~  
12 ~~transferred and the Treasurer shall transfer from the General~~  
13 ~~Revenue Fund to a special fund in the State Treasury, to be~~  
14 ~~known as the "Public Transportation Fund" \$9,375,000 for each~~  
15 ~~month remaining in State fiscal year 1984.~~ As soon as possible  
16 after the first day of each month, beginning July 1, 1984, upon  
17 certification of the Department of Revenue, the Comptroller  
18 shall order transferred and the Treasurer shall transfer from  
19 the General Revenue Fund to the Public Transportation Fund an  
20 amount equal to 25% of the net revenue, before the deduction of  
21 the serviceman and retailer discounts pursuant to Section 9 of  
22 the Service Occupation Tax Act and Section 3 of the Retailers'  
23 Occupation Tax Act, realized from (i) 80% of the proceeds of  
24 any tax imposed by the Authority at a rate of 1.25% in Cook  
25 County, (ii) 75% of the proceeds of any tax imposed by the

1 Authority at the rate of 1% in Cook County, and (iii) one-third  
2 of the proceeds of any tax imposed by the Authority at the rate  
3 of 0.75% in the Counties of DuPage, Kane, Lake, McHenry, and  
4 Will pursuant to Sections 4.03 and 4.03.1 and 25% of the  
5 amounts deposited into the Regional Transportation Authority  
6 tax fund created by Section 4.03 of this Act, from the County  
7 and Mass Transit District Fund as provided in Section 6z-20 of  
8 the State Finance Act and 25% of the amounts deposited into the  
9 Regional Transportation Authority Occupation and Use Tax  
10 Replacement Fund from the State and Local Sales Tax Reform Fund  
11 as provided in Section 6z-17 of the State Finance Act. Net  
12 revenue realized for a month shall be the revenue collected by  
13 the State pursuant to Sections 4.03 and 4.03.1 during the  
14 previous month from within the metropolitan region, less the  
15 amount paid out during that same month as refunds to taxpayers  
16 for overpayment of liability in the metropolitan region under  
17 Sections 4.03 and 4.03.1.

18 (2) As soon as possible after the first of each month upon  
19 certification of the Department of Revenue with respect to the  
20 taxes collected under Section 4.03 and the Authority with  
21 respect to the taxes collected under Section 4.03.2, the  
22 Comptroller shall order transferred and the Treasurer shall  
23 transfer from the General Revenue Fund to the Public  
24 Transportation Fund an amount equal to 25% of the net revenue,  
25 before the deduction of the serviceman and retailer discounts  
26 pursuant to Section 9 of the Service Occupation Tax Act and

1 Section 3 of the Retailers' Occupation Tax Act, realized from  
2 (i) 20% of the proceeds of any tax imposed by the Authority at  
3 a rate of 1.25% in Cook County, (ii) 25% of the proceeds of any  
4 tax imposed by the Authority at the rate of 1% in Cook County,  
5 and (iii) one-third of the proceeds of any tax imposed by the  
6 Authority at the rate of 0.75% in the Counties of DuPage, Kane,  
7 Lake, McHenry, and Will, all pursuant to Section 4.03, an  
8 amount equal to an additional 5% of the net revenue, before the  
9 deduction of the serviceman and retailer discounts pursuant to  
10 Section 9 of the Service Occupation Tax Act and Section 3 of  
11 the Retailers' Occupation Tax Act, realized from any taxes  
12 imposed by the Authority under Section 4.03, and an amount  
13 equal to 25% of the net revenue realized from any tax imposed  
14 by the Authority under Section 4.03.2.

15 (b) (1) All moneys deposited in the Public Transportation  
16 Fund and the Regional Transportation Authority Occupation and  
17 Use Tax Replacement Fund, whether deposited pursuant to this  
18 Section or otherwise, are allocated to the Authority. Pursuant  
19 to appropriation, the Comptroller, as soon as possible after  
20 each monthly transfer provided in this Section and after each  
21 deposit into the Public Transportation Fund, shall order the  
22 Treasurer to pay to the Authority out of the Public  
23 Transportation Fund the amount so transferred or deposited. Of  
24 the ~~Such~~ amounts paid to the Authority, the amounts deposited  
25 in the Public Transportation Fund under Section 4.09(a)(1)  
26 shall be expended by the Authority pursuant to ordinance as

1 provided in Section 4.03.3, the amounts deposited in the Public  
2 Transportation Fund under Section 4.09(a)(2) shall be first  
3 expended for the costs of ADA paratransit service as provided  
4 in Section 2.30 with any remainder expended as described in  
5 Section 4.03.3(c), and any other amounts deposited in the  
6 Public Transportation Fund and paid to the Authority under this  
7 Section may be expended by it for its purposes as provided in  
8 this Act.

9 Subject to appropriation to the Department of Revenue, the  
10 Comptroller, as soon as possible after each deposit into the  
11 Regional Transportation Authority Occupation and Use Tax  
12 Replacement Fund provided in this Section and Section 6z-17 of  
13 the State Finance Act, shall order the Treasurer to pay to the  
14 Authority out of the Regional Transportation Authority  
15 Occupation and Use Tax Replacement Fund the amount so  
16 deposited. Such amounts paid to the Authority may be expended  
17 by it for its purposes as provided in this Act.

18 (2) Provided, however, no moneys deposited under  
19 subsection (a) of this Section shall be paid from the Public  
20 Transportation Fund to the Authority or its assignee for any  
21 fiscal year ~~beginning after the effective date of this~~  
22 ~~amendatory Act of 1983~~ until the Authority has certified to the  
23 Governor, the Comptroller, and the Mayor of the City of Chicago  
24 that it has adopted for that fiscal year an Annual Budget and  
25 Two-Year Financial Plan ~~a budget and financial plan~~ meeting the  
26 requirements in Section 4.01(b).

1 (c) In recognition of the efforts of the Authority to  
2 enhance the mass transportation facilities under its control,  
3 the State shall provide financial assistance ("Additional  
4 State Assistance") in excess of the amounts transferred to the  
5 Authority from the General Revenue Fund under subsection (a) of  
6 this Section. Additional State Assistance shall be calculated  
7 as provided in subsection (d), but shall in no event exceed the  
8 following specified amounts with respect to the following State  
9 fiscal years:

10	1990	\$5,000,000;
11	1991	\$5,000,000;
12	1992	\$10,000,000;
13	1993	\$10,000,000;
14	1994	\$20,000,000;
15	1995	\$30,000,000;
16	1996	\$40,000,000;
17	1997	\$50,000,000;
18	1998	\$55,000,000; and
19	each year thereafter	\$55,000,000.

20 (c-5) The State shall provide financial assistance  
21 ("Additional Financial Assistance") in addition to the  
22 Additional State Assistance provided by subsection (c) and the  
23 amounts transferred to the Authority from the General Revenue  
24 Fund under subsection (a) of this Section. Additional Financial  
25 Assistance provided by this subsection shall be calculated as  
26 provided in subsection (d), but shall in no event exceed the

1 following specified amounts with respect to the following State  
2 fiscal years:

3	2000	\$0;
4	2001	\$16,000,000;
5	2002	\$35,000,000;
6	2003	\$54,000,000;
7	2004	\$73,000,000;
8	2005	\$93,000,000; and
9	each year thereafter	\$100,000,000.

10 (d) Beginning with State fiscal year 1990 and continuing  
11 for each State fiscal year thereafter, the Authority shall  
12 annually certify to the State Comptroller and State Treasurer,  
13 separately with respect to each of subdivisions (g)(2) and  
14 (g)(3) of Section 4.04 of this Act, the following amounts:

15 (1) The amount necessary and required, during the State  
16 fiscal year with respect to which the certification is  
17 made, to pay its obligations for debt service on all  
18 outstanding bonds or notes issued by the Authority under  
19 subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act.

20 (2) An estimate of the amount necessary and required to  
21 pay its obligations for debt service for any bonds or notes  
22 which the Authority anticipates it will issue under  
23 subdivisions (g)(2) and (g)(3) of Section 4.04 during that  
24 State fiscal year.

25 (3) Its debt service savings during the preceding State  
26 fiscal year from refunding or advance refunding of bonds or

1 notes issued under subdivisions (g) (2) and (g) (3) of  
2 Section 4.04.

3 (4) The amount of interest, if any, earned by the  
4 Authority during the previous State fiscal year on the  
5 proceeds of bonds or notes issued pursuant to subdivisions  
6 (g) (2) and (g) (3) of Section 4.04, other than refunding or  
7 advance refunding bonds or notes.

8 The certification shall include a specific schedule of debt  
9 service payments, including the date and amount of each payment  
10 for all outstanding bonds or notes and an estimated schedule of  
11 anticipated debt service for all bonds and notes it intends to  
12 issue, if any, during that State fiscal year, including the  
13 estimated date and estimated amount of each payment.

14 Immediately upon the issuance of bonds for which an  
15 estimated schedule of debt service payments was prepared, the  
16 Authority shall file an amended certification with respect to  
17 item (2) above, to specify the actual schedule of debt service  
18 payments, including the date and amount of each payment, for  
19 the remainder of the State fiscal year.

20 On the first day of each month of the State fiscal year in  
21 which there are bonds outstanding with respect to which the  
22 certification is made, the State Comptroller shall order  
23 transferred and the State Treasurer shall transfer from the  
24 General Revenue Fund to the Public Transportation Fund the  
25 Additional State Assistance and Additional Financial  
26 Assistance in an amount equal to the aggregate of (i)

1 one-twelfth of the sum of the amounts certified under items (1)  
2 and (3) above less the amount certified under item (4) above,  
3 plus (ii) the amount required to pay debt service on bonds and  
4 notes issued during the fiscal year, if any, divided by the  
5 number of months remaining in the fiscal year after the date of  
6 issuance, or some smaller portion as may be necessary under  
7 subsection (c) or (c-5) of this Section for the relevant State  
8 fiscal year, plus (iii) any cumulative deficiencies in  
9 transfers for prior months, until an amount equal to the sum of  
10 the amounts certified under items (1) and (3) above, plus the  
11 actual debt service certified under item (2) above, less the  
12 amount certified under item (4) above, has been transferred;  
13 except that these transfers are subject to the following  
14 limits:

15 (A) In no event shall the total transfers in any State  
16 fiscal year relating to outstanding bonds and notes issued  
17 by the Authority under subdivision (g)(2) of Section 4.04  
18 exceed the lesser of the annual maximum amount specified in  
19 subsection (c) or the sum of the amounts certified under  
20 items (1) and (3) above, plus the actual debt service  
21 certified under item (2) above, less the amount certified  
22 under item (4) above, with respect to those bonds and  
23 notes.

24 (B) In no event shall the total transfers in any State  
25 fiscal year relating to outstanding bonds and notes issued  
26 by the Authority under subdivision (g)(3) of Section 4.04

1 exceed the lesser of the annual maximum amount specified in  
2 subsection (c-5) or the sum of the amounts certified under  
3 items (1) and (3) above, plus the actual debt service  
4 certified under item (2) above, less the amount certified  
5 under item (4) above, with respect to those bonds and  
6 notes.

7 The term "outstanding" does not include bonds or notes for  
8 which refunding or advance refunding bonds or notes have been  
9 issued.

10 (e) Neither Additional State Assistance nor Additional  
11 Financial Assistance may be pledged, either directly or  
12 indirectly as general revenues of the Authority, as security  
13 for any bonds issued by the Authority. The Authority may not  
14 assign its right to receive Additional State Assistance or  
15 Additional Financial Assistance, or direct payment of  
16 Additional State Assistance or Additional Financial  
17 Assistance, to a trustee or any other entity for the payment of  
18 debt service on its bonds.

19 (f) The certification required under subsection (d) with  
20 respect to outstanding bonds and notes of the Authority shall  
21 be filed as early as practicable before the beginning of the  
22 State fiscal year to which it relates. The certification shall  
23 be revised as may be necessary to accurately state the debt  
24 service requirements of the Authority.

25 (g) Within 6 months of the end of ~~the 3 month period ending~~  
26 ~~December 31, 1983,~~ and each fiscal year thereafter, the

1 Authority shall determine:

2 (i) whether the aggregate of all system generated  
3 revenues for public transportation in the metropolitan  
4 region which is provided by, or under grant or purchase of  
5 service contracts with, the Service Boards equals 50% of  
6 the aggregate of all costs of providing such public  
7 transportation. "System generated revenues" include all  
8 the proceeds of fares and charges for services provided,  
9 contributions received in connection with public  
10 transportation from units of local government other than  
11 the Authority and from the State pursuant to subsection (i)  
12 of Section 2705-305 of the Department of Transportation Law  
13 (20 ILCS 2705/2705-305), and all other revenues properly  
14 included consistent with generally accepted accounting  
15 principles but may not include: the proceeds from any  
16 borrowing, and, beginning with the 2007 fiscal year, all  
17 revenues and receipts, including but not limited to fares  
18 and grants received from the federal, State or any unit of  
19 local government or other entity, derived from providing  
20 ADA paratransit service pursuant to Section 2.30 of the  
21 Regional Transportation Authority Act. "Costs" include all  
22 items properly included as operating costs consistent with  
23 generally accepted accounting principles, including  
24 administrative costs, but do not include: depreciation;  
25 payment of principal and interest on bonds, notes or other  
26 evidences of obligations for borrowed money of the

1 Authority; payments with respect to public transportation  
2 facilities made pursuant to subsection (b) of Section 2.20;  
3 any payments with respect to rate protection contracts,  
4 credit enhancements or liquidity agreements made under  
5 Section 4.14; any other cost as to which it is reasonably  
6 expected that a cash expenditure will not be made; costs up  
7 to \$5,000,000 annually for passenger security including  
8 grants, contracts, personnel, equipment and administrative  
9 expenses, except in the case of the Chicago Transit  
10 Authority, in which case the term does not include costs  
11 spent annually by that entity for protection against crime  
12 as required by Section 27a of the Metropolitan Transit  
13 Authority Act; costs as exempted by the Board for projects  
14 pursuant to Section 2.09 of this Act; or, beginning with  
15 the 2007 fiscal year, expenses related to providing ADA  
16 paratransit service pursuant to Section 2.30 of the  
17 Regional Transportation Authority Act; or in fiscal years  
18 2008 through 2017 inclusive, costs in the amount of  
19 \$200,000,000 in fiscal year 2008, reducing by \$20,000,000  
20 in each fiscal year thereafter until this exemption is  
21 eliminated. If said system generated revenues are less than  
22 50% of said costs, the Board shall remit an amount equal to  
23 the amount of the deficit to the State. The Treasurer shall  
24 deposit any such payment in the General Revenue Fund; and

25 (ii) whether, beginning with the 2007 fiscal year, the  
26 aggregate of all fares charged and received for ADA

1           paratransit services equals the system generated ADA  
2           paratransit services revenue recovery ratio percentage of  
3           the aggregate of all costs of providing such ADA  
4           paratransit services.

5           (h) If the Authority makes any payment to the State under  
6           paragraph (g), the Authority shall reduce the amount provided  
7           to a Service Board from funds transferred under paragraph (a)  
8           in proportion to the amount by which that Service Board failed  
9           to meet its required system generated revenues recovery ratio.  
10          A Service Board which is affected by a reduction in funds under  
11          this paragraph shall submit to the Authority concurrently with  
12          its next due quarterly report a revised budget incorporating  
13          the reduction in funds. The revised budget must meet the  
14          criteria specified in clauses (i) through (vi) of Section  
15          4.11(b)(2). The Board shall review and act on the revised  
16          budget as provided in Section 4.11(b)(3).

17          (Source: P.A. 94-370, eff. 7-29-05.)"; and

18          on page 59, line 12, after "them.", by inserting "During fiscal  
19          years 2008 through 2017, the Board shall also allocate the  
20          exemption of \$200,000,000 and the reducing amounts of costs  
21          provided by this amendatory Act of the 95th General Assembly  
22          from the farebox recovery ratio or system generated revenues  
23          recovery ratio of each Service Board.".