



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6946

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

5 ILCS 375/2.5 new	
10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
10 ILCS 5/2A-56 new	
40 ILCS 5/22-105 new	
70 ILCS 3615/2.01	from Ch. 111 2/3, par. 702.01
70 ILCS 3615/2.01a	
70 ILCS 3615/2.01b	
70 ILCS 3615/2.01c	
70 ILCS 3615/2.05	from Ch. 111 2/3, par. 702.05
70 ILCS 3615/2.12b	
70 ILCS 3615/2.18a	from Ch. 111 2/3, par. 702.18a
70 ILCS 3615/2.30	
70 ILCS 3615/3.01	from Ch. 111 2/3, par. 703.01
70 ILCS 3615/3.03	from Ch. 111 2/3, par. 703.03
70 ILCS 3615/3.04	from Ch. 111 2/3, par. 703.04
70 ILCS 3615/3.05	from Ch. 111 2/3, par. 703.05
70 ILCS 3615/4.01	from Ch. 111 2/3, par. 704.01
70 ILCS 3615/4.03	from Ch. 111 2/3, par. 704.03
70 ILCS 3615/4.11	from Ch. 111 2/3, par. 704.11
70 ILCS 3615/4.14	from Ch. 111 2/3, par. 704.14

Amends the State Employees Group Insurance Act of 1971, the Election Code, the Illinois Pension Code, and the Regional Transportation Authority Act. Provides for the nonpartisan election of a 9-member Regional Transportation Authority Board, beginning at the consolidated election in 2011 (now, a 16-member board is appointed). Eliminates compensation and pension and group insurance benefits for members. Makes other changes. Effective immediately.

LRB096 24302 RLJ 43778 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Employees Group Insurance Act of 1971
5 is amended by adding Section 2.5 as follows:

6 (5 ILCS 375/2.5 new)

7 Sec. 2.5. Application to Regional Transportation Authority
8 Board members. This Act does not apply to any elected member of
9 the Regional Transportation Authority Board established by
10 subsection (d-5) of Section 3.01 of the Regional Transportation
11 Authority Act or to any person appointed to fill a vacancy on
12 that elected Board.

13 Section 10. The Election Code is amended by changing
14 Section 2A-1.2 and by adding Section 2A-56 as follows:

15 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

16 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
17 Designated.

18 (a) At the general election in the appropriate
19 even-numbered years, the following offices shall be filled or
20 shall be on the ballot as otherwise required by this Code:

21 (1) Elector of President and Vice President of the

1 United States;

2 (2) United States Senator and United States
3 Representative;

4 (3) State Executive Branch elected officers;

5 (4) State Senator and State Representative;

6 (5) County elected officers, including State's
7 Attorney, County Board member, County Commissioners, and
8 elected President of the County Board or County Chief
9 Executive;

10 (6) Circuit Court Clerk;

11 (7) Regional Superintendent of Schools, except in
12 counties or educational service regions in which that
13 office has been abolished;

14 (8) Judges of the Supreme, Appellate and Circuit
15 Courts, on the question of retention, to fill vacancies and
16 newly created judicial offices;

17 (9) (Blank);

18 (10) Trustee of the Metropolitan Sanitary District of
19 Chicago, and elected Trustee of other Sanitary Districts;

20 (11) Special District elected officers, not otherwise
21 designated in this Section, where the statute creating or
22 authorizing the creation of the district requires an annual
23 election and permits or requires election of candidates of
24 political parties.

25 (b) At the general primary election:

26 (1) in each even-numbered year candidates of political

1 parties shall be nominated for those offices to be filled
2 at the general election in that year, except where pursuant
3 to law nomination of candidates of political parties is
4 made by caucus.

5 (2) in the appropriate even-numbered years the
6 political party offices of State central committeeman,
7 township committeeman, ward committeeman, and precinct
8 committeeman shall be filled and delegates and alternate
9 delegates to the National nominating conventions shall be
10 elected as may be required pursuant to this Code. In the
11 even-numbered years in which a Presidential election is to
12 be held, candidates in the Presidential preference primary
13 shall also be on the ballot.

14 (3) in each even-numbered year, where the municipality
15 has provided for annual elections to elect municipal
16 officers pursuant to Section 6(f) or Section 7 of Article
17 VII of the Constitution, pursuant to the Illinois Municipal
18 Code or pursuant to the municipal charter, the offices of
19 such municipal officers shall be filled at an election held
20 on the date of the general primary election, provided that
21 the municipal election shall be a nonpartisan election
22 where required by the Illinois Municipal Code. For partisan
23 municipal elections in even-numbered years, a primary to
24 nominate candidates for municipal office to be elected at
25 the general primary election shall be held on the Tuesday 6
26 weeks preceding that election.

1 (4) in each school district which has adopted the
2 provisions of Article 33 of the School Code, successors to
3 the members of the board of education whose terms expire in
4 the year in which the general primary is held shall be
5 elected.

6 (c) At the consolidated election in the appropriate
7 odd-numbered years, the following offices shall be filled:

8 (1) Municipal officers, provided that in
9 municipalities in which candidates for alderman or other
10 municipal office are not permitted by law to be candidates
11 of political parties, the runoff election where required by
12 law, or the nonpartisan election where required by law,
13 shall be held on the date of the consolidated election; and
14 provided further, in the case of municipal officers
15 provided for by an ordinance providing the form of
16 government of the municipality pursuant to Section 7 of
17 Article VII of the Constitution, such offices shall be
18 filled by election or by runoff election as may be provided
19 by such ordinance;

20 (2) Village and incorporated town library directors;

21 (3) City boards of stadium commissioners;

22 (4) Commissioners of park districts;

23 (5) Trustees of public library districts;

24 (6) Special District elected officers, not otherwise
25 designated in this section, where the statute creating or
26 authorizing the creation of the district permits or

1 requires election of candidates of political parties;

2 (7) Township officers, including township park
3 commissioners, township library directors, and boards of
4 managers of community buildings, and Multi-Township
5 Assessors;

6 (8) Highway commissioners and road district clerks;

7 (9) Members of school boards in school districts which
8 adopt Article 33 of the School Code;

9 (10) The directors and chairman of the Chain O Lakes -
10 Fox River Waterway Management Agency;

11 (11) Forest preserve district commissioners elected
12 under Section 3.5 of the Downstate Forest Preserve District
13 Act;

14 (11.5) Members of the Regional Transportation
15 Authority Board;

16 (12) Elected members of school boards, school
17 trustees, directors of boards of school directors,
18 trustees of county boards of school trustees (except in
19 counties or educational service regions having a
20 population of 2,000,000 or more inhabitants) and members of
21 boards of school inspectors, except school boards in school
22 districts that adopt Article 33 of the School Code;

23 (13) Members of Community College district boards;

24 (14) Trustees of Fire Protection Districts;

25 (15) Commissioners of the Springfield Metropolitan
26 Exposition and Auditorium Authority;

1 (16) Elected Trustees of Tuberculosis Sanitarium
2 Districts;

3 (17) Elected Officers of special districts not
4 otherwise designated in this Section for which the law
5 governing those districts does not permit candidates of
6 political parties.

7 (d) At the consolidated primary election in each
8 odd-numbered year, candidates of political parties shall be
9 nominated for those offices to be filled at the consolidated
10 election in that year, except where pursuant to law nomination
11 of candidates of political parties is made by caucus, and
12 except those offices listed in paragraphs (12) through (17) of
13 subsection (c).

14 At the consolidated primary election in the appropriate
15 odd-numbered years, the mayor, clerk, treasurer, and aldermen
16 shall be elected in municipalities in which candidates for
17 mayor, clerk, treasurer, or alderman are not permitted by law
18 to be candidates of political parties, subject to runoff
19 elections to be held at the consolidated election as may be
20 required by law, and municipal officers shall be nominated in a
21 nonpartisan election in municipalities in which pursuant to law
22 candidates for such office are not permitted to be candidates
23 of political parties.

24 At the consolidated primary election in the appropriate
25 odd-numbered years, municipal officers shall be nominated or
26 elected, or elected subject to a runoff, as may be provided by

1 an ordinance providing a form of government of the municipality
2 pursuant to Section 7 of Article VII of the Constitution.

3 (e) (Blank).

4 (f) At any election established in Section 2A-1.1, public
5 questions may be submitted to voters pursuant to this Code and
6 any special election otherwise required or authorized by law or
7 by court order may be conducted pursuant to this Code.

8 Notwithstanding the regular dates for election of officers
9 established in this Article, whenever a referendum is held for
10 the establishment of a political subdivision whose officers are
11 to be elected, the initial officers shall be elected at the
12 election at which such referendum is held if otherwise so
13 provided by law. In such cases, the election of the initial
14 officers shall be subject to the referendum.

15 Notwithstanding the regular dates for election of
16 officials established in this Article, any community college
17 district which becomes effective by operation of law pursuant
18 to Section 6-6.1 of the Public Community College Act, as now or
19 hereafter amended, shall elect the initial district board
20 members at the next regularly scheduled election following the
21 effective date of the new district.

22 (g) At any election established in Section 2A-1.1, if in
23 any precinct there are no offices or public questions required
24 to be on the ballot under this Code then no election shall be
25 held in the precinct on that date.

26 (h) There may be conducted a referendum in accordance with

1 the provisions of Division 6-4 of the Counties Code.
2 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,
3 eff. 8-9-96; 90-358, eff. 1-1-98.)

4 (10 ILCS 5/2A-56 new)

5 Sec. 2A-56. Regional Transportation Authority Board
6 member. A Regional Transportation Authority Board member under
7 Section 3.01 of the Regional Transportation Authority Act shall
8 be elected at the consolidated election to succeed each
9 incumbent Regional Transportation Authority Board member whose
10 term expires before the following consolidated election.

11 Section 15. The Illinois Pension Code is amended by adding
12 Section 22-105 as follows:

13 (40 ILCS 5/22-105 new)

14 Sec. 22-105. Application to Regional Transportation
15 Authority Board members. This Code does not apply to any
16 elected member of the Regional Transportation Authority Board
17 established by subsection (d-5) of Section 3.01 of the Regional
18 Transportation Authority Act or to any person appointed to fill
19 a vacancy on that elected Board.

20 Section 20. The Regional Transportation Authority Act is
21 amended by changing Sections 2.01, 2.01a, 2.01b, 2.01c, 2.05,
22 2.12b, 2.18a, 2.30, 3.01, 3.03, 3.04, 3.05, 4.01, 4.03, 4.11,

1 and 4.14 as follows:

2 (70 ILCS 3615/2.01) (from Ch. 111 2/3, par. 702.01)

3 Sec. 2.01. General Allocation of Responsibility for Public
4 Transportation.

5 (a) In order to accomplish the purposes as set forth in
6 this Act, the responsibility for planning, operating, and
7 funding public transportation in the metropolitan region shall
8 be allocated as described in this Act. The Authority shall:

9 (i) adopt plans that implement the public policy of the
10 State to provide adequate, efficient, and coordinated
11 public transportation throughout the metropolitan region;

12 (ii) set goals, objectives, and standards for the
13 Authority, the Service Boards, and transportation
14 agencies;

15 (iii) develop performance measures to inform the
16 public about the extent to which the provision of public
17 transportation in the metropolitan region meets those
18 goals, objectives, and standards;

19 (iv) allocate operating and capital funds made
20 available to support public transportation in the
21 metropolitan region;

22 (v) provide financial oversight of the Service Boards;
23 and

24 (vi) coordinate the provision of public transportation
25 and the investment in public transportation facilities to

1 enhance the integration of public transportation
2 throughout the metropolitan region, all as provided in this
3 Act.

4 The Service Boards shall, on a continuing basis determine
5 the level, nature and kind of public transportation which
6 should be provided for the metropolitan region in order to meet
7 the plans, goals, objectives, and standards adopted by the
8 Authority. The Service Boards may provide public
9 transportation by purchasing such service from transportation
10 agencies through purchase of service agreements, by grants to
11 such agencies or by operating such service, all pursuant to
12 this Act and the "~~Metropolitan Transit Authority Act~~", ~~as now~~
13 ~~or hereafter amended~~. Certain of its actions to implement the
14 responsibilities allocated to the Authority in this subsection
15 (a) shall be taken in 3 public documents adopted by the
16 affirmative vote of at least two-thirds ~~12~~ of its then
17 Directors: A Strategic Plan; a Five-Year Capital Program; and
18 an Annual Budget and Two-Year Financial Plan.

19 (b) The Authority shall subject the operating and capital
20 plans and expenditures of the Service Boards in the
21 metropolitan region with regard to public transportation to
22 continuing review so that the Authority may budget and expend
23 its funds with maximum effectiveness and efficiency. The
24 Authority shall conduct audits of each of the Service Boards no
25 less than every 5 years. Such audits may include management,
26 performance, financial, and infrastructure condition audits.

1 The Authority may conduct management, performance, financial,
2 and infrastructure condition audits of transportation agencies
3 that receive funds from the Authority. The Authority may direct
4 a Service Board to conduct any such audit of a transportation
5 agency that receives funds from such Service Board, and the
6 Service Board shall comply with such request to the extent it
7 has the right to do so. These audits of the Service Boards or
8 transportation agencies may be project or service specific
9 audits to evaluate their achievement of the goals and
10 objectives of that project or service and their compliance with
11 any applicable requirements.

12 (Source: P.A. 95-708, eff. 1-18-08.)

13 (70 ILCS 3615/2.01a)

14 Sec. 2.01a. Strategic Plan.

15 (a) By the affirmative vote of at least two-thirds ~~12~~ of
16 its then Directors, the Authority shall adopt a Strategic Plan,
17 no less than every 5 years, after consultation with the Service
18 Boards and after holding a minimum of 3 public hearings in Cook
19 County and one public hearing in each of the other counties in
20 the region. The Executive Director of the Authority shall
21 review the Strategic Plan on an ongoing basis and make
22 recommendations to the Board of the Authority with respect to
23 any update or amendment of the Strategic Plan. The Strategic
24 Plan shall describe the specific actions to be taken by the
25 Authority and the Service Boards to provide adequate,

1 efficient, and coordinated public transportation.

2 (b) The Strategic Plan shall identify goals and objectives
3 with respect to:

4 (i) increasing ridership and passenger miles on public
5 transportation funded by the Authority;

6 (ii) coordination of public transportation services
7 and the investment in public transportation facilities to
8 enhance the integration of public transportation
9 throughout the metropolitan region;

10 (iii) coordination of fare and transfer policies to
11 promote transfers by riders among Service Boards,
12 transportation agencies, and public transportation modes,
13 which may include goals and objectives for development of a
14 universal fare instrument that riders may use
15 interchangeably on all public transportation funded by the
16 Authority, and methods to be used to allocate revenues from
17 transfers;

18 (iv) improvements in public transportation facilities
19 to bring those facilities into a state of good repair,
20 enhancements that attract ridership and improve customer
21 service, and expansions needed to serve areas with
22 sufficient demand for public transportation;

23 (v) access for transit-dependent populations,
24 including access by low-income communities to places of
25 employment, utilizing analyses provided by the Chicago
26 Metropolitan Agency for Planning regarding employment and

1 transportation availability, and giving consideration to
2 the location of employment centers in each county and the
3 availability of public transportation at off-peak hours
4 and on weekends;

5 (vi) the financial viability of the public
6 transportation system, including both operating and
7 capital programs;

8 (vii) limiting road congestion within the metropolitan
9 region and enhancing transit options to improve mobility;
10 and

11 (viii) such other goals and objectives that advance the
12 policy of the State to provide adequate, efficient, and
13 coordinated public transportation in the metropolitan
14 region.

15 (c) The Strategic Plan shall establish the process and
16 criteria by which proposals for capital improvements by a
17 Service Board or a transportation agency will be evaluated by
18 the Authority for inclusion in the Five-Year Capital Program,
19 which may include criteria for:

20 (i) allocating funds among maintenance, enhancement,
21 and expansion improvements;

22 (ii) projects to be funded from the Innovation,
23 Coordination, and Enhancement Fund;

24 (iii) projects intended to improve or enhance
25 ridership or customer service;

26 (iv) design and location of station or transit

1 improvements intended to promote transfers, increase
2 ridership, and support transit-oriented land development;

3 (v) assessing the impact of projects on the ability to
4 operate and maintain the existing transit system; and

5 (vi) other criteria that advance the goals and
6 objectives of the Strategic Plan.

7 (d) The Strategic Plan shall establish performance
8 standards and measurements regarding the adequacy, efficiency,
9 and coordination of public transportation services in the
10 region and the implementation of the goals and objectives in
11 the Strategic Plan. At a minimum, such standards and measures
12 shall include customer-related performance data measured by
13 line, route, or sub-region, as determined by the Authority, on
14 the following:

15 (i) travel times and on-time performance;

16 (ii) ridership data;

17 (iii) equipment failure rates;

18 (iv) employee and customer safety; and

19 (v) customer satisfaction.

20 The Service Boards and transportation agencies that
21 receive funding from the Authority or Service Boards shall
22 prepare, publish, and submit to the Authority such reports with
23 regard to these standards and measurements in the frequency and
24 form required by the Authority; however, the frequency of such
25 reporting shall be no less than annual. The Service Boards
26 shall publish such reports on their respective websites. The

1 Authority shall compile and publish such reports on its
2 website. Such performance standards and measures shall not be
3 used as the basis for disciplinary action against any employee
4 of the Authority or Service Boards, except to the extent the
5 employment and disciplinary practices of the Authority or
6 Service Board provide for such action.

7 (e) The Strategic Plan shall identify innovations to
8 improve the delivery of public transportation and the
9 construction of public transportation facilities.

10 (f) The Strategic Plan shall describe the expected
11 financial condition of public transportation in the
12 metropolitan region prospectively over a 10-year period, which
13 may include information about the cash position and all known
14 obligations of the Authority and the Service Boards including
15 operating expenditures, debt service, contributions for
16 payment of pension and other post-employment benefits, the
17 expected revenues from fares, tax receipts, grants from the
18 federal, State, and local governments for operating and capital
19 purposes and issuance of debt, the availability of working
20 capital, and the resources needed to achieve the goals and
21 objectives described in the Strategic Plan.

22 (g) In developing the Strategic Plan, the Authority shall
23 rely on such demographic and other data, forecasts, and
24 assumptions developed by the Chicago Metropolitan Agency for
25 Planning with respect to the patterns of population density and
26 growth, projected commercial and residential development, and

1 environmental factors, within the metropolitan region and in
2 areas outside the metropolitan region that may impact public
3 transportation utilization in the metropolitan region. Before
4 adopting or amending any Strategic Plan, the Authority shall
5 consult with the Chicago Metropolitan Agency for Planning
6 regarding the consistency of the Strategic Plan with the
7 Regional Comprehensive Plan adopted pursuant to the Regional
8 Planning Act.

9 (h) The Authority may adopt, by the affirmative vote of at
10 least two-thirds ~~12~~ of its then Directors, sub-regional or
11 corridor plans for specific geographic areas of the
12 metropolitan region in order to improve the adequacy,
13 efficiency, and coordination of existing, or the delivery of
14 new, public transportation. Such plans may also address areas
15 outside the metropolitan region that may impact public
16 transportation utilization in the metropolitan region. In
17 preparing a sub-regional or corridor plan, the Authority may
18 identify changes in operating practices or capital investment
19 in the sub-region or corridor that could increase ridership,
20 reduce costs, improve coordination, or enhance
21 transit-oriented development. The Authority shall consult with
22 any affected Service Boards in the preparation of any
23 sub-regional or corridor plans.

24 (i) If the Authority determines, by the affirmative vote of
25 at least two-thirds ~~12~~ of its then Directors, that, with
26 respect to any proposed new public transportation service or

1 facility, (i) multiple Service Boards or transportation
2 agencies are potential service providers and (ii) the public
3 transportation facilities to be constructed or purchased to
4 provide that service have an expected construction cost of more
5 than \$25,000,000, the Authority shall have sole responsibility
6 for conducting any alternatives analysis and preliminary
7 environmental assessment required by federal or State law.
8 Nothing in this subparagraph (i) shall prohibit a Service Board
9 from undertaking alternatives analysis and preliminary
10 environmental assessment for any public transportation service
11 or facility identified in items (i) and (ii) above that is
12 included in the Five-Year Capital Program as of the effective
13 date of this amendatory Act of the 95th General Assembly;
14 however, any expenditure related to any such public
15 transportation service or facility must be included in a
16 Five-Year Capital Program under the requirements of Sections
17 2.01b and 4.02 of this Act.

18 (Source: P.A. 95-708, eff. 1-18-08.)

19 (70 ILCS 3615/2.01b)

20 Sec. 2.01b. The Five-Year Capital Program. By the
21 affirmative vote of at least two-thirds ~~12~~ of its then
22 Directors, the Authority, after consultation with the Service
23 Boards and after holding a minimum of 3 public hearings in Cook
24 County and one public hearing in each of the other counties in
25 the metropolitan region, shall each year adopt a Five-Year

1 Capital Program that shall include each capital improvement to
2 be undertaken by or on behalf of a Service Board provided that
3 the Authority finds that the improvement meets any criteria for
4 capital improvements contained in the Strategic Plan, is not
5 inconsistent with any sub-regional or corridor plan adopted by
6 the Authority, and can be funded within amounts available with
7 respect to the capital and operating costs of such improvement.

8 In reviewing proposals for improvements to be included in a
9 Five-Year Capital Program, the Authority may give priority to
10 improvements that are intended to bring public transportation
11 facilities into a state of good repair. The Five-Year Capital
12 Program shall also identify capital improvements to be
13 undertaken by a Service Board, a transportation agency, or a
14 unit of local government and funded by the Authority from
15 amounts in the Innovation, Coordination, and Enhancement Fund,
16 provided that no improvement that is included in the Five-Year
17 Capital Program as of the effective date of this amendatory Act
18 of the 95th General Assembly may receive funding from the
19 Innovation, Coordination, and Enhancement Fund. Before
20 adopting a Five-Year Capital Program, the Authority shall
21 consult with the Chicago Metropolitan Agency for Planning
22 regarding the consistency of the Five-Year Capital Program with
23 the Regional Comprehensive Plan adopted pursuant to the
24 Regional Planning Act.

25 (Source: P.A. 95-708, eff. 1-18-08.)

1 (70 ILCS 3615/2.01c)

2 Sec. 2.01c. Innovation, Coordination, and Enhancement
3 Fund.

4 (a) The Authority shall establish an Innovation,
5 Coordination, and Enhancement Fund and each year deposit into
6 the Fund the amounts directed by Section 4.03.3 of this Act.
7 Amounts on deposit in such Fund and interest and other earnings
8 on those amounts may be used by the Authority, upon the
9 affirmative vote of at least two-thirds ~~1/2~~ of its then
10 Directors, and after a public participation process, for
11 operating or capital grants or loans to Service Boards,
12 transportation agencies, or units of local government that
13 advance the goals and objectives identified by the Authority in
14 its Strategic Plan, provided that no improvement that has been
15 included in a Five-Year Capital Program as of the effective
16 date of this amendatory Act of the 95th General Assembly may
17 receive any funding from the Innovation, Coordination, and
18 Enhancement Fund. Unless the Board has determined by a vote of
19 at least two-thirds ~~1/2~~ of its then Directors that an emergency
20 exists requiring the use of some or all of the funds then in
21 the Innovation, Coordination, and Enhancement Fund, such funds
22 may only be used to enhance the coordination and integration of
23 public transportation and develop and implement innovations to
24 improve the quality and delivery of public transportation.

25 (b) Any grantee that receives funds from the Innovation,
26 Coordination, and Enhancement Fund for the operation of

1 eligible programs must (i) implement such programs within one
2 year of receipt of such funds and (ii) within 2 years following
3 commencement of any program utilizing such funds, determine
4 whether it is desirable to continue the program, and upon such
5 a determination, either incorporate such program into its
6 annual operating budget and capital program or discontinue such
7 program. No additional funds from the Innovation,
8 Coordination, and Enhancement Fund may be distributed to a
9 grantee for any individual program beyond 2 years unless the
10 Authority by the affirmative vote of at least two-thirds ~~1/2~~ of
11 its then Directors waives this limitation. Any such waiver will
12 be with regard to an individual program and with regard to a
13 one year-period, and any further waivers for such individual
14 program require a subsequent vote of the Board.

15 (Source: P.A. 95-708, eff. 1-18-08.)

16 (70 ILCS 3615/2.05) (from Ch. 111 2/3, par. 702.05)

17 Sec. 2.05. Centralized Services; Acquisition and
18 Construction.

19 (a) The Authority may at the request of two or more Service
20 Boards, serve, or designate a Service Board to serve, as a
21 centralized purchasing agent for the Service Boards so
22 requesting.

23 (b) The Authority may at the request of two or more Service
24 Boards perform other centralized services such as ridership
25 information and transfers between services under the

1 jurisdiction of the Service Boards where such centralized
2 services financially benefit the region as a whole. Provided,
3 however, that the Board may require transfers only upon an
4 affirmative vote of at least two-thirds ~~12~~ of its then
5 Directors.

6 (c) A Service Board or the Authority may for the benefit of
7 a Service Board, to meet its purposes, construct or acquire any
8 public transportation facility for use by a Service Board or
9 for use by any transportation agency and may acquire any such
10 facilities from any transportation agency, including also
11 without limitation any reserve funds, employees' pension or
12 retirement funds, special funds, franchises, licenses,
13 patents, permits and papers, documents and records of the
14 agency. In connection with any such acquisition from a
15 transportation agency the Authority may assume obligations of
16 the transportation agency with regard to such facilities or
17 property or public transportation operations of such agency.

18 In connection with any construction or acquisition, the
19 Authority shall make relocation payments as may be required by
20 federal law or by the requirements of any federal agency
21 authorized to administer any federal program of aid.

22 (d) The Authority shall, after consulting with the Service
23 Boards, develop regionally coordinated and consolidated sales,
24 marketing, advertising, and public information programs that
25 promote the use and coordination of, and transfers among,
26 public transportation services in the metropolitan region. The

1 Authority shall develop and adopt, with the affirmative vote of
2 at least two-thirds ~~1/2~~ of its then Directors, rules and
3 regulations for the Authority and the Service Boards regarding
4 such programs to ensure that the Service Boards' independent
5 programs conform with the Authority's regional programs.

6 (Source: P.A. 95-708, eff. 1-18-08.)

7 (70 ILCS 3615/2.12b)

8 Sec. 2.12b. Coordination of Fares and Service. Until May 1,
9 2011, upon ~~Upon~~ the request of a Service Board, the Executive
10 Director of the Authority may, upon the affirmative vote of 9
11 of the then Directors of the Authority, intervene in any matter
12 involving (i) a dispute between Service Boards or a Service
13 Board and a transportation agency providing service on behalf
14 of a Service Board with respect to the terms of transfer
15 between, and the allocation of revenues from fares and charges
16 for, transportation services provided by the parties or (ii) a
17 dispute between 2 Service Boards with respect to coordination
18 of service, route duplication, or a change in service. Any
19 Service Board or transportation agency involved in such dispute
20 shall meet with the Executive Director, cooperate in good faith
21 to attempt to resolve the dispute, and provide any books,
22 records, and other information requested by the Executive
23 Director. If the Executive Director is unable to mediate a
24 resolution of any dispute, he or she may provide a written
25 determination recommending a change in the fares or charges or

1 the allocation of revenues for such service or directing a
2 change in the nature or provider of service that is the subject
3 of the dispute. The Executive Director shall base such
4 determination upon the goals and objectives of the Strategic
5 Plan established pursuant to Section 2.01a(b). Such
6 determination shall be presented to the Board of the Authority
7 and, if approved by the affirmative vote of at least 9 of the
8 then Directors of the Authority, shall be final and shall be
9 implemented by any affected Service Board and transportation
10 agency within the time frame required by the determination.

11 Beginning May 1, 2011, upon the request of a Service Board,
12 the Executive Director of the Authority may, upon the
13 affirmative vote of at least 5 of the then Directors of the
14 Authority, intervene in any matter involving (i) a dispute
15 between Service Boards or a Service Board and a transportation
16 agency providing service on behalf of a Service Board with
17 respect to the terms of transfer between, and the allocation of
18 revenues from fares and charges for, transportation services
19 provided by the parties or (ii) a dispute between 2 Service
20 Boards with respect to coordination of service, route
21 duplication, or a change in service. Any Service Board or
22 transportation agency involved in such dispute shall meet with
23 the Executive Director, cooperate in good faith to attempt to
24 resolve the dispute, and provide any books, records, and other
25 information requested by the Executive Director. If the
26 Executive Director is unable to mediate a resolution of any

1 dispute, he or she may provide a written determination
2 recommending a change in the fares or charges or the allocation
3 of revenues for such service or directing a change in the
4 nature or provider of service that is the subject of the
5 dispute. The Executive Director shall base such determination
6 upon the goals and objectives of the Strategic Plan established
7 pursuant to subsection (b) of Section 2.01a. The determination
8 shall be presented to the Board of the Authority and, if
9 approved by the affirmative vote of at least 5 of the then
10 Directors of the Authority, shall be final and shall be
11 implemented by any affected Service Board and transportation
12 agency within the time frame required by the determination.

13 (Source: P.A. 95-708, eff. 1-18-08.)

14 (70 ILCS 3615/2.18a) (from Ch. 111 2/3, par. 702.18a)

15 Sec. 2.18a. Amendment of budgets to include collective
16 bargaining agreements.

17 (a) The provisions of this Section apply to collective
18 bargaining agreements (including extensions and amendments to
19 existing agreements) between Service Boards or transportation
20 agencies subject to the jurisdiction of Service Boards and
21 their employees, which are entered into after January 1, 1984.

22 (b) The Authority shall approve amended budgets prepared by
23 Service Boards which incorporate the costs of collective
24 bargaining agreements between Service Boards and their
25 employees. The Authority shall approve such an amended budget

1 provided that it determines by the affirmative vote of at least
2 two-thirds ~~12~~ of its then members that the amended budget meets
3 the standards established in Section 4.11.

4 (Source: P.A. 95-708, eff. 1-18-08.)

5 (70 ILCS 3615/2.30)

6 Sec. 2.30. Paratransit services.

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

15 (b) Beginning July 1, 2005, the Authority is responsible
16 for the funding, from amounts on deposit in the ADA Paratransit
17 Fund established under Section 2.01d of this Act, financial
18 review and oversight of all ADA paratransit services that are
19 provided by the Authority or by any of the Service Boards. The
20 Suburban Bus Board shall operate or provide for the operation
21 of all ADA paratransit services by no later than July 1, 2006,
22 except that this date may be extended to the extent necessary
23 to obtain approval from the Federal Transit Administration of
24 the plan prepared pursuant to subsection (c).

25 (c) No later than January 1, 2006, the Authority, in

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

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

22 (2) transfer the appropriate ADA paratransit services,
23 management, personnel, service contracts and assets from
24 the Chicago Transit Authority to the Authority or the
25 Suburban Bus Board, as necessary, by no later than July 1,
26 2006, except that this date may be extended to the extent

1 necessary to obtain approval from the Federal Transit
2 Administration of the plan prepared pursuant to this
3 subsection (c);

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

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

18 (5) provide for fares, fare collection and billing
19 procedures for ADA paratransit services throughout the
20 metropolitan region;

21 (6) provide for performance standards for all ADA
22 paratransit service transportation carriers, with
23 consideration of door-to-door service;

24 (7) provide, in cooperation with the Illinois
25 Department of Transportation, the Illinois Department of
26 Public Aid and other appropriate public agencies and

1 private entities, for the application and receipt of
2 grants, including, without limitation, reimbursement from
3 Medicaid or other programs for ADA paratransit services;

4 (8) provide for a system of dispatch of ADA paratransit
5 services transportation carriers throughout the
6 metropolitan region, with consideration of county-based
7 dispatch systems already in place as of the effective date
8 of this amendatory Act;

9 (9) provide for a process of determining eligibility
10 for ADA paratransit services that complies with the
11 Americans with Disabilities Act of 1990 and its
12 implementing regulations;

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

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

22 (d) All revisions and annual updates to the ADA paratransit
23 services plan developed pursuant to subsection (c) of this
24 Section, or certifications of continued compliance in lieu of
25 plan updates, that are required to be provided to the Federal
26 Transit Administration shall be developed by the Authority, in

1 collaboration with the Suburban Bus Board and the Chicago
2 Transit Authority, and the Authority shall submit such
3 revision, update or certification to the Federal Transit
4 Administration for approval. Approval of such revisions,
5 updates or certifications by the Authority shall require the
6 affirmative votes of at least two-thirds ~~12~~ of the then
7 Directors.

8 (e) The Illinois Department of Transportation, the
9 Illinois Department of Public Aid, the Authority, the Suburban
10 Bus Board and the Chicago Transit Authority shall enter into
11 intergovernmental agreements as may be necessary to provide
12 funding and accountability for, and implementation of, the
13 requirements of this Section.

14 (f) By no later than April 1, 2007, the Authority shall
15 develop and submit to the General Assembly and the Governor a
16 funding plan for ADA paratransit services. Approval of such
17 plan by the Authority shall require the affirmative votes of 12
18 of the then Directors. The funding plan shall, at a minimum,
19 contain an analysis of the current costs of providing ADA
20 paratransit services, projections of the long-term costs of
21 providing ADA paratransit services, identification of and
22 recommendations for possible cost efficiencies in providing
23 ADA paratransit services, and identification of and
24 recommendations for possible funding sources for providing ADA
25 paratransit services. The Illinois Department of
26 Transportation, the Illinois Department of Public Aid, the

1 Suburban Bus Board, the Chicago Transit Authority and other
2 State and local public agencies as appropriate shall cooperate
3 with the Authority in the preparation of such funding plan.

4 (g) Any funds derived from the federal Medicaid program for
5 reimbursement of the costs of providing ADA paratransit
6 services within the metropolitan region shall be directed to
7 the Authority and shall be used to pay for or reimburse the
8 costs of providing such services.

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

12 (Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08.)

13 (70 ILCS 3615/3.01) (from Ch. 111 2/3, par. 703.01)

14 Sec. 3.01. Board of Directors. Until May 1, 2011, the ~~The~~
15 corporate authorities and governing body of the Authority shall
16 be a Board consisting of ~~13 Directors until April 1, 2008, and~~
17 ~~16 Directors thereafter~~, appointed as follows:

18 (a) Four Directors appointed by the Mayor of the City of
19 Chicago, with the advice and consent of the City Council of the
20 City of Chicago, and, only until April 1, 2008, a fifth
21 director who shall be the Chairman of the Chicago Transit
22 Authority. After April 1, 2008, the Mayor of the City of
23 Chicago, with the advice and consent of the City Council of the
24 City of Chicago, shall appoint a fifth Director. The Directors
25 appointed by the Mayor of the City of Chicago shall not be the

1 Chairman or a Director of the Chicago Transit Authority. Each
2 such Director shall reside in the City of Chicago.

3 (b) Four Directors appointed by the votes of a majority of
4 the members of the Cook County Board elected from districts, a
5 majority of the electors of which reside outside Chicago. After
6 April 1, 2008, a fifth Director appointed by the President of
7 the Cook County Board with the advice and consent of the
8 members of the Cook County Board. Each Director appointed under
9 this subparagraph shall reside in that part of Cook County
10 outside Chicago.

11 (c) Until April 1, 2008, 3 Directors appointed by the
12 Chairmen of the County Boards of DuPage, Kane, Lake, McHenry,
13 and Will Counties, as follows:

14 (i) Two Directors appointed by the Chairmen of the
15 county boards of Kane, Lake, McHenry and Will Counties,
16 with the concurrence of not less than a majority of the
17 Chairmen from such counties, from nominees by the Chairmen.
18 Each such Chairman may nominate not more than 2 persons for
19 each position. Each such Director shall reside in a county
20 in the metropolitan region other than Cook or DuPage
21 Counties.

22 (ii) One Director appointed by the Chairman of the
23 DuPage County Board with the advice and consent of the
24 DuPage County Board. Such Director shall reside in DuPage
25 County.

26 (d) After April 1, 2008, 5 Directors appointed by the

1 Chairmen of the County Boards of DuPage, Kane, Lake and McHenry
2 Counties and the County Executive of Will County, as follows:

3 (i) One Director appointed by the Chairman of the Kane
4 County Board with the advice and consent of the Kane County
5 Board. Such Director shall reside in Kane County.

6 (ii) One Director appointed by the County Executive of
7 Will County with the advice and consent of the Will County
8 Board. Such Director shall reside in Will County.

9 (iii) One Director appointed by the Chairman of the
10 DuPage County Board with the advice and consent of the
11 DuPage County Board. Such Director shall reside in DuPage
12 County.

13 (iv) One Director appointed by the Chairman of the Lake
14 County Board with the advice and consent of the Lake County
15 Board. Such Director shall reside in Lake County.

16 (v) One Director appointed by the Chairman of the
17 McHenry County Board with the advice and consent of the
18 McHenry County Board. Such Director shall reside in McHenry
19 County.

20 (vi) To implement the changes in appointing authority
21 under this subparagraph (d) the three Directors appointed
22 under subparagraph (c) and residing in Lake County, DuPage
23 County, and Kane County respectively shall each continue to
24 serve as Director until the expiration of their respective
25 term of office and until his or her successor is appointed
26 and qualified or a vacancy occurs in the office. Thereupon,

1 the appointment shall be made by the officials given
2 appointing authority with respect to the Director whose
3 term has expired or office has become vacant.

4 (d-5) Notwithstanding any other provision of this Act to
5 the contrary, the terms of all members of the Regional
6 Transportation Authority Board serving on April 30, 2011 shall
7 terminate at the close of business on that day, and the
8 Regional Transportation Authority Board shall thereupon be
9 reconstituted as provided in this subsection (d-5).

10 Beginning May 1, 2011, the governing body of the Regional
11 Transportation Authority Division shall be a board consisting
12 of 9 directors elected as follows:

13 (1) One director shall be elected by the electors of
14 the City of Chicago and shall represent and reside in the
15 City of Chicago;

16 (2) Three directors shall be elected by the electors of
17 that part of Cook County outside the City of Chicago and
18 shall represent and reside in that part of Cook County;

19 (3) One director shall be elected by the electors of
20 DuPage County and shall represent and reside in DuPage
21 County;

22 (4) One director shall be elected by the electors of
23 Kane County and shall represent and reside in Kane County;

24 (5) One director shall be elected by the electors of
25 Lake County and shall represent and reside in Lake County;

26 (6) One director shall be elected by the electors of

1 McHenry County and shall represent and reside in McHenry
2 County;

3 (7) One director shall be elected by the electors of
4 Will County and shall represent and reside in Will County.

5 The directors provided for in this subsection (d-5) shall
6 be nominated and elected on a nonpartisan basis as provided in
7 Section 3.03 of this Act and in the Election Code.

8 (e) ~~Until April 30, 2011 The Chairman serving on the~~
9 ~~effective date of this amendatory Act of the 95th General~~
10 ~~Assembly shall continue to serve as Chairman until the~~
11 ~~expiration of his or her term of office and until his or her~~
12 ~~successor is appointed and qualified or a vacancy occurs in the~~
13 ~~office. Upon the expiration or vacancy of the term of the~~
14 ~~Chairman then serving upon the effective date of this~~
15 ~~amendatory Act of the 95th General Assembly,~~ the Chairman shall
16 be appointed by the other Directors, by the affirmative vote of
17 at least 11 of the then Directors with at least 2 affirmative
18 votes from Directors who reside in the City of Chicago, at
19 least 2 affirmative votes from Directors who reside in Cook
20 County outside the City of Chicago, and at least 2 affirmative
21 votes from Directors who reside in the Counties of DuPage,
22 Lake, Will, Kane, or McHenry. The chairman shall not be
23 appointed from among the other Directors. The chairman shall be
24 a resident of the metropolitan region.

25 Beginning May 1, 2011, the chairman shall be appointed by
26 the directors, from the members of the board, with the

1 concurrence of at least 6 of the directors.

2 (f) Except as otherwise provided by this Act no Director
3 shall, while serving as such, be an officer, a member of the
4 Board of Directors or Trustees or an employee of any Service
5 Board or transportation agency, or be an employee of the State
6 of Illinois or any department or agency thereof, or of any unit
7 of local government or receive any compensation from any
8 elected or appointed office under the Constitution and laws of
9 Illinois; except that a Director may be a member of a school
10 board.

11 (g) Each appointment made under this Section and under
12 Section 3.03 shall be certified by the appointing authority to
13 the Board, which shall maintain the certifications as part of
14 the official records of the Authority.

15 (h) (Blank).

16 (Source: P.A. 95-708, eff. 1-18-08.)

17 (70 ILCS 3615/3.03) (from Ch. 111 2/3, par. 703.03)

18 Sec. 3.03. Terms; ~~7~~ elections; vacancies.

19 (a) This subsection (a) applies only to directors appointed
20 under subsections (a) through (d) of Section 3.01. Each
21 Director shall hold office for a term of 5 years, and until his
22 or her successor has been appointed and has qualified. A
23 vacancy shall occur upon resignation, death, conviction of a
24 felony, or removal from office of a Director. Any Director may
25 be removed from office upon concurrence of not less than 11

1 Directors, on a formal finding of incompetence, neglect of
2 duty, or malfeasance in office. Within 30 days after the office
3 of any appointed member becomes vacant for any reason other
4 than the termination of appointed directors under subsection
5 (d-5) of Section 3.01, the appointing authorities of such
6 member shall make an appointment to fill the vacancy. A vacancy
7 shall be filled for the unexpired term.

8 Whenever a vacancy for an appointed a Director, except as
9 to the Chairman or those Directors appointed by the Mayor of
10 the City of Chicago, exists for longer than 4 months, the new
11 Director shall be chosen by election by all legislative members
12 in the General Assembly representing the affected area. In
13 order to qualify as a voting legislative member in this matter,
14 the affected area must be more than 50% of the geographic area
15 of the legislative district.

16 (b) The directors provided for in subsection (d-5) of
17 Section 3.01 shall be elected on a nonpartisan basis at the
18 consolidated election, beginning in 2011.

19 Nomination shall be by petition, signed by at least 0.1% of
20 the registered voters of the area to be represented, filed with
21 the appropriate election authority in accordance with the
22 general election law. In elections for directors representing
23 that part of Cook County outside the City of Chicago, if more
24 than one such director is to be elected, the electors may vote
25 for as many candidates as there are directors to be elected but
26 may not give any one candidate more than one vote.

1 Of the directors elected in 2011, (i) the directors
2 described in items (3), (5), and (7) of subsection (d-5) of
3 Section 3.01, and the director described in item (2) thereof
4 who receives the greatest number of votes in the consolidated
5 election, shall be elected for terms of 4 years; and (ii) the
6 directors described in items (1), (4), and (6) of subsection
7 (d-5) of Section 3.01, and the 2 directors described in item
8 (2) thereof who receive the second and third greatest number of
9 votes, shall be elected for terms of 2 years. Thereafter, all
10 directors shall be elected for terms of 4 years. All terms
11 shall begin on May 1, and directors shall continue to serve
12 until their successors are elected and have qualified.

13 (c) Beginning May 1, 2011, a vacancy shall be filled for
14 the remainder of the term by a person appointed by the county
15 board chairman of the county represented by the director
16 causing the vacancy or, in the case of the director
17 representing the City of Chicago, by the Mayor of the City of
18 Chicago.

19 (Source: P.A. 95-708, eff. 1-18-08.)

20 (70 ILCS 3615/3.04) (from Ch. 111 2/3, par. 703.04)

21 Sec. 3.04. Compensation; pension; benefits. Until May 1,
22 2011, each ~~Each~~ Director including the Chairman, except for the
23 Chairman of the Chicago Transit Authority who shall not be
24 compensated by the Authority, shall be compensated at the rate
25 of \$25,000 per year. Beginning May 1, 2011, Directors of the

1 Regional Transportation Authority Board, including the
2 Chairman, shall receive no annual salary or other compensation
3 for their service in office, except that the Chairman and each
4 Director shall be reimbursed for actual expenses incurred in
5 the performance of his or her duties.

6 No service or contribution shall be credited in any
7 retirement system or pension fund, under the Illinois Pension
8 Code or otherwise, to the Chairman or any other Director for
9 service in that office beginning on or after May 1, 2011, and
10 no public funds shall be appropriated, expended, or otherwise
11 obligated for such a retirement system or pension fund credit.
12 Except as otherwise provided in this Act, beginning May 1,
13 2011, the Chairman or any other Director shall receive no
14 financial benefit or perquisite for his or her service in such
15 office, including without limitation participation in a
16 program of life or health insurance.

17 Officers of the Authority shall not be required to comply
18 with the requirements of the Public Funds Statement Publication
19 Act ~~"An Act requiring certain custodians of public moneys to~~
20 ~~file and publish statements of the receipts and disbursements~~
21 ~~thereof", approved June 24, 1919, as now or hereafter amended.~~

22 (Source: P.A. 83-885; 83-886.)

23 (70 ILCS 3615/3.05) (from Ch. 111 2/3, par. 703.05)

24 Sec. 3.05. Meetings. The Board shall prescribe the times
25 and places for meetings and the manner in which special

1 meetings may be called. The Board shall comply in all respects
2 with the ~~"Open Meetings Act", approved July 11, 1957, as now or~~
3 ~~hereafter amended~~. All records, documents and papers of the
4 Authority, other than those relating to matters concerning
5 which closed sessions of the Board may be held, shall be
6 available for public examination, subject to such reasonable
7 regulations as the Board may adopt.

8 A majority of the Directors holding office shall constitute
9 a quorum for the conduct of business. Until May 1, 2011, Except
10 as otherwise provided in this Act, the affirmative votes of at
11 least 9 Directors, except as otherwise provided in this Act,
12 shall be necessary for approving any contract or agreement,
13 adopting any rule or regulation, and any other action required
14 by this Act to be taken by resolution or ordinance. Beginning
15 May 1, 2011, the affirmative votes of at least 5 Directors,
16 except as otherwise provided in this Act, shall be necessary
17 for approving any contract or agreement, adopting any rule or
18 regulation, or taking any other action required by this Act to
19 be taken by resolution or ordinance.

20 The Board shall meet with the Regional Citizens Advisory
21 Board at least once every 4 months.

22 (Source: P.A. 95-708, eff. 1-18-08.)

23 (70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

24 Sec. 4.01. Budget and Program.

25 (a) The Board shall control the finances of the Authority.

1 It shall by ordinance adopted by the affirmative vote of at
2 least two-thirds ~~42~~ of its then Directors (i) appropriate money
3 to perform the Authority's purposes and provide for payment of
4 debts and expenses of the Authority, (ii) take action with
5 respect to the budget and two-year financial plan of each
6 Service Board, as provided in Section 4.11, and (iii) adopt an
7 Annual Budget and Two-Year Financial Plan for the Authority
8 that includes the annual budget and two-year financial plan of
9 each Service Board that has been approved by the Authority. The
10 Annual Budget and Two-Year Financial Plan shall contain a
11 statement of the funds estimated to be on hand for the
12 Authority and each Service Board at the beginning of the fiscal
13 year, the funds estimated to be received from all sources for
14 such year, the estimated expenses and obligations of the
15 Authority and each Service Board for all purposes, including
16 expenses for contributions to be made with respect to pension
17 and other employee benefits, and the funds estimated to be on
18 hand at the end of such year. The fiscal year of the Authority
19 and each Service Board shall begin on January 1st and end on
20 the succeeding December 31st. By July 1st of each year the
21 Director of the Illinois Governor's Office of Management and
22 Budget (formerly Bureau of the Budget) shall submit to the
23 Authority an estimate of revenues for the next fiscal year of
24 the Authority to be collected from the taxes imposed by the
25 Authority and the amounts to be available in the Public
26 Transportation Fund and the Regional Transportation Authority

1 Occupation and Use Tax Replacement Fund and the amounts
2 otherwise to be appropriated by the State to the Authority for
3 its purposes. The Authority shall file a copy of its Annual
4 Budget and Two-Year Financial Plan with the General Assembly
5 and the Governor after its adoption. Before the proposed Annual
6 Budget and Two-Year Financial Plan is adopted, the Authority
7 shall hold at least one public hearing thereon in the
8 metropolitan region, and shall meet with the county board or
9 its designee of each of the several counties in the
10 metropolitan region. After conducting such hearings and
11 holding such meetings and after making such changes in the
12 proposed Annual Budget and Two-Year Financial Plan as the Board
13 deems appropriate, the Board shall adopt its annual
14 appropriation and Annual Budget and Two-Year Financial Plan
15 ordinance. The ordinance may be adopted only upon the
16 affirmative votes of at least two-thirds ~~1/2~~ of its then
17 Directors. The ordinance shall appropriate such sums of money
18 as are deemed necessary to defray all necessary expenses and
19 obligations of the Authority, specifying purposes and the
20 objects or programs for which appropriations are made and the
21 amount appropriated for each object or program. Additional
22 appropriations, transfers between items and other changes in
23 such ordinance may be made from time to time by the Board upon
24 the affirmative votes of at least two-thirds ~~1/2~~ of its then
25 Directors.

26 (b) The Annual Budget and Two-Year Financial Plan shall

1 show a balance between anticipated revenues from all sources
2 and anticipated expenses including funding of operating
3 deficits or the discharge of encumbrances incurred in prior
4 periods and payment of principal and interest when due, and
5 shall show cash balances sufficient to pay with reasonable
6 promptness all obligations and expenses as incurred.

7 The Annual Budget and Two-Year Financial Plan must show:

8 (i) that the level of fares and charges for mass
9 transportation provided by, or under grant or purchase of
10 service contracts of, the Service Boards is sufficient to
11 cause the aggregate of all projected fare revenues from
12 such fares and charges received in each fiscal year to
13 equal at least 50% of the aggregate costs of providing such
14 public transportation in such fiscal year. "Fare revenues"
15 include the proceeds of all fares and charges for services
16 provided, contributions received in connection with public
17 transportation from units of local government other than
18 the Authority, except for contributions received by the
19 Chicago Transit Authority from a real estate transfer tax
20 imposed under subsection (i) of Section 8-3-19 of the
21 Illinois Municipal Code, and from the State pursuant to
22 subsection (i) of Section 2705-305 of the Department of
23 Transportation Law (20 ILCS 2705/2705-305), and all other
24 operating revenues properly included consistent with
25 generally accepted accounting principles but do not
26 include: the proceeds of any borrowings, and, beginning

1 with the 2007 fiscal year, all revenues and receipts,
2 including but not limited to fares and grants received from
3 the federal, State or any unit of local government or other
4 entity, derived from providing ADA paratransit service
5 pursuant to Section 2.30 of the Regional Transportation
6 Authority Act. "Costs" include all items properly included
7 as operating costs consistent with generally accepted
8 accounting principles, including administrative costs, but
9 do not include: depreciation; payment of principal and
10 interest on bonds, notes or other evidences of obligation
11 for borrowed money issued by the Authority; payments with
12 respect to public transportation facilities made pursuant
13 to subsection (b) of Section 2.20 of this Act; any payments
14 with respect to rate protection contracts, credit
15 enhancements or liquidity agreements made under Section
16 4.14; any other cost to which it is reasonably expected
17 that a cash expenditure will not be made; costs for
18 passenger security including grants, contracts, personnel,
19 equipment and administrative expenses, except in the case
20 of the Chicago Transit Authority, in which case the term
21 does not include costs spent annually by that entity for
22 protection against crime as required by Section 27a of the
23 Metropolitan Transit Authority Act; the payment by the
24 Chicago Transit Authority of Debt Service, as defined in
25 Section 12c of the Metropolitan Transit Authority Act, on
26 bonds or notes issued pursuant to that Section; the payment

1 by the Commuter Rail Division of debt service on bonds
2 issued pursuant to Section 3B.09; expenses incurred by the
3 Suburban Bus Division for the cost of new public
4 transportation services funded from grants pursuant to
5 Section 2.01e of this amendatory Act of the 95th General
6 Assembly for a period of 2 years from the date of
7 initiation of each such service; costs as exempted by the
8 Board for projects pursuant to Section 2.09 of this Act;
9 or, beginning with the 2007 fiscal year, expenses related
10 to providing ADA paratransit service pursuant to Section
11 2.30 of the Regional Transportation Authority Act; and in
12 fiscal years 2008 through 2012 inclusive, costs in the
13 amount of \$200,000,000 in fiscal year 2008, reducing by
14 \$40,000,000 in each fiscal year thereafter until this
15 exemption is eliminated; and

16 (ii) that the level of fares charged for ADA
17 paratransit services is sufficient to cause the aggregate
18 of all projected revenues from such fares charged and
19 received in each fiscal year to equal at least 10% of the
20 aggregate costs of providing such ADA paratransit
21 services. For purposes of this Act, the percentages in this
22 subsection (b)(ii) shall be referred to as the "system
23 generated ADA paratransit services revenue recovery
24 ratio". For purposes of the system generated ADA
25 paratransit services revenue recovery ratio, "costs" shall
26 include all items properly included as operating costs

1 consistent with generally accepted accounting principles.
2 However, the Board may exclude from costs an amount that
3 does not exceed the allowable "capital costs of
4 contracting" for ADA paratransit services pursuant to the
5 Federal Transit Administration guidelines for the
6 Urbanized Area Formula Program.

7 (c) The actual administrative expenses of the Authority for
8 the fiscal year commencing January 1, 1985 may not exceed
9 \$5,000,000. The actual administrative expenses of the
10 Authority for the fiscal year commencing January 1, 1986, and
11 for each fiscal year thereafter shall not exceed the maximum
12 administrative expenses for the previous fiscal year plus 5%.
13 "Administrative expenses" are defined for purposes of this
14 Section as all expenses except: (1) capital expenses and
15 purchases of the Authority on behalf of the Service Boards; (2)
16 payments to Service Boards; and (3) payment of principal and
17 interest on bonds, notes or other evidence of obligation for
18 borrowed money issued by the Authority; (4) costs for passenger
19 security including grants, contracts, personnel, equipment and
20 administrative expenses; (5) payments with respect to public
21 transportation facilities made pursuant to subsection (b) of
22 Section 2.20 of this Act; and (6) any payments with respect to
23 rate protection contracts, credit enhancements or liquidity
24 agreements made pursuant to Section 4.14.

25 (d) This subsection applies only until the Department
26 begins administering and enforcing an increased tax under

1 Section 4.03(m) as authorized by this amendatory Act of the
2 95th General Assembly. After withholding 15% of the proceeds of
3 any tax imposed by the Authority and 15% of money received by
4 the Authority from the Regional Transportation Authority
5 Occupation and Use Tax Replacement Fund, the Board shall
6 allocate the proceeds and money remaining to the Service Boards
7 as follows: (1) an amount equal to 85% of the proceeds of those
8 taxes collected within the City of Chicago and 85% of the money
9 received by the Authority on account of transfers to the
10 Regional Transportation Authority Occupation and Use Tax
11 Replacement Fund from the County and Mass Transit District Fund
12 attributable to retail sales within the City of Chicago shall
13 be allocated to the Chicago Transit Authority; (2) an amount
14 equal to 85% of the proceeds of those taxes collected within
15 Cook County outside the City of Chicago and 85% of the money
16 received by the Authority on account of transfers to the
17 Regional Transportation Authority Occupation and Use Tax
18 Replacement Fund from the County and Mass Transit District Fund
19 attributable to retail sales within Cook County outside of the
20 city of Chicago shall be allocated 30% to the Chicago Transit
21 Authority, 55% to the Commuter Rail Board and 15% to the
22 Suburban Bus Board; and (3) an amount equal to 85% of the
23 proceeds of the taxes collected within the Counties of DuPage,
24 Kane, Lake, McHenry and Will shall be allocated 70% to the
25 Commuter Rail Board and 30% to the Suburban Bus Board.

26 (e) This subsection applies only until the Department

1 begins administering and enforcing an increased tax under
2 Section 4.03(m) as authorized by this amendatory Act of the
3 95th General Assembly. Moneys received by the Authority on
4 account of transfers to the Regional Transportation Authority
5 Occupation and Use Tax Replacement Fund from the State and
6 Local Sales Tax Reform Fund shall be allocated among the
7 Authority and the Service Boards as follows: 15% of such moneys
8 shall be retained by the Authority and the remaining 85% shall
9 be transferred to the Service Boards as soon as may be
10 practicable after the Authority receives payment. Moneys which
11 are distributable to the Service Boards pursuant to the
12 preceding sentence shall be allocated among the Service Boards
13 on the basis of each Service Board's distribution ratio. The
14 term "distribution ratio" means, for purposes of this
15 subsection (e) of this Section 4.01, the ratio of the total
16 amount distributed to a Service Board pursuant to subsection
17 (d) of Section 4.01 for the immediately preceding calendar year
18 to the total amount distributed to all of the Service Boards
19 pursuant to subsection (d) of Section 4.01 for the immediately
20 preceding calendar year.

21 (f) To carry out its duties and responsibilities under this
22 Act, the Board shall employ staff which shall: (1) propose for
23 adoption by the Board of the Authority rules for the Service
24 Boards that establish (i) forms and schedules to be used and
25 information required to be provided with respect to a five-year
26 capital program, annual budgets, and two-year financial plans

1 and regular reporting of actual results against adopted budgets
2 and financial plans, (ii) financial practices to be followed in
3 the budgeting and expenditure of public funds, (iii)
4 assumptions and projections that must be followed in preparing
5 and submitting its annual budget and two-year financial plan or
6 a five-year capital program; (2) evaluate for the Board public
7 transportation programs operated or proposed by the Service
8 Boards and transportation agencies in terms of the goals and
9 objectives set out in the Strategic Plan; (3) keep the Board
10 and the public informed of the extent to which the Service
11 Boards and transportation agencies are meeting the goals and
12 objectives adopted by the Authority in the Strategic Plan; and
13 (4) assess the efficiency or adequacy of public transportation
14 services provided by a Service Board and make recommendations
15 for change in that service to the end that the moneys available
16 to the Authority may be expended in the most economical manner
17 possible with the least possible duplication.

18 (g) All Service Boards, transportation agencies,
19 comprehensive planning agencies, including the Chicago
20 Metropolitan Agency for Planning, or transportation planning
21 agencies in the metropolitan region shall furnish to the
22 Authority such information pertaining to public transportation
23 or relevant for plans therefor as it may from time to time
24 require. The Executive Director, or his or her designee, shall,
25 for the purpose of securing any such information necessary or
26 appropriate to carry out any of the powers and responsibilities

1 of the Authority under this Act, have access to, and the right
2 to examine, all books, documents, papers or records of a
3 Service Board or any transportation agency receiving funds from
4 the Authority or Service Board, and such Service Board or
5 transportation agency shall comply with any request by the
6 Executive Director, or his or her designee, within 30 days or
7 an extended time provided by the Executive Director.

8 (h) No Service Board shall undertake any capital
9 improvement which is not identified in the Five-Year Capital
10 Program.

11 (Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08;
12 95-906, eff. 8-26-08.)

13 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

14 Sec. 4.03. Taxes.

15 (a) In order to carry out any of the powers or purposes of
16 the Authority, the Board may by ordinance adopted with the
17 concurrence of at least two-thirds ~~12~~ of the then Directors,
18 impose throughout the metropolitan region any or all of the
19 taxes provided in this Section. Except as otherwise provided in
20 this Act, taxes imposed under this Section and civil penalties
21 imposed incident thereto shall be collected and enforced by the
22 State Department of Revenue. The Department shall have the
23 power to administer and enforce the taxes and to determine all
24 rights for refunds for erroneous payments of the taxes. Nothing
25 in this amendatory Act of the 95th General Assembly is intended

1 to invalidate any taxes currently imposed by the Authority. The
2 increased vote requirements to impose a tax shall only apply to
3 actions taken after the effective date of this amendatory Act
4 of the 95th General Assembly.

5 (b) The Board may impose a public transportation tax upon
6 all persons engaged in the metropolitan region in the business
7 of selling at retail motor fuel for operation of motor vehicles
8 upon public highways. The tax shall be at a rate not to exceed
9 5% of the gross receipts from the sales of motor fuel in the
10 course of the business. As used in this Act, the term "motor
11 fuel" shall have the same meaning as in the Motor Fuel Tax Law.
12 The Board may provide for details of the tax. The provisions of
13 any tax shall conform, as closely as may be practicable, to the
14 provisions of the Municipal Retailers Occupation Tax Act,
15 including without limitation, conformity to penalties with
16 respect to the tax imposed and as to the powers of the State
17 Department of Revenue to promulgate and enforce rules and
18 regulations relating to the administration and enforcement of
19 the provisions of the tax imposed, except that reference in the
20 Act to any municipality shall refer to the Authority and the
21 tax shall be imposed only with regard to receipts from sales of
22 motor fuel in the metropolitan region, at rates as limited by
23 this Section.

24 (c) In connection with the tax imposed under paragraph (b)
25 of this Section the Board may impose a tax upon the privilege
26 of using in the metropolitan region motor fuel for the

1 operation of a motor vehicle upon public highways, the tax to
2 be at a rate not in excess of the rate of tax imposed under
3 paragraph (b) of this Section. The Board may provide for
4 details of the tax.

5 (d) The Board may impose a motor vehicle parking tax upon
6 the privilege of parking motor vehicles at off-street parking
7 facilities in the metropolitan region at which a fee is
8 charged, and may provide for reasonable classifications in and
9 exemptions to the tax, for administration and enforcement
10 thereof and for civil penalties and refunds thereunder and may
11 provide criminal penalties thereunder, the maximum penalties
12 not to exceed the maximum criminal penalties provided in the
13 Retailers' Occupation Tax Act. The Authority may collect and
14 enforce the tax itself or by contract with any unit of local
15 government. The State Department of Revenue shall have no
16 responsibility for the collection and enforcement unless the
17 Department agrees with the Authority to undertake the
18 collection and enforcement. As used in this paragraph, the term
19 "parking facility" means a parking area or structure having
20 parking spaces for more than 2 vehicles at which motor vehicles
21 are permitted to park in return for an hourly, daily, or other
22 periodic fee, whether publicly or privately owned, but does not
23 include parking spaces on a public street, the use of which is
24 regulated by parking meters.

25 (e) The Board may impose a Regional Transportation
26 Authority Retailers' Occupation Tax upon all persons engaged in

1 the business of selling tangible personal property at retail in
2 the metropolitan region. In Cook County the tax rate shall be
3 1.25% of the gross receipts from sales of food for human
4 consumption that is to be consumed off the premises where it is
5 sold (other than alcoholic beverages, soft drinks and food that
6 has been prepared for immediate consumption) and prescription
7 and nonprescription medicines, drugs, medical appliances and
8 insulin, urine testing materials, syringes and needles used by
9 diabetics, and 1% of the gross receipts from other taxable
10 sales made in the course of that business. In DuPage, Kane,
11 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%
12 of the gross receipts from all taxable sales made in the course
13 of that business. The tax imposed under this Section and all
14 civil penalties that may be assessed as an incident thereof
15 shall be collected and enforced by the State Department of
16 Revenue. The Department shall have full power to administer and
17 enforce this Section; to collect all taxes and penalties so
18 collected in the manner hereinafter provided; and to determine
19 all rights to credit memoranda arising on account of the
20 erroneous payment of tax or penalty hereunder. In the
21 administration of, and compliance with this Section, the
22 Department and persons who are subject to this Section shall
23 have the same rights, remedies, privileges, immunities, powers
24 and duties, and be subject to the same conditions,
25 restrictions, limitations, penalties, exclusions, exemptions
26 and definitions of terms, and employ the same modes of

1 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
2 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
3 therein other than the State rate of tax), 2c, 3 (except as to
4 the disposition of taxes and penalties collected), 4, 5, 5a,
5 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,
6 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and
7 Section 3-7 of the Uniform Penalty and Interest Act, as fully
8 as if those provisions were set forth herein.

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

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

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

26 For the purpose of determining whether a tax authorized

1 under this Section is applicable, a retail sale by a producer
2 of coal or other mineral mined in Illinois, is a sale at retail
3 at the place where the coal or other mineral mined in Illinois
4 is extracted from the earth. This paragraph does not apply to
5 coal or other mineral when it is delivered or shipped by the
6 seller to the purchaser at a point outside Illinois so that the
7 sale is exempt under the Federal Constitution as a sale in
8 interstate or foreign commerce.

9 No tax shall be imposed or collected under this subsection
10 on the sale of a motor vehicle in this State to a resident of
11 another state if that motor vehicle will not be titled in this
12 State.

13 Nothing in this Section shall be construed to authorize the
14 Regional Transportation Authority to impose a tax upon the
15 privilege of engaging in any business that under the
16 Constitution of the United States may not be made the subject
17 of taxation by this State.

18 (f) If a tax has been imposed under paragraph (e), a
19 Regional Transportation Authority Service Occupation Tax shall
20 also be imposed upon all persons engaged, in the metropolitan
21 region in the business of making sales of service, who as an
22 incident to making the sales of service, transfer tangible
23 personal property within the metropolitan region, either in the
24 form of tangible personal property or in the form of real
25 estate as an incident to a sale of service. In Cook County, the
26 tax rate shall be: (1) 1.25% of the serviceman's cost price of

1 food prepared for immediate consumption and transferred
2 incident to a sale of service subject to the service occupation
3 tax by an entity licensed under the Hospital Licensing Act, the
4 Nursing Home Care Act, or the MR/DD Community Care Act that is
5 located in the metropolitan region; (2) 1.25% of the selling
6 price of food for human consumption that is to be consumed off
7 the premises where it is sold (other than alcoholic beverages,
8 soft drinks and food that has been prepared for immediate
9 consumption) and prescription and nonprescription medicines,
10 drugs, medical appliances and insulin, urine testing
11 materials, syringes and needles used by diabetics; and (3) 1%
12 of the selling price from other taxable sales of tangible
13 personal property transferred. In DuPage, Kane, Lake, McHenry
14 and Will Counties the rate shall be 0.75% of the selling price
15 of all tangible personal property transferred.

16 The tax imposed under this paragraph and all civil
17 penalties that may be assessed as an incident thereof shall be
18 collected and enforced by the State Department of Revenue. The
19 Department shall have full power to administer and enforce this
20 paragraph; to collect all taxes and penalties due hereunder; to
21 dispose of taxes and penalties collected in the manner
22 hereinafter provided; and to determine all rights to credit
23 memoranda arising on account of the erroneous payment of tax or
24 penalty hereunder. In the administration of and compliance with
25 this paragraph, the Department and persons who are subject to
26 this paragraph shall have the same rights, remedies,

1 privileges, immunities, powers and duties, and be subject to
2 the same conditions, restrictions, limitations, penalties,
3 exclusions, exemptions and definitions of terms, and employ the
4 same modes of procedure, as are prescribed in Sections 1a-1, 2,
5 2a, 3 through 3-50 (in respect to all provisions therein other
6 than the State rate of tax), 4 (except that the reference to
7 the State shall be to the Authority), 5, 7, 8 (except that the
8 jurisdiction to which the tax shall be a debt to the extent
9 indicated in that Section 8 shall be the Authority), 9 (except
10 as to the disposition of taxes and penalties collected, and
11 except that the returned merchandise credit for this tax may
12 not be taken against any State tax), 10, 11, 12 (except the
13 reference therein to Section 2b of the Retailers' Occupation
14 Tax Act), 13 (except that any reference to the State shall mean
15 the Authority), the first paragraph of Section 15, 16, 17, 18,
16 19 and 20 of the Service Occupation Tax Act and Section 3-7 of
17 the Uniform Penalty and Interest Act, as fully as if those
18 provisions were set forth herein.

19 Persons subject to any tax imposed under the authority
20 granted in this paragraph may reimburse themselves for their
21 serviceman's tax liability hereunder by separately stating the
22 tax as an additional charge, that charge may be stated in
23 combination in a single amount with State tax that servicemen
24 are authorized to collect under the Service Use Tax Act, under
25 any bracket schedules the Department may prescribe.

26 Whenever the Department determines that a refund should be

1 made under this paragraph to a claimant instead of issuing a
2 credit memorandum, the Department shall notify the State
3 Comptroller, who shall cause the warrant to be drawn for the
4 amount specified, and to the person named in the notification
5 from the Department. The refund shall be paid by the State
6 Treasurer out of the Regional Transportation Authority tax fund
7 established under paragraph (n) of this Section.

8 Nothing in this paragraph shall be construed to authorize
9 the Authority to impose a tax upon the privilege of engaging in
10 any business that under the Constitution of the United States
11 may not be made the subject of taxation by the State.

12 (g) If a tax has been imposed under paragraph (e), a tax
13 shall also be imposed upon the privilege of using in the
14 metropolitan region, any item of tangible personal property
15 that is purchased outside the metropolitan region at retail
16 from a retailer, and that is titled or registered with an
17 agency of this State's government. In Cook County the tax rate
18 shall be 1% of the selling price of the tangible personal
19 property, as "selling price" is defined in the Use Tax Act. In
20 DuPage, Kane, Lake, McHenry and Will counties the tax rate
21 shall be 0.75% of the selling price of the tangible personal
22 property, as "selling price" is defined in the Use Tax Act. The
23 tax shall be collected from persons whose Illinois address for
24 titling or registration purposes is given as being in the
25 metropolitan region. The tax shall be collected by the
26 Department of Revenue for the Regional Transportation

1 Authority. The tax must be paid to the State, or an exemption
2 determination must be obtained from the Department of Revenue,
3 before the title or certificate of registration for the
4 property may be issued. The tax or proof of exemption may be
5 transmitted to the Department by way of the State agency with
6 which, or the State officer with whom, the tangible personal
7 property must be titled or registered if the Department and the
8 State agency or State officer determine that this procedure
9 will expedite the processing of applications for title or
10 registration.

11 The Department shall have full power to administer and
12 enforce this paragraph; to collect all taxes, penalties and
13 interest due hereunder; to dispose of taxes, penalties and
14 interest collected in the manner hereinafter provided; and to
15 determine all rights to credit memoranda or refunds arising on
16 account of the erroneous payment of tax, penalty or interest
17 hereunder. In the administration of and compliance with this
18 paragraph, the Department and persons who are subject to this
19 paragraph shall have the same rights, remedies, privileges,
20 immunities, powers and duties, and be subject to the same
21 conditions, restrictions, limitations, penalties, exclusions,
22 exemptions and definitions of terms and employ the same modes
23 of procedure, as are prescribed in Sections 2 (except the
24 definition of "retailer maintaining a place of business in this
25 State"), 3 through 3-80 (except provisions pertaining to the
26 State rate of tax, and except provisions concerning collection

1 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
2 19 (except the portions pertaining to claims by retailers and
3 except the last paragraph concerning refunds), 20, 21 and 22 of
4 the Use Tax Act, and are not inconsistent with this paragraph,
5 as fully as if those provisions were set forth herein.

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

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

25 The Department shall immediately pay over to the State
26 Treasurer, ex officio, as trustee, all taxes collected

1 hereunder.

2 As soon as possible after the first day of each month,
3 beginning January 1, 2011, upon certification of the Department
4 of Revenue, the Comptroller shall order transferred, and the
5 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
6 local sales tax increment, as defined in the Innovation
7 Development and Economy Act, collected under this Section
8 during the second preceding calendar month for sales within a
9 STAR bond district.

10 After the monthly transfer to the STAR Bonds Revenue Fund,
11 on or before the 25th day of each calendar month, the
12 Department shall prepare and certify to the Comptroller the
13 disbursement of stated sums of money to the Authority. The
14 amount to be paid to the Authority shall be the amount
15 collected hereunder during the second preceding calendar month
16 by the Department, less any amount determined by the Department
17 to be necessary for the payment of refunds, and less any
18 amounts that are transferred to the STAR Bonds Revenue Fund.
19 Within 10 days after receipt by the Comptroller of the
20 disbursement certification to the Authority provided for in
21 this Section to be given to the Comptroller by the Department,
22 the Comptroller shall cause the orders to be drawn for that
23 amount in accordance with the directions contained in the
24 certification.

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

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

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

19 (l) The Board in imposing any tax as provided in paragraphs
20 (b) and (c) of this Section, shall, after seeking the advice of
21 the State Department of Revenue, provide means for retailers,
22 users or purchasers of motor fuel for purposes other than those
23 with regard to which the taxes may be imposed as provided in
24 those paragraphs to receive refunds of taxes improperly paid,
25 which provisions may be at variance with the refund provisions
26 as applicable under the Municipal Retailers Occupation Tax Act.

1 The State Department of Revenue may provide for certificates of
2 registration for users or purchasers of motor fuel for purposes
3 other than those with regard to which taxes may be imposed as
4 provided in paragraphs (b) and (c) of this Section to
5 facilitate the reporting and nontaxability of the exempt sales
6 or uses.

7 (m) Any ordinance imposing or discontinuing any tax under
8 this Section shall be adopted and a certified copy thereof
9 filed with the Department on or before June 1, whereupon the
10 Department of Revenue shall proceed to administer and enforce
11 this Section on behalf of the Regional Transportation Authority
12 as of September 1 next following such adoption and filing.
13 Beginning January 1, 1992, an ordinance or resolution imposing
14 or discontinuing the tax hereunder shall be adopted and a
15 certified copy thereof filed with the Department on or before
16 the first day of July, whereupon the Department shall proceed
17 to administer and enforce this Section as of the first day of
18 October next following such adoption and filing. Beginning
19 January 1, 1993, an ordinance or resolution imposing,
20 increasing, decreasing, or discontinuing the tax hereunder
21 shall be adopted and a certified copy thereof filed with the
22 Department, whereupon the Department shall proceed to
23 administer and enforce this Section as of the first day of the
24 first month to occur not less than 60 days following such
25 adoption and filing. Any ordinance or resolution of the
26 Authority imposing a tax under this Section and in effect on

1 August 1, 2007 shall remain in full force and effect and shall
2 be administered by the Department of Revenue under the terms
3 and conditions and rates of tax established by such ordinance
4 or resolution until the Department begins administering and
5 enforcing an increased tax under this Section as authorized by
6 this amendatory Act of the 95th General Assembly. The tax rates
7 authorized by this amendatory Act of the 95th General Assembly
8 are effective only if imposed by ordinance of the Authority.

9 (n) The State Department of Revenue shall, upon collecting
10 any taxes as provided in this Section, pay the taxes over to
11 the State Treasurer as trustee for the Authority. The taxes
12 shall be held in a trust fund outside the State Treasury. On or
13 before the 25th day of each calendar month, the State
14 Department of Revenue shall prepare and certify to the
15 Comptroller of the State of Illinois and to the Authority (i)
16 the amount of taxes collected in each County other than Cook
17 County in the metropolitan region, (ii) the amount of taxes
18 collected within the City of Chicago, and (iii) the amount
19 collected in that portion of Cook County outside of Chicago,
20 each amount less the amount necessary for the payment of
21 refunds to taxpayers located in those areas described in items
22 (i), (ii), and (iii). Within 10 days after receipt by the
23 Comptroller of the certification of the amounts, the
24 Comptroller shall cause an order to be drawn for the payment of
25 two-thirds of the amounts certified in item (i) of this
26 subsection to the Authority and one-third of the amounts

1 certified in item (i) of this subsection to the respective
2 counties other than Cook County and the amount certified in
3 items (ii) and (iii) of this subsection to the Authority.

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

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

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

1 retailers' occupation, use or service occupation tax
2 authorized under paragraphs (e), (f) and (g) of this Section is
3 in effect.

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

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

19 (Source: P.A. 95-708, eff. 1-18-08; 96-339, eff. 7-1-10;
20 96-939, eff. 6-24-10.)

21 (70 ILCS 3615/4.11) (from Ch. 111 2/3, par. 704.11)

22 Sec. 4.11. Budget Review Powers.

23 (a) Based upon estimates which shall be given to the
24 Authority by the Director of the Governor's Office of
25 Management and Budget (formerly Bureau of the Budget) of the

1 receipts to be received by the Authority from the taxes imposed
2 by the Authority and the authorized estimates of amounts to be
3 available from State and other sources to the Service Boards,
4 and the times at which such receipts and amounts will be
5 available, the Board shall, not later than the next preceding
6 September 15th prior to the beginning of the Authority's next
7 fiscal year, advise each Service Board of the amounts estimated
8 by the Board to be available for such Service Board during such
9 fiscal year and the two following fiscal years and the times at
10 which such amounts will be available. The Board shall, at the
11 same time, also advise each Service Board of its required
12 system generated revenues recovery ratio for the next fiscal
13 year which shall be the percentage of the aggregate costs of
14 providing public transportation by or under jurisdiction of
15 that Service Board which must be recovered from system
16 generated revenues. The Board shall, at the same time,
17 beginning with the 2007 fiscal year, also advise each Service
18 Board that provides ADA paratransit services of its required
19 system generated ADA paratransit services revenue recovery
20 ratio for the next fiscal year which shall be the percentage of
21 the aggregate costs of providing ADA paratransit services by or
22 under jurisdiction of that Service Board which must be
23 recovered from fares charged for such services, except that
24 such required system generated ADA paratransit services
25 revenue recovery ratio shall not exceed the minimum percentage
26 established pursuant to Section 4.01(b)(ii) of this Act. In

1 determining a Service Board's system generated revenue
2 recovery ratio, the Board shall consider the historical system
3 generated revenues recovery ratio for the services subject to
4 the jurisdiction of that Service Board. The Board shall not
5 increase a Service Board's system generated revenues recovery
6 ratio for the next fiscal year over such ratio for the current
7 fiscal year disproportionately or prejudicially to increases
8 in such ratios for other Service Boards. The Board may, by
9 ordinance, provide that (i) the cost of research and
10 development projects in the fiscal year beginning January 1,
11 1986 and ending December 31, 1986 conducted pursuant to Section
12 2.09 of this Act, (ii) the costs for passenger security, and
13 (iii) expenditures of amounts granted to a Service Board from
14 the Innovation, Coordination, and Enhancement Fund for
15 operating purposes may be exempted from the farebox recovery
16 ratio or the system generated revenues recovery ratio of the
17 Chicago Transit Authority, the Suburban Bus Board, and the
18 Commuter Rail Board, or any of them. During fiscal years 2008
19 through 2012, the Board may also allocate the exemption of
20 \$200,000,000 and the reducing amounts of costs provided by this
21 amendatory Act of the 95th General Assembly from the farebox
22 recovery ratio or system generated revenues recovery ratio of
23 each Service Board.

24 (b) (1) Not later than the next preceding November 15 prior
25 to the commencement of such fiscal year, each Service Board
26 shall submit to the Authority its proposed budget for such

1 fiscal year and its proposed financial plan for the two
2 following fiscal years. Such budget and financial plan shall
3 (i) be prepared in the format, follow the financial and
4 budgetary practices, and be based on any assumptions and
5 projections required by the Authority and (ii) not project or
6 assume a receipt of revenues from the Authority in amounts
7 greater than those set forth in the estimates provided by the
8 Authority pursuant to subsection (a) of this Section.

9 (2) The Board shall review the proposed budget and two-year
10 financial plan submitted by each Service Board. The Board shall
11 approve the budget and two-year financial plan of a Service
12 Board if:

13 (i) such budget and plan show a balance between (A)
14 anticipated revenues from all sources including operating
15 subsidies and (B) the costs of providing the services
16 specified and of funding any operating deficits or
17 encumbrances incurred in prior periods, including
18 provision for payment when due of principal and interest on
19 outstanding indebtedness;

20 (ii) such budget and plan show cash balances including
21 the proceeds of any anticipated cash flow borrowing
22 sufficient to pay with reasonable promptness all costs and
23 expenses as incurred;

24 (iii) such budget and plan provide for a level of fares
25 or charges and operating or administrative costs for the
26 public transportation provided by or subject to the

1 jurisdiction of such Service Board sufficient to allow the
2 Service Board to meet its required system generated revenue
3 recovery ratio and, beginning with the 2007 fiscal year,
4 system generated ADA paratransit services revenue recovery
5 ratio;

6 (iv) such budget and plan are based upon and employ
7 assumptions and projections which are reasonable and
8 prudent;

9 (v) such budget and plan have been prepared in
10 accordance with sound financial practices as determined by
11 the Board;

12 (vi) such budget and plan meet such other financial,
13 budgetary, or fiscal requirements that the Board may by
14 rule or regulation establish; and

15 (vii) such budget and plan are consistent with the
16 goals and objectives adopted by the Authority in the
17 Strategic Plan.

18 (3) (Blank).

19 (4) Unless the Board by an affirmative vote of at least
20 two-thirds ~~12~~ of the then Directors determines that the budget
21 and financial plan of a Service Board meets the criteria
22 specified in clauses (i) through (vii) of subparagraph (2) of
23 this paragraph (b), the Board shall withhold from that Service
24 Board 25% of the cash proceeds of taxes imposed by the
25 Authority under Section 4.03 and Section 4.03.1 and received
26 after February 1 and 25% of the amounts transferred to the

1 Authority from the Public Transportation Fund under Section
2 4.09(a) (but not including Section 4.09(a)(3)(iv)) after
3 February 1 that the Board has estimated to be available to that
4 Service Board under Section 4.11(a). Such funding shall be
5 released to the Service Board only upon approval of a budget
6 and financial plan under this Section or adoption of a budget
7 and financial plan on behalf of the Service Board by the
8 Authority.

9 (5) If the Board has not found that the budget and
10 financial plan of a Service Board meets the criteria specified
11 in clauses (i) through (vii) of subparagraph (2) of this
12 paragraph (b), the Board, by the affirmative vote of at least
13 two-thirds ~~12~~ of its then Directors, shall adopt a budget and
14 financial plan meeting such criteria for that Service Board.

15 (c)(1) If the Board shall at any time have received a
16 revised estimate, or revises any estimate the Board has made,
17 pursuant to this Section of the receipts to be collected by the
18 Authority which, in the judgment of the Board, requires a
19 change in the estimates on which the budget of any Service
20 Board is based, the Board shall advise the affected Service
21 Board of such revised estimates, and such Service Board shall
22 within 30 days after receipt of such advice submit a revised
23 budget incorporating such revised estimates. If the revised
24 estimates require, in the judgment of the Board, that the
25 system generated revenues recovery ratio of one or more Service
26 Boards be revised in order to allow the Authority to meet its

1 required ratio, the Board shall advise any such Service Board
2 of its revised ratio and such Service Board shall within 30
3 days after receipt of such advice submit a revised budget
4 incorporating such revised estimates or ratio.

5 (2) Each Service Board shall, within such period after the
6 end of each fiscal quarter as shall be specified by the Board,
7 report to the Authority its financial condition and results of
8 operations and the financial condition and results of
9 operations of the public transportation services subject to its
10 jurisdiction, as at the end of and for such quarter. If in the
11 judgment of the Board such condition and results are not
12 substantially in accordance with such Service Board's budget
13 for such period, the Board shall so advise such Service Board
14 and such Service Board shall within the period specified by the
15 Board submit a revised budget incorporating such results.

16 (3) If the Board shall determine that a revised budget
17 submitted by a Service Board pursuant to subparagraph (1) or
18 (2) of this paragraph (c) does not meet the criteria specified
19 in clauses (i) through (vii) of subparagraph (2) of paragraph
20 (b) of this Section, the Board shall withhold from that Service
21 Board 25% of the cash proceeds of taxes imposed by the
22 Authority under Section 4.03 or 4.03.1 and received by the
23 Authority after February 1 and 25% of the amounts transferred
24 to the Authority from the Public Transportation Fund under
25 Section 4.09(a) (but not including Section 4.09(a)(3)(iv))
26 after February 1 that the Board has estimated to be available

1 to that Service Board under Section 4.11(a). If the Service
2 Board submits a revised financial plan and budget which plan
3 and budget shows that the criteria will be met within a four
4 quarter period, the Board shall release any such withheld funds
5 to the Service Board. The Board by the affirmative vote of at
6 least two-thirds ~~12~~ of its then Directors may require a Service
7 Board to submit a revised financial plan and budget which shows
8 that the criteria will be met in a time period less than four
9 quarters.

10 (d) All budgets and financial plans, financial statements,
11 audits and other information presented to the Authority
12 pursuant to this Section or which may be required by the Board
13 to permit it to monitor compliance with the provisions of this
14 Section shall be prepared and presented in such manner and
15 frequency and in such detail as shall have been prescribed by
16 the Board, shall be prepared on both an accrual and cash flow
17 basis as specified by the Board, shall present such information
18 as the Authority shall prescribe that fairly presents the
19 condition of any pension plan or trust for health care benefits
20 with respect to retirees established by the Service Board and
21 describes the plans of the Service Board to meet the
22 requirements of Sections 4.02a and 4.02b, and shall identify
23 and describe the assumptions and projections employed in the
24 preparation thereof to the extent required by the Board. If the
25 Executive Director certifies that a Service Board has not
26 presented its budget and two-year financial plan in conformity

1 with the rules adopted by the Authority under the provisions of
2 Section 4.01(f) and this subsection (d), and such certification
3 is accepted by the affirmative vote of at least two-thirds ~~12~~
4 of the then Directors of the Authority, the Authority shall not
5 distribute to that Service Board any funds for operating
6 purposes in excess of the amounts distributed for such purposes
7 to the Service Board in the previous fiscal year. Except when
8 the Board adopts a budget and a financial plan for a Service
9 Board under paragraph (b) (5), a Service Board shall provide for
10 such levels of transportation services and fares or charges
11 therefor as it deems appropriate and necessary in the
12 preparation of a budget and financial plan meeting the criteria
13 set forth in clauses (i) through (vii) of subparagraph (2) of
14 paragraph (b) of this Section. The Authority shall have access
15 to and the right to examine and copy all books, documents,
16 papers, records, or other source data of a Service Board
17 relevant to any information submitted pursuant to this Section.

18 (e) Whenever this Section requires the Board to make
19 determinations with respect to estimates, budgets or financial
20 plans, or rules or regulations with respect thereto such
21 determinations shall be made upon the affirmative vote of at
22 least two-thirds ~~12~~ of the then Directors and shall be
23 incorporated in a written report of the Board and such report
24 shall be submitted within 10 days after such determinations are
25 made to the Governor, the Mayor of Chicago (if such
26 determinations relate to the Chicago Transit Authority), and

1 the Auditor General of Illinois.

2 (Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08.)

3 (70 ILCS 3615/4.14) (from Ch. 111 2/3, par. 704.14)

4 Sec. 4.14. Rate Protection Contract. "Rate Protection
5 Contract" means interest rate price exchange agreements;
6 currency exchange agreements; forward payment conversion
7 agreements; contracts providing for payment or receipt of funds
8 based on levels of, or changes in, interest rates, currency
9 exchange rates, stock or other indices; contracts to exchange
10 cash flows or a series of payments; contracts, including
11 without limitation, interest rate caps; interest rate floor;
12 interest rate locks; interest rate collars; rate of return
13 guarantees or assurances, to manage payment, currency, rate,
14 spread or similar exposure; the obligation, right, or option to
15 issue, put, lend, sell, grant a security interest in, buy,
16 borrow or otherwise acquire, a bond, note or other security or
17 interest therein as an investment, as collateral, as a hedge,
18 or otherwise as a source or assurance of payment to or by the
19 Authority or as a reduction of the Authority's or an obligor's
20 risk exposure; repurchase agreements; securities lending
21 agreements; and other agreements or arrangements similar to the
22 foregoing.

23 Notwithstanding any provision in Section 2.20 (a) (ii) of
24 this Act to the contrary, in connection with or incidental to
25 the issuance by the Authority of its bonds or notes under the

1 provisions of Section 4.04 or the exercise of its powers under
2 subsection (b) of Section 2.20, the Authority, for its own
3 benefit or for the benefit of the holders of its obligations or
4 their trustee, may enter into rate protection contracts. The
5 Authority may enter into rate protection contracts only
6 pursuant to a determination by a vote of at least two-thirds ~~12~~
7 of the then Directors that the terms of the contracts and any
8 related agreements reduce the risk of loss to the Authority, or
9 protect, preserve or enhance the value of its assets, or
10 provide compensation to the Authority for losses resulting from
11 changes in interest rates. The Authority's obligations under
12 any rate protection contract or credit enhancement or liquidity
13 agreement shall not be considered bonds or notes for purposes
14 of this Act. For purposes of this Section a rate protection
15 contract is a contract determined by the Authority as necessary
16 or appropriate to permit it to manage payment, currency or
17 interest rate risks or levels.

18 (Source: P.A. 95-708, eff. 1-18-08.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.